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Bids - Two automated Retrieval Units/work stations to maintain files in the Asheville Police Department, Records Division awarded. 126

Bids - Office Furniture for use in the Asheville Police Department Records Division awarded. 126

Bids - One (1) Automatic reader-printer for cartridge microfilm for the Police Department, Records Division awarded. 127

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Claim - Presented to Council received from Mr. Grady O. Plemmons for damages to his automobile; same referred to Corporation Counsel for investigation and recommendations. 309

College Students (2) Who were supported through Model Cities Funds send graduation notices and their thanks for Council's support. 309

Craig Circle - Residents of this street petition Council against rezoning property located on U.S. 70 request by Mr. Gus and John Barlas. 310

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Council - Statement by Councilman Michael regarding coalition by members of Council. 329

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Connection Charges - Adoption of resolution revising water and sewer connection charges for the City. 336

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Commissioners, County - Meeting announed between this group and the City Council to discuss equalizing the taxpayers burdens. 337

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Contract - Consideration of a contract with Pittman Highway Contracting Co., Inc. for the project known as Shiloh-Oakley Public Works Improvements; action tabled on the matter until it is determined that Pittman Highway Contracting Co., Inc. is duly licensed. 345

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Community Development Block Grant Appropriation for 1976-77 - Approved. 353

Cole, Mrs. Charles - Adoption of resolution authorizing the City Manager to acquire a right-of-way easement from this resident for a water line on McIntosh Road. 357

Community Development - City Manager presents report to Council on this project and also letter from HUD on the monitoring team which reviewed this program. Their findings were that same is being carried out in an efficient and timely manner. 251

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Claim - Robin G. Edwards Lake for damages. 273

Civil Service Board - Ruling of Civil Service Board upheld in the case of Morris Bruce King. 275

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Chestnut Street - Resolution adopted authorizing the Mayor to submit applications to the Applichian Regional Commission for improvements on this street. 290

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Claim - Mrs. Lura A. Dennis for damages to a fence around her property. 293

Claim - Dolly V. Williams for damages. 293

Community Center, South Asheville - Complaints presented by area residents relating to the slowdown and lack of progress being made in the rennovation of this center. 295

Claim- Mrs. Zennie Bradley for injuries received during a fall. 302

City Manager- Presents report to Council on his action relating to the "Edens Case". 303

Claim - Mr. & Mrs. Joseph C. Hamlin for damages to property. 303

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Carolina Courts and Tracts, Inc. - Awarded to this company for six tennis courts for the Parks and Recreation Department to be bought out of Community Development Funds. 307

Community Development Funds - Bids awarded for six tennis courts to Carolina Courts and Tracts, Inc. for the Parks and Recreation Department. 307

Claim - Received from George W. Moore, Attorney, on behalf of Maggie C. Tobe referred to Corporation Counsel for investigation and recommendation.

400

Coleman, R. L. - Approval of revised final subdivision of Sherwood Heights for this developer. 358

Close - Alley - Adoption of resolution of intent to close alley and public hearing scheduled on the matter. 359

Contract - Adoption of resolution authorizing the Mayor to sign contract with the Pittman Highway Contracting Company, Inc. for the project known as the Shiloh-Oakley Public Works Improvements. 359

Community Development Project Activity - Bids awarded for new furnace for the Hilltop Community Center. (Moser, Inc.) 359

Civic Center - Bids awarded to Asheville Showcase and Fixture Company for food service equipment for this center. 360

Council - Meeting recessed; meeting to continue at the Thomas Wolfe Auditorium in the Civic Center to hear presentation by Billy Rose with the N. C. Dept. of Transportation relative to the Beaucatcher Mountain Project. 361

Chemicals - Bids awarded for chemicals to be used by the Water Department for treatment of water for fiscal year 1976-77. 372

Contracts - Adoption of resolution extending the Community Development Contracts for fiscal year 1975-76 through June 30, 1977. 377

Community Development Contracts - Adoption of resolution extending these contract for fiscal year 1975-76 through June 30, 1977. 377

Charges - Adoption of resolution authorizing increases in fees and other charges of certain facilities withint the Department of Parks and Recreation. 378

Council - Unites on statement which they instruct be attested to and sealed by the City Clerk and forwarded to the Dept. of Transportation. 381-387

Collins, Mrs. Robert C. - Mayor publicly thanks this woman for her volunteer service to the City. 389

City Manager - Authorized to acquire a right-of-way easement from Nola O. Whitaker for a water line on Aurora Drive. 391

Clingman Avenue - Resolution adopted calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish this residence (80). 392

City Manager - Authorized to receive and expend federal funds; contract with the U.S. Dept. of Transportation, Urban Mass Transportation Administration. 396

Contract - Action delayed on awarding contract for the audit of the Livingston Neighborhood Facility. 405

Civic Center - Director of Finance authorized to make final payment to M. B. Haynes Electric Corporation for work performed on this center. 405

Community Development Project - Resolution adopted amending the 2nd year (1976-77) C.D. Budgets and approving a new C.D. Project and change in designation of an approved C.D. Project. 406

Claim - For damages received from Morton Distributing Company referred to Corporation Council for investigation and recommendation. 408

Cablevision - Further discussions relating to increase for Thoms Broadcasting Companies, Inc. Ordinance tabled on third reading. 19[illegible]

Claim - Presented to Council for damages received from Dennis J. Weaver, Attorney for Dynatex, Inc. 201

Claim - Presented to Council for damages to automobile owned by Dr. Ernest Pierce. 205

Claim - Presented to Council received from Ronald C. Brown, Attorney for Jean Brown Lyles for damages to her automobile.

Clean-A-Thon - Mayor proclaims February 21, 1976 as Clean-A-Thon Day for Asheville. 205

Carroll Avenue - Petition presented to Council requesting the replacement of the bridge on Carroll Avenue which crosses over Valley Street. 206

City Employees - Councilman Michael advises Council about attending meeting with these employees along with representatatives of the Union to avoid a possible strike by water dept. employees. Councilman Rainey comments that he was glad to attend the meeting and was grateful to serve the citizens in this manner. 206

Complaint - Concerning lottery ticket sales in the City by Ralph Bishop. 206

Community Relations Council - Mr. Ken Michalove, Asst. City Manager, reports on meetings of the council over the past few months in an effort to improve relations in the field of police work. 212

City Manager - Reports on sale of $5,175,000. Water Bonds, Series B. 213

Claim - Mr. Cecil Cassada for damages; turned over to Corporation Counsel for investigation. 213

Cassada, Mr. Cecil - Claim for damages. 213

Cablevision - Ordinance #877; granting rate increase to Thoms Broadcasting Companies, Inc. Passed on third reading. 225

Claim - Presented to Council which was received from The Hartford Insurance Company on behalf of Paul Eugene Hunter for damages to his automobile. 236

Civil Service Appeal - Notice of appeal from Morris Bruce King in dismissal case. 236

Close-out activities - Resolution adopted for the disposition of reprogrammable Asheville Model Cities Funds. 237

Creeks - Mayor's statement regarding storm drainage into creeks. 239

Civic Redevelopment Project N.C. R-13 - Plans amended (One Oak Plaza) to construct a 3-story office building on Disposal Parcel 30 in this area. 243

Crash-Fire-Rescue Station - Resolution adopted authorizing Mayor to execute grant agreement with the N. C. Department of Transportation for this project. (75-01) at Airport 244

Community Development - Resolution adopted amending the 1975-76 Oakley Public Works Budget and including Eastview Avenue Water Line Project. 245

Claim - Presented from Ervin L. Ball, Jr. attorney for Charles Henry House and Nancy Diane House for damages. 246

Complaints - Ralph G. Bishop complains about the lack of control of gamblers and citizes Chief Hall for his actions in this matter. 159

Councilman Michael - Suggest that Civil Service Examinations notices be in larger print in the newspaper. 159

Civil Service Examinations - Councilman Michael suggest that the examination notices apprear in a larger print in the newspaper. 159

Cablevision - Thoms Cablevision, Inc. submits application for increase; public hearing held and discussed. Council moved to re-advertise for another public hearing on the matter. Continued hearing & discussions - Council appoints committee to review proposed ordinance. 146 -162

Claim - Presented on behalf of James E. Gladden; referred to Corporation Counsel for investigation and recommendation. 163

Crime Prevention Bureau - This bureau of the Police Department praised for part in organizing programs on women's protection and ways to combat crime. 167

Crayton Road - Encroachment agreement with Southern Railway for a water line at the railroad crossing at this road. 168

Community Development Projects - Presentation made to Council of citizen recommendations under this project. 169

Cablevision - Hearing continued relating to increase or franchise fees for Thoms' Cablevision, Inc. Ordinance adopted and passed on first reading. (180) 178

Community Development Projects - Recommendations of sub-committee, appointed by Council, presented for various projects for 1976-77. 180

Cablevision- Continued discussions regarding rate increase; ordinance passed 2nd reading 183

Civil Service Rules & Regulations - Rule No. 30 ratified by Council along with the Affirmative Action Plan - regarding employment. 188

Community Development Program Project-Budget for Fiscal Year 1976-77 amended by resolution due to reallocating some contingency funds and some equipment funds which were determined ineligible by HUD. 189

Community Development Funds - Operating budget for City for fiscal year 1975-76 amended by ordinance to purchase certain equipment, appropriated under CD Funds, which had been purchased, but ruled as ineligible expenditure under the CD guidelines by HUD. 189

Community Development Block Grant Funds - Resolution authorizing submission of an application to obtain these funds from the Department of Housing and Urban Development. 189

Claim - Presented to Council by Assistant City Manager, Mr. Wolcott, due to damage caused by sewer overflow at 18 Canterbury Road; Mayor referred claim to Corporation Counsel 191

City Employees - Lucille Lynch asked Council why a city employee could not come to Council and air their grievances. Advises Council that some employees were advised that they would be fired if they did this. 191

Crime Prevention Week - February 11 - 14, 1976 desiginated as Crime Prevention Week. 192

Child Care Develpment Council - Slide presentation made to Council on present and future needs of child care in Buncombe County. 124

Cablevision - Thoms Cablevision, Inc. requested public hearing for rate increase. 127

Concerned Citizens Committee - Report presented to Council by Sam Graves, Central Services Division relative to meeting held with the Concerned Citizens Committee in regard to police department matters. 130

Carolina Power & Light Company - Resolution adopted authorizing the Mayor to enter into an agreement with this company for the supply of electricity to the City Parking Center Parking Garage. 135

Colton, Henry E., Councilman - Resolution of appreciation for services to City adopted.

Christmas Sing - Council Members invited to attend singing at Montford Community Club. 136

Cloyes Street - Resident at 33 Cloyes Street complains about large number of pigeons in the neighborhood. 137

Complaint - Vice-Mayor Horton received complaint from resident of 33 Cloyes St. regarding large number of pigeons in neighborhood. 137

Community Development Housing - Resolution adopted calling for a series of meetings to obtain the views of citizens on housing needs. 139

Civic Center - Bids awarded for equipment at concession stands in Center. 140

City Manager - Resolution adopted authorizing City Manager to sign application for approval of Plans and Specifications for Water Supply Systems 142

Clouse, Mr. Charles E. - Request for property to be rezoned from R-2 to CS denied. 142

Cablevision - Public Hearing held on rate increase for Thoms Cablevision. Council moves to re-advertise for another public hearing on the matter. 146

Carolina Power & Light Company - Resolution adopted authorizing Mayor to execute easement in favor of Carolina Power & Light Company to relocate lines on property owned by the City. 148

City Manager's Office - Ordinance 872 rescinding Ordinance 675 which created and established a Model Cities Comm. and a Model Cities Agency within the office of the City Manager. 149

Community Development Program - Bids awarded for use in various New Park ares within the areas of this Program. 150

Church Road - Also known as State Road 2816 in Fairview, N. C. - Resolution adopted authorizing the Mayor to execute a right-of-way encroachment agreement with the N.C. Dept. of Transportation for a water line on this road. 153

City Manager - Appoints members to the Asheville General Employees' Retirement Plan. 154

Claim - Weaver W. Mathis' claim for damages presented to Council by his Attorney, Michael E. Vaughn; Mayor referred claim to Corporation Counsel for investigation and recommendation. 155

Carolina Power & Light Co. - public hearing concerning rezoning property at Haywood Rd. and Riverview Dr. 11

Civic Center - letter from Don Fox(Re: Cost, Quality, Progress) 18,99

Concerned Citizens Committee - Police Brutality 25,46

Claim - Mrs. Mildred R. Taylor - 929 Country Club Rd. 28

Claim - Jacob P. Demetris- Mad Hatter Shoppe - Merrimon Ave. 28

Crime Control Act of 1976 - amendments advocated by the National Association of Counties 33

Cablevision - request of Thoms Cablevision for rate adjustment 39

County Commissioners - Concurrence of Resolution on Library Bids 43

City Employees - Comparability Salary Study, Progress Report 45

City Manager - report from City Manager to Council on Comparability Salary Study 56

Claim - Antonia Allen - relative to an accident at the Recreation Park 60

Claim - Maggie C. Tobe - injuries received from George W. Moore 74

Corporation Counsel - Report from Asheville Civic Center 74

Claim - Larry E. Rice - injuries sustained at the Asheville Civic Center 98

City Council - abstract of votes for general election 98

Civic Center - Re: Sound Measurements during Concerts 109

Civic Center - bids received for two (2) electronic cash registers 97

Civic Center - Complaint by Charles Wilson 46

City Funds - Banking Depositories for funds designated and adopted by Resolution. 111

City Council Meetings - Time and Day designated and adopted by Resolutions 112

Concerts - Report of findings on sound measurements during Rock Concerts 116

Chandler, Mrs. Gudger - Public hearing scheduled for rezoning of Ward 17, Sheet 11, Lots 74, 75 and 76 from R-3 to Comm. Service District. 118

Claim - Claim presented to Council due to water damages - referred to Corporation Counsel for investigation and recommendation. 118

Civic Center - Letter from Mr. W. Don Fox requesting meeting with one or more of New Council regarding quality of construction on building. 118

Civic Center - Eldridge Fox, promoter of gospel and religious music, complained to Council that performances would not be allowed in the Auditorium 122

Downtown Proposal - Announcement that preliminary report will be made on this proposal by Mr. Emrick, Director of Planning, at the June 3, 1976 meeting. 309

Dogwood Road - Public hearing scheduled on rezoning request by R. Jack Ingram. 336

Dyna-tex, Inc.- Council passes on third and final reading ordinance to rezone property on Caribou Road owned by this company. 338

Downtown Revitalization - Mrs. Helen McElyea announces opeing of the High Country Crafters Store in the old Winner building and states that she hopes this is the start of revitalizing the downtown area. 367

Dogwood Road - Public hearing held on rezoning request by R. Jack Ingram; matter referred back to Planning and Zoning for further study. 375

Demolish - Adoption of a resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish 80 Clingman Avenue, 126 Higgins Alley, 9 Mountain Street and 78 Robindale Avenue. 392

Demolition - ordinance to demolish 22 Club St., 40 Curve St., 29 Gray St., 23 Trade St., 71 White Fawn Dr., 77 White Fawn Dr. 33,42 90

Demetris, Jacob P. - Claim - Mad Hatter Shoppe - Merrimon Ave. 28

Dedication of Mini-Park - Northland Shopping Center 28

Drug and Alcohol Abuse Advisory Commission - Appointing Dr. James B.Tenny, M.D. DR. P.H. 96

Disability Insurance Plan (Long-Term) - Part of the overall general employees' retirement plan 103

Data Processing Division - Bids awarded for purchase of one (1) 600 line per minute chain train printer. 127

Disturbances - Councilman Michael disturbed at lack of publicity relative to same. 137

Dynatex, Inc. - Claim presented to Council received from Dennis J. Weaver, Attorney for this Corporation, for damages. 201

Doctors Drive - Petition presented to Council requesting traffic light at the intersection of McDowell Street and Doctors Drive. 201

Downtown Area - Councilwoman Swilling advised that a tour of this area had been made and that a list of improvements or violations have been turned over to Mr. Johnson and Mr. Emrick and that these are being worked on. 236

Development - One Oak Plaza, Disposal Parcel 30 in the Civic Redevelopment Project NC R-13 plans amended to construct a 3-story office building. 243

Downtown Area - Councilman Horton request more trash receptacles in this area. 246

Downtown Area - Mr. Charles Kern makes presentation to Council on ways and means of redeveloping this area; same turned over to Planning for study & recommendations 286 261

Depot Street - Resolution adopted authorizing the sale of property on this street to the Asheville Housing Authority. 284

Delleger Show - Council authorized this show to be held on Amboy Road May 18-23, 1976. 286

Deaverview Road - Mayor [redacted] to submit applications to the Appalachian Regional Council for improvements to this road. 290

Dynatex, Inc.- Request property on Caribou Road to be rezoned; public hearing scheduled on same. Public hearing and first reading on same - page 312 291

Dennis, Mrs. Lura A. - Claim presented for damages to fence around her property. 293

Deaverview Road - Ordinance passed on third reading to rezone property on this road from R-3 to R-5 which permits mobile home housing in this area. 301

Deaverview Road - Resolution adopted authorizing the Mayor to execute lease agreement for the use of the West Asheville branch YMCA property on this road to the Asheville YMCA. 307

Downtown Area - Report presented by Verl Emrick, Planning Director, relative to the proposal submitted by Charles R. Kern. 319

Errors - Corrections made in the 1976-77 Budget Ordinance. 318

Emrick, Verl - Planning Director presents report relative to the proposal submitted by Charles R. Kern on the Downtown Area. 319

Emrick, Verl - Reports to Council that the City staff has been meeting with Mr. Don Blackwell owner of the Battery Park Hotel, and due to the need for further information the report would be postponed until this can be obtained. 333

Employment - Youth-Director of Parks and Recreation authorized to enter into an agreement for this program for the summer of 1976. 334

Edsel, Rev. - Reads resolution on Council requesting tunnels rather than an open cut of Beaucatcher Mountain Project. Council adopts same. 352

Easement - City Manager authorized to acquire this right-of-way from Mr. & Mrs. Charles C. Cole for a water line on McIntosh Road. 357

Easement - City Manager authorized to acquire this right-of-way from Nola O. Whitaker for a water line on Aurora Drive. 391

Employees' Grievance - Vice Mayor Horton request a report on the status of these. 394

Elderly - Proposal submitted to Council by Battery House Associates, Ltd. on the conversion of the Battery Park Hotel into housing for the elderly. 401

Encroachment Agreement - Mayor authorized to execute right-of-way encroachment agreement with the N. C. Board of Transportation for a water line on State Road 1248 (Oak Hill Road). 406

Electrical Installation Standards Ordinance - Passed on third and final reading... 180

-Electrical Code of North Carolina - Public hearing held regarding the adoption of the North Carolina Electrical Code as the electrical code for the City of Asheville 183

Electrical Code - State - Ordinance adopted amending section 11-68 of Chapter 11, of the code of ordinances entitled State Electrical Code Adopted. 1st Reading 183

Employment with City - Ratification of Civil Service Rules and Regulations, Amendment to Rule N. 30 regarding equal employment opportunity and the Affirmative Action Plan. 188

Electrical Code - State - Ordinance passed on second reading. Third reading-adopted 203-198

Employee Grievance Procedure - Council presented this procedure by Mike Smith; Vice-Mayor's statement on same read by City Manager. 220

Emma Road - Request by Mr. & Mrs. James Fisher to rezone property from R-3 to CH District; Sheet 23, Lots 36, 37, 38 and 39. Public hearing date set on same. 223

Eastview Water Line Project Budget - Resolution adopted amending this Budget. 245

Emma Road - Public hearing and first reading on ordinance rezoning property on this road - 247; Second reading on same - 260 (requested by Mr. & Mrs. James Fisher) 3rd. 270

Encroachment Agreement - With the N. C. Board of Transportation for a water line along SR 3157 (Weston Road). 263

Echo Hills - Residents of this area petition Council to provide adequate fire protection to this section. 267

Elrod, Mrs. - Public housing within 300 ft. of Pisgah View Apts; Mayor advises her that she will be advised of each step taken in this project and that same is in preliminary stages at the present. 268

Employees Committee, Public - Jim Owen presented proposal to Council relating to benefits for employees. 268

Employment-Handicapped - Mayor appoints Ronald J. Shigley as Chairman for this Committee. 269

Encroachment Agreement - With the N. C. Board of Transportation for an 8-inch water line crossing N.C. 191 (Brevard Road). 271

East Asheville Community Center - Council Night scheduled for this center. 274

Employee Relations - Mayor authorized to enter into an agreement with the N. C. League of Municipalities to provide these services to the City. 284

Encroachment Agreement - With the N. C. Board of Transportation for a 3-inch water line on Young Drive. 290

Education, Board of - Vice-Mayor Horton makes statement relating to this Board's request for an increase in special school tax. 303

Edens, William E. - Transferred to City Engineer position; city manager reports on this case to Council. 303

Elderly, Honorary Day for - Invitation to all members of Council to attend this at Montreat-Anderson given by Councilwoman Swilling. 309

East Riverside Urban Renewal Area - Public hearing relative to rezoning property in the East Riverside Urban Renewal Area. 11

Election - Abstract of votes for primary for City Council amended. 17,27

Election - Abstract of votes cast at primary election for City Councilmen 43,98

Employees' Retirement Plan and Trust - Ordinance No. 861 70,92 102

East Riverside Renewal Project - N.C. R-48 - Consideration given for approval of the sale of Parcel 16 and 17 . 107

Employees' Retirement Plan and Trust - Bids for plan 103

Election - New Mayor elected. 110

Election - Vice-Mayor elected. 111

Employees - Resolution designating employees who shall give bonds for performance of their duties and setting amounts thereof. 111

East Riverside Renewal Project N.C. R-48 - Letter read to Council requesting consideration of the sale of Parcel 16 and 17 in the East Riverside Renewal Project N.C. R-48. 116

Employment - Councilman Michael request that Council be furnished a report on the number of minorities that are in salaried supervisory positions in the City of Asheville. 122

Employment - Michael Smith, Personnel Director, read to Council a report and summary statement of conditions relative to minority employment statistics. 128

Employees - Resolution adopted in appreciation to City of Asheville Employees for their outstanding contributions to the 1976 United Way Campaign. 135

Electrical Installation Standards - Resolution adopted calling for a public hearing for the adoption of an ordinance establishing electrical installation standards. 139

Easement - Resolution adopted authorizing the Mayor to execute easement in favor of Carolina Power & Light Company to re-locate power lines. 148

East Riverside Urban Renewal Area - Discussion on the feasibility of constructing another low rent public housing units in this area. 159

Electrical Installation Standards - Ordinance adopted setting these standards. 166-160

Electrical Code - Public hearing scheduled for the adoption of an ordinance adopting the 1975 Edition of the North Carolina Electrical Code as the Electrical Code for the City of Asheville. 163

Employees - Discussion of check-off for employees who have signed up as members of the AFL-CIO (UNION). 170

Flood Insurance - Announcement by Verl Emrick, Planning Director, that a letter had been received from Mr. J. Robert Hunter, notifying that the City's application for this insurance had been approved and would be effective as of 6/30/76. 374

Fees - Resolution adopted increasing certain fees and charges for special facilities of the Parks and Recreation Department. 378

Fire Hydrants - Bids awarded for repair parts for this equipment to Supply Specialities, Inc. for the Water Department. (Mueller Improved-Model A24012) 378

Fire Hydrants - Bids awarded for repair parts for Model K-11 hydrants to ITT Grinnel Corporation for the Water Department. 378

Fees - Resolution adopted establishing inspection fees under Ordinance 748, Section 8-61. 391

Facilities, City - Resolution authorizing the City Manager to negotiate for an option for the purchase of property on the East side of Valley St. for expanding these facilities. 392

Fire Cadet Program - Mayor authorized to enter into a contractural agreement with Buncombe County to administer this program. 405

Finance - Director - Authorized to make final payment to M.B. Haynes Electric Corporation and Moser, Inc. for work performed on the Asheville Civic Center and the Thomas Wolfe Auditorium. 405

Federal Programs Fiscal Office - 1976-77 Budget amended for the appropriation of this office in the General Fund. (all readings) 407

Fisher, Mr. & Mrs. James - Request that their property be rezoned from R-3 Residential to CH District; Public Hearing date set on same. 223

Fire Trucks - Bids accepted from Boyce L. Ford Company to buy two (2) obsolete fire trucks. 245

Finance Director - Resolution adopted authorizing this Director to seel surplus property from the Valley Street operating facilities. 245

Fisher, Mr. & Mrs. James - Public Hearing held relative to rezoning property owned by this couple; First reading on Ordinance for same. 248

Fire Truck - Resolution adopted authorizing the sale of old fire trucks. 251

Facilities Plan, Section 201 - Amendment of this plan (Sewer System Evaluation Survey) 264

Firearms - Laws governing discharge of these in the City limits brought to the attention of the public. 267

Fire Hydrants - Residents of Echo Hills section petition Council for more adequate fire protection in their area. 267

Fire Hydrants - Bids awarded for 24 fire hydrants for Water and Sewer Department. 271

Firemen's Pension Fund - Mike Smith, Personnel Director, presented report to Council on this fund showing contributions, benefits, disability, retirements, deficits, etc. 273

Fair Housing Month - April 1976 designated as such by Mayor. 274

Frances Street - REsidents request Council to establish a mini-park in their neighborhood. Report on same from Ray Kisiah, Director of Parks & Rec. -291 278

Fire Department - Bids awarded for uniforms for personnel of this department. 306

Flood Hazard Area - Resolution adopted assuring review of all building permits within this area of the City. 316

Flood Insurance - Resolution adopted providing for compliance with the National Flood Insurance Act of 1968. 317

Fares - Transit Authority endorses Council's request to continue Senior Citizen reduced bus fares on a full time basis. 328

Fire Line Connections - An Ordinance requiring installation of Detector-check valves on these lines. First reading. Second reading-340; Third reading-357. 334

Fire Protection - An Ordinance establishing charges for this protection; first reading. 334 Second reading-340; Third reading-357

Francis Street - Report from Ray Kisiah, Director of Parks & Recreation, on plans for the development of a Tot Lot on this street. 342

Firemen's Pension Fund - Council passed on all readings an ordinance amending the budget for 1975-76 by appropriating $500,000. from the Revenue Sharing Trust Fund to this fund. 347

Furniture - Bids awarded for this item for the Water Billing Department to Talman's. 360

Food Service Equipment - Bids awarded for this equipment for the Civic Center to Asheville Showcase and Fixture Company. 360

Firemen - and Policemen - City Manager's statement on salaries & grievances 7

Fire Prevention Week - Proclamation 9

Fox, Don - relative to the letter presented to members of Council concerning the Civic Center 28,108

Fox, W. Don - Letter from Mr. Fox of the Asheville Building & Construction Trades Council requesting a meeting with one or more members of the New Council on complaints about construction of the new Civic Center. 118

Fox, Eldridge - Promoter of gospel and religious music performances in the area complains that he had been told by the ex-Mayor, Mr. Wood, that these performances would not be allowed in the renovated city auditorium. 122

Fire Hydrants - Bids awarded to purchase fifty (50) dry top traffic model, joint fire hydrants. 125

Fagg Street - Petition to close portion of this street presented to Council by the Asheville Housing Authority. 139

Fagg Street - Resolution adopted calling for a public hearing on closing Fagg St. permanently. Resolution adopted closing portion of street permanently. 165-139

Fire Protection - Resolution adopted authorizing the Mayor to enter into agreement with the Veterans Administration Hospital for fire protection. 148

Fire Stations 2 and 5 - Resolution adopted to authorize the Mayor to approve change orders on these contracts up to the amount heretofore appropriated for the construction of these fire stations. 155

Forney, Mrs. Gladys - Appointed as member to the Board of Directors of the Asheville-Buncombe Community Relations Council. 170

Franchise - Ordinance amending ordinance granting franchise to Thoms Broadcasting, Inc. adopted and passed on first reading to allow rate increase. 178-180

Fire Department - Bids awarded for purchase of tilt cab and chassis for this department. 187

Fire Hydrants - Residents of Redwood Forest Homeowner's Association request Council with the presentation of a petition for more fire hydrants in their area. 191

Fire Equipment - Obsolete - Resolution adopted by Council authorizing the sale of obsolete fire equipment. 204

Federal Building - Police Dept. commended for enforcing parking around this building. 205

Fire Hydrants - City manager gives Council estimate of costs for more fire hydrants in the Redwood Forest area. 205

Fire Department - American Red Cross presents "Certificate of Merit" to Fireman Riddle for his life-saving action to a 19 month old baby. Letters of Commendation from Chief Ball to Capt. H. P. Oxner, C. T. Whitten and R. M. Riddle for their action. 207

Grievance - Employees - Vice Mayor Horton request a report on this. 394

Group Development - Motion to advise HUD that Council has no objection at this time to the proposed plans to convert the old Oteen Veteran's Hospital into housing for the elderly. 397

Gordon, Mrs. Marilyn - Complaint against the Asheville Area Chamber of Commerce lobbying against a citizens group. (Beaucatcher) 393

Green Hill Avenue - Public hearing and resolution adopted closing alley off this street. 399

Gatlingburg Construction Company, Inc.- Awarded bid for the construction of a swimming pool at Bee Tree Lake. 408

Genette Lumber Company - Resolution adopted authorizing the Mayor to execute a timber sale with this company. 211

Gambling - Complaints on this from Ralph Bishop. 213

Grievance Procedure - This procedure presented to council by Mike Smith which allows an employee to settle a grievance at the lowest administration level possible. 220

Group Development - Public hearing date set on proposed improvements to Memorial Mission Hospital; hearing and approval subject to approved erosion control plan. 240-259

Grant - Resolution adopted authorizing the filing of an application to the U. S. Dept. of Housing & Urban Development under the provisions of Section 701 of The Housing Act as amended. 251

Group Development - Public hearing date set for the proposed Learning Resource Center for A-B Technical Institute recommending approval of the site plan; hear- 251
held and site plan approved by Council. 278

Gordon, Mrs. - Relating to the upcoming court case of Beaucatcher Tunnel. 287

Group Development - Public hearing date set relating to site plan for the Western North Carolina Farmers Market; 290

Geddings, Mrs. Ruth - Public hearing date set on request by this resident to rezone property from OI (Office Institutional) to R-3 Residential. 291

Group Development - Public hearing date set relative to the site plan of Ingle's Shopping Center Complex located on U.S. 19-23; Council approves-329 291

Grandview Place - Residents of this street petition Council against any further opening of this street. 292

Group Development - Public hearing date set relative to site plan for One Oak Plaza Office Building; Council approves - 331 302

Golf Course - Resolution adopted authorizing the Mayor to execute lease agreements for the use of the Richmond Hills Golf Course property to the Asheville YMCA. 307

Geddings, Ms. Ruth W. - Public hearing and first reading on ordinance to rezone property on Buchanan Road owned by this resident. 330

Gordon, Ms. Marlyn - States Council should consider tunnels in order to keep the historical Beaucatcher Mountain. 352

Granite - Mr. E. R. McCarthy suggests that the granite from the Beaucatcher cut to be used in stablizing the banks of the French Broad River. 387

Group Development - Public hearing scheduled on site plan for the Arrowhead Apartments to be located off Michigan Avenue near Amboy Road. 392

Group Development - Public hearing scheduled on the site plan of the proposed Western North Carolina Baptist Home to be located off Richmond Hill Drive. 393

Greenhill Avenue - Public hearing scheduled on rezoning request by Western Food Systems on this street. 393

Group Development - Hearing on garage facility for Bruce Ramsey 1

Garage Facility - Hearing on garage facility for Bruce Ramsey on Emma Road 1

Group Development - Haw Creek Elementary School 21,51

Group Development - Amendment to K-Mart Shopping Center 73

Government Study Commission, Buncombe-Asheville Local - Resolution adopted appointing Bill B. Horton member to this Commission. 125

Greenhouses - Public hearing held relative to permitting greenhouses in residential areas. 123

Greenhouses - Ordinance 868 adopted permitting greenhouses in residential areas. 123

Grassy Branch Road, Upper - Resolution adopted authorizing the Mayor to execute a right-of-way encroachment agreement with the N.C. St. Board of Transportation for a water line on this road, also known as State Road 2407. 153

Gladden, James E. - Claim against the City; referred to Corporation Counsel for investigation and recommendation. 163

Grey, Jim - Spoke in favor of organizing a union for City Employees. 177

Gambling - Ralph Bishop advised Council that the list of people gambling in the City that he had given to the City Manager had not be acted upon. 191-182

Gashes Creek Road- Residents of this area present Council with petition requesting traffic congestion relief. (Different acess road to replace one closed by construction of I-40) 191

Gennett Lumber Company - Resolution tabled by Council until they receive recommendations from Parks Director, Ray Kisiah, for Timber Sale No. 9 at Bee Tree Watershed. 199

Gennett Lumber Company - Resolution adopted authorizing the Mayor to execute a timber sale No. 10 with this company from the North Fork Watershed. 199

Group Development - Hearing scheduled relative to the site plan of the proposed school facilities to be constructed at Orthopedic Hospital, 1 Rotary Drive. 200

Group Development - Hearing scheduled relative to the site plan of the proposed Regent Park to be located on Patton Avenue near the Hazel Mill Road intersection for Universal Investment Corporation, Developer. 200

Gragg, George - Appointed by Council as member to the Board of Directors of the Asheville Buncombe Community Relations Counail. 204

Group Development - Public hearing held relative to the approval of a site plan of the proposed school facilities to be constructed at Orthopedic Hospital, Inc. 208

Glendale Avenue - Resolution adopted authorizing the Mayor to execute right-of-way encroachment agreement with the Southern Railway Company concerning a 6-inch water line at this crossing. 210

Hearing - Held on rezoning request by Clyde J. Leeson; property on Sweeten Creek Road. For lack of a motion, ordinance was defeated. 368

Hearing - Held on rezoning request by R. Jack Ingram, property on Brevard Road and Dogwood Road; Council refers back to Planning for further study. 375

Hearing - Another hearing scheduled to rezone property on Leicester Highway and Westwood Drive.

Housing - Mr. W. C. King reports to Council on the progress of R-13, R-48 and public housing projects by the Asheville Housing Authority. 390

Housing Officer - Adoption of a resolution calling for a public hearing for the adoption of an ordinance directing this officer to demolish certain residences within the City. 392

Higgins Alley - 126 - Adoption of a resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish this dwelling. 392

Hearing - Adoption of a resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish certain dwellings in the City. 392

Hearing - Scheduled on the site plan for the Arrowhead Apartments to be located off Michigan Avenue near Amboy Road. 392

Hearing - Scheduled on the site plan for the proposed development of the Western North Carolina Baptist Home off Richmond Hill Drive. 393

Hall Fletcher School - Director of Parks and Recreation authorized to develop a playground at this school. 395

Housing - Elderly - Motion to advise HUD that Council has no objection at this time to these plans. 397

Horton, Dr. Lonnie - Introduced to Council by Councilman Michael; associated with Minority Affairs in the Governor's offices. 397

Horton Vice Mayor - Request report on the status of the Employees' Grievance. 394

Hearing - Held and resolution adopted closing alley off Green Hill Avenue. 399

Hearing - Held and Council passes on 1st and 2nd readings ordinance to rezone property on Leicester Highway and Westwood Drive R-3. 400

Housing - Battery House Associates, Ldt. submits proposal to Council on the possibility of housing for the elderly at the Battery Park. 401

Housing - Resolution amending 2nd year Community Development Program (76-77) Budgets and approving a new C.D. Project which will provide 20% rebate to homeowners who agree to improve his residence to meet minimum property standards. 406

Hearing - Held and site plan approved by Council on Ingle's Shopping Center Complex. 330

Hearing - Held and Council passed on first reading ordinance to rezone property located on Buchanan Road. 330

Hearing - Held and Council approved site plan of the proposed One Oak Plaza Office Building. 331

Harvest House - Bid awarded to install a new roof on this building considered. 334

Hearing - Scheduled on rezoning request by Three Mountaineers, Inc.; property on New Wood Avenue. Hearing held; council passes on 1st reading-369 336

Hearing - Scheduled on rezoning request by R. Jack Ingram; property on Brevard Road and Dogwood Road. Hearing-Council passes on 336

Hearing - Scheduled on rezoning request by Clyde Lesson; property on Sweeten Creek Road. 336

Horton,Vice Mayor - Announces meeting with County Commissioners to discuss equalizing the taxpayers burdens. 337

Hearing - Scheduled on rezoning request by Gus & John Barlas; property located on U. S. Highway 70. 337

Harvest House - Bids awarded to Stroup Sheet Metal Works, Inc. for a new roof for this building for Parks and Recreation Department. 341

Huntley Construction Company - Contract with this company for the project of Oakley Area Water Improvements. 344

Hydrographic Survey - Resolution approving the use of Dept. of Transportation Funds to conduct this survey on Biltmore, McDowell, and Southside Avenue area. 347

Housing & Urban Development, Dept. - Community Development Block Grant approved for 1976-77. 353

Hearing - Held to rezone property on Leicester Highway and Westwood Drive; referred back to Planning for further recommendations. 353

Hearing - Scheduled on intent to close an alley. 359

Hilltop Community Center - Moser, Inc. awarded bid to install oil-fired burner for this center. 359

Hunt Hill Place - acquisition of National Guard property on this street to be used by Parks and Recreation Division. 360

Housing Authority, Asheville - Manager of this authority, Mr. Wilbur C. King, commended by Council on his retirement. 366

High Country Crafters - Announcement by Mrs. Helen McElyea of the opening of this store in the downtown area (old Winner's building). 367

Hearing - Held on rezoning request by Mr. Gus & John Barlas; property on Highway 70. Lack of motion - ordinance to rezone was defeated. 367

Highsmith, Mrs. Aileen - Reviews the 1976-77 Budget request to Council for the Western North Carolina Air Pollution Agency. 273

Hearing - Held and resolution adopted closing streets and alleys within the grounds of Memorial Mission Hospital permanently.. 277

Hearing - Scheduled for site plan approval for the Asheville-Buncombe Technical Institute Same held and approved by Council. 278-251

Housing Authority - Mayor authorized to sign necessary documents for sale of vacant city property on Depot and Lyman Street to the Housing Authority. 284

Housing Authority - Mayor authorized to enter into lease agreement with this Authority regarding the renovation and use of space aqt the Livingston St. facility. 285

Health Service Areas - Regions A & B designated as separate and distinct health service areas. 285

Hearing - Held and Ordinance passed on first reading to rezone property on Swannanoa River Road. 288

Hearing - Date set relative to site plan approval for the Western North Carolina Farmers Market. 290

Hearing - Date set relative to site plan approval for Ingle's Shopping Center Complex to be located on U.S. 19-23. 291

Horton, Vice Mayor - Makes statement relative to the request by the Asheville Board of Education for an increase in special school tax levy. 293

Hospitals - Rev. H. H. Mapp spoke to Council over his concern for the responsibility of medical care and feels that Council should have advisory capacity over area hospitals. 294

Hearing - Held and request sent back to Planning for further study request to rezone property on Sweeten Creek Road by Clyde J. Lesson and others. 296

Hearing - Held and request of Mr. Gus Barlas and Mr. John Barlas to rezone property located on U.S. 70 sent back to Planning for further study and recommendations. 298

Hearing - Held relative to wording amendments to Ordinance No. 322, Zoning Ordinance. Ordinance passed on first reading of same. 299

Hamlin, Mr. & Mrs. Joseph G. - Claim presented for damages to property. 303

Housing Authority- Consideration of resolution authorizing the Mayor to sign an addendum to the Relocation Services Contract with this Authority. 305

Hearing - Public hearing scheduled for the 1976-77 Budget. 308

Health Insurance, Group - Resolution adopted authorizing the city manager to sign a contract for consulting services for preparing and analyzing bid for this. 308

Honorary Day for the Elderly - Councilwoman Swilling invites all members of Council to attend this function at Montreat-Anderson. 309

Hackett, Mr. Lyle J. - Resolution of appreciation to Mr. Hackett, Manager of the Transit Authority, on his retirement. 328

Hearing - Date set relative to rezoning four areas in the mile boundary from R-2 to R-3 which would include mobile homes. 217

Hearing - Resolution adopted calling for a public hearing to obtain the views of the citizens on the proposed construction of improvements to the Asheville Airport. 219

Hendersonville Road - Resolution adopted authorizing the Mayor to execute right-of-way encroachment agreement with the N. C. Board of Transportation for a water line crossing this road. 223

Hilltop Community Center - Bids awarded for doors, frames and hardware complete for this center. 223

Hunter - Paul Eugene, Claim presented to Council from the Hartford Insurance Company on behalf of this man for damages to his automobile. 236

Housing - Lawler-Wood Associates from Knoxville, Tennessee request Council's backing and endorsement on their proposal to convert the Old Oteen Veterans Adm. Hospital into housing for the elderly. 239

Hearing - Held relative to rezoning Ward 4, Sheet 2, Lot 20 from R-4 Residential District to CS Commercial Service District, property owned by Mrs. Lula Kuykendall and approved by first reading by Council. 241

Hearing - Held and passed on first reading rezoning four areas in the one mile boundary from R-2 Residential & R-3 Residential to R-5 Residential to include mobile homes. 242

Hearing - Held and Resolution adopted closing two unnamed alleys and "Court" alleys. 242

Hearing - Resolution adopted calling for a public hearing on closing streets located within the grounds of the Mission Hospital. 243

Horton, Vice-Mayor - Request more trash receptacles in downtown area.

Hearing - Held and ordinance adopted and passed on first reading rezoning Ward 12, Sheet 23 Lots 36,37,38, and 39 from R-3 Residential to CH Commercial Highway District, property owned by Mr. and Mrs. James E. Fisher. 247

Hall, Chief J. C. - Ralph Bishop read an affidavit to Council concerning Police Chief Hall. 253

House, Charles Henry and Nancy Diane - Claim presented to Council received from Ervin L. Ball, Jr. attorney for this party for damages. 246

Hearing - Site plan approved for improvements to Memorial Mission Hospital. 259

Hensley, Mrs. Elizabeth - Public hearing scheduled relative to rezoning request. 262

Helms, Mrs. Lucille - Public hearing scheduled relative to rezoning request. 262

Housing - Mrs. Elrod request notification of any action to be taken on the proposed low income housing units near the present Pisgah View Project. 268

Handicapped - Mr. Ronald J. Shigley appointed by Mayor as Chairman of the Mayor's Committee on Employment of the Handicapped. 269

Hearing - Scheduled for proposed Southwest R-5 residential district which permits mobile home housing; hearing held and ordinance passed on first reading -288 273

Horse Shoe Curve - Petition presented by the Asheville Housing Authority to permanently close all of this street. 139

Horse Shoe Curve - Resolution adopted calling for a public hearing to close this street. Street closed on adoption of resolution by Council. 165-140

Hearings - Resolution adopted calling for a series of public hearings to obtain the views of citizens on Community Development Housing needs. 139

Hearing - Relative to public opinion and comment regarding rate increases by Thoms Cablevision. 145

Hearing - Relative to rezoning Ward 17, Sheet 11, Lots 74,75 and 76 - New Leicester Highway. 146

Hearing - Public hearing held relative to the adoption of amendments of electrical installation standards as approved by the State Building Code Council. 160

Hyatt, D. Frank - Jr. - Appointed as member to the Metropolitan Sewerage District. 162

Hearing - Public hearing date set for the adoption of an ordinance adopting the 1975 Edition of the North Carolina Electrical Code as the Electrical Code for the City of Asheville. 163

Hobby, Wilbur - President of the North Carolina AFL-CIO took exception to the summary given by Corporation Counsel relating to Employees participating in this Union. 177

Hearing - Relative to the adoption of an Ordinance allowing an increase in rates for Thoms Broadcasting, Inc. Ordinance adopted and passed on 1st reading. 178-180
Second Reading of ordinance to increase rates. 183

Hearing - Public hearing held relative to the adoption of an ordinance (Electrical Code) 183

Hearing - Public hearing held relative to filing of an application with the Department of Transportation of the United States of America for a grant under the Urban Mass Transportation Act of 1964, as amended. 188

Human Relations Month - Month of February 1976 proclaimed as Human Relations Month. 192

Housing and Urban Development of the United States of America - Resolution adopted authorizing the submission of an application to this Department for Community Development Block Grant Funds. 189

Human Relations Month - Month of February, 1976 proclaimed as such by the Mayor. 205

Hearing - Held relative to the approval of site plan of the proposed Regent Park; hearing continued until 4/1/76. Site plan approved by Council - 301 207

Hearing - Resolution adopted calling for a public hearing on closing two unnamed alleys. 211

Hearing - Resolution adopted calling for a public hearing on obtaining the public views of citizens on proposed construction of improvements to the Asheville Airport. 212

Hearing - Held and ordinance passed on first reading for the zoning of extraterritorial zoning of property in the Town of Biltmore Forest. 214

Hearing - Held relative to a project for which financial assistance is being sought from the Urban Mass Transportation Administration pursuant to the Urban Mass Transportation Act of 1964. 215

Handicapped Week - Proclamation by Mayor - October 5-11, 1975 9

Housing Authority - public hearing relative to site plan of Housing Project NC 7-8 in East Riverside Urban Renewal Area 11

Haywood Road - public hearing relative to rezoning property from R-3 to HI 11,24 30

Haw Creek Elementary School - Group Development 21

Housing - public hearing for the adoption of and ordinance directing housing to demolish 33

Housing - authorization to advertise for and contract for demolition of unsound structures 42

Hendersonville Road - public hearing on rezoning property 50

Haw Creek Elementary School - public hearing relative to site plan 51

Hearing - continuation of sign ordinance 60,77 93

Hearing - zoning of extraterritorial jurisdiction into the town of Biltmore Forest jurisdiction 67

Hearing - demolition and removal of dwelling houses on 22 Club St.,40 Curve St., 29 Gray St., 23 Trade St., 71 White Fawn Dr., 77 White Fawn Dr. 90

Housing - directing the Housing Officer to Demolish those dwelling houses known as 22 Club St., 40 Curve St., 29 Gray St., 23 Trade St., 71 White Fawn Dr., 77 White Fawn Dr. 90,103

Hendersonville Road - adoption of Ordinance No. 322 91

Housing and Urban Development - requesting City of Asheville examine proposals 45

Hearing - Amended site plan of the K-Mart Shopping Center approved. 113

Hearing - A public hearing relative to rezoning property of Asheville Housing Authority from CH (Commercial Highway) to CR (Commercial Regional District) 115

Hearing - Held to receive public comments and opinions on an application for a grant through the N. C. Dept. of Transportation and the Urban Mass Transportation Administration. 123

Hearing - Public hearing held relative to permitting greenhouses in residential areas. 123

Housing Authority of the City of Asheville - Resolution adopted authorizing the Mayor to enter into an agreement with the Housing Authority for relocation services. 124

Horton, Bill B. - Appointed as member to the Asheville-Buncombe Local Government Study Commission. 125

Hearing - Public hearing held on establishing and ordinance setting electrical standards. 139

Hearing - Held relative to the site plan of the Western North Carolina Farmers Market. 311

Hearing - Held and first reading on Ordinance to rezone property on Caribou Road owned by Dyna-Tex, Inc. 312

Hearing - Public hearing and first reading on Ordinance establishing a Southwest R-5 Residential District. 313

Hearing - Held and first reading on 1976-77 Budget Ordinance. 313

Housing Authority - Resolution adopted authorizing the Mayor to sign an addendum to the Relocation Services contract between the City and this authority. 315

Hearing - Date set on the request for rezoning Leicester Highway and Westwood Drive. 318

International Alpha Delta Kappa Week - proclaimed week of October 12-18, 1975 28

Ingle, K. D. L. - Resolution commemorating of the Asheville Police Department for services to this Community. 135

Interchange Project - U.S. 74 & I-40 - Resolution authorizing the Mayor to execute right-of-way encroachment with the N. C. State Board of Transportation for water line under Ramp B on the Interchange Project. 141

Insurance Women - Asheville Association - Resolution of appreciation to this group for their part in organizing programs on women's protection in the City. 167

Inspections & Demolitions - Bids awarded for eight (8) four-door sedans for this division. 208

Improvements - Resolution rescinded calling for a public hearing to obtain the views of citizens on the proposed construction of improvements to the Asheville Airport. 219

Improvements - Asheville Airport - Resolution adopted calling for a public hearing to obtain citizen's views for proposed improvements to this facility. 219

Inspections & Demolitions Division - Resolution adopted authorizing the purchase of radios for this division. 250

International Demolay Week - Proclaimed as such week of March 14 - 21, 1976 by the Mayor. 221

Ingles Shopping Center Complex - Hearing date set for site plan approval on this complex. 291

Insurance - Flood - Resolution adopted providing for compliance with the National Insurance Flood Act of 1968. 317

Ingle's - Hearing held; Council approves site plan of this complex. 329

Ingram, R. Jack - Public hearing scheduled for rezoning request by this resident; property on Brevard Road and Dogwood Road. 336

Insurance - Flood : City's application for this type of insurance approved and to be effective June 30, 1976. 374

Ingram, R. Jack - Public hearing held relative to rezoning property on Brevard Road and Dogwood Road for this resident. Council referred back to Planning for further study. 375

ITT Grinnel Corporation - Awarded bid for repair parts for Kennedy Traffic Model Fire Hydrants. 378

Inspection - Resolution adopted establishing fees under Ordinance 748, Section 8-61. 391

Jaycee Housing, Inc. - Asheville - Resolution adopted concerning revision of sewer easement. 154

Johnson, Gregory - Claim presented to council due to water damages. 119

Jones, Cal - Request Council to fly flags during bicentennial year. 274

Jones, Mr. David - Announcement by Mr. W. C. King, Executive Director of the Asheville Housing Authority, that this man will be taking over his position on his retirement. 390

Kinser, Hayne - hearing on rezoning 66 property on Vance Gap Rd. 12

K-Mart Shopping Center - recommending approval of the amended site plan 73
Amended site plan approved. 113

Kuykendall, Lula B. - Public hearing scheduled to rezone property owned by this resident from R-4 Residential District to CS Commerical Service District. 220

King, Morris Bruce - Notice of appeal from the decision of the Civil Service Board to the City Council given by this employee. 236

Kuykendall, Mrs. Lula B. - Public hearing held and ordinance adopted and passed on first reading to rezone property owned by this resident; passed 2nd & 3rd reading. 241-248

Kern, Mr. Charles - Makes presentation and proposals to Council for the redevelopment of the downtown area. Same turned over to Planning for report-286 261-

King, Morris Bruce - Appeal scheduled on Civil Service Ruling in dismissal. Ruling 273
upheld by Council-277.

Kern, Charles R. - Report presented on the Dowtown area by Verl Emrick, Planning Director. 319

King, Wilbur C. - Resolution of commendation to Mr. King, Executive Director of the Asheville Housing Authority, on his retirement.

King, W. C. - Presentation on the progress of R-13, R-48, and Public Housing projects under the Asheville Housing Authority. 390

King, W. C. - Announcement that David Jones will take over as Executive Director of the Asheville Housing Authority on Mr. King's retirement. 390

Lease Agreement - Mayor authorized to enter into agreement with the Housing Authority regarding the renovation and use of space of the Livingston St. Neighborhood facility. 285

Livingston Street - Mayor authorized to enter into agreement with the Housing Authority regarding the renovation and use of space of the neighborhood facility on this street. 285

Lease Agreement - Resolution adopted authorizing the Mayor to execute lease for the use of the West Asheville branch YMCA property on Deaverview Road and Richmond Hills Golf Course property to the Asheville YMCA. 307

Life Insurance Bid - Resolution authorizing the City Manager to sign a contract for consulting services for preparing and analyzing this insurance. 308

Leicester Highway - Mr. Shepherd requests Council to zone property off Leicester Highway to residential use. 309

Life Insurance Week - May 31 - June 5, 1976 proclaimed as such. 309

Leicester Highway - Hearing date set for rezoning this property. 318

Law and Order, Division of: Mayor authorized to file an application for federal grant with this North Carolina State Division for the project Youth Outreach Program. 333

Leeson, Clyde J. - Rezoning request on Sweeten Creek Road by this resident; public hearing scheduled. 336

Livingston Street School Project - Council approves change order on this project. 346

Leicester Highway - Request to rezone property; public hearing held; Council referred back to Planning for their recommendations on the R-4 District for this area. 353

Leeson, Clyde J. - Public hearing held on the rezoning request made by this resident; For lack of a motion of approval ordinance was defeated. 368

Lease Agreement - Between Main Auto Parts Company, Inc. and the City for space to store equipment and provide restroom facilities. 377

Leicester Highway - Public hearing scheduled on rezoning request. 393- 380

Low, Miss Rosa - Mayor publicly thanks this woman for her volunteer service to the City. 389

Lawler-Wood and Associates, Inc. - Motion by Council to advise HUD that they have no objections to the proposed conversion of the old Oteen Veteran's Hospital into Elderly Housing by this company. 397

Leicester Highway - Public hearing and council passes on 1st two readings ordinance to rezone property R-3. 400

Livingston Street Neighborhood Facility - Action delayed on resolution to award contract for audit of this facility. 405

Lease - Resolution authorizing renewal of U.S. Forest Service For Airport 4

Lease - space at Asheville Airport to the United States of America - National Weather Service 59

Lease - Asheville AA Baseball, Inc. request Council to consider authorizing the Mayor to enter into an agreement with them on leasing McCormick Field. 143

Leicester Highway - New - Ordinance adopted rezoning this highway. 160

Lyles, Mr. Ray - Appointed by Council as member to the Board of Directors of the Asheville-Buncombe Community Relations Council. 170

Lynch, Mrs. Lucille - Questions Council as to why city employees can not come to City Council and air their grievances; advises that some employees have been told that they would be fired if they did this. 191

Lyles - Jean Brown - Claim presented to Council received from Attorney Ronald C. Brown on behalf of this resident for damages to her automobile. 205

Legal Advisor Program - Resolution adopted authorizing the Mayor to file an application for a Federal Grant with the N. C. Division of Law and Order for this program. 215

Lottery Tickets - Further complaints from Ralph Bishop relating to this matter. 221

Land-of-Sky Regional Council - Resolution adopted authorizing the Mayor to sign a contract with this Council to provide Nutrition Program for older adults. 222

Land Use Planning - Resolution adopted authorizing the Mayor to enter into contract with the Land-of-Sky Council whereby Planning Division will provide technical assistance for this use. 238

League of Municipalities - Announcement by Mayor that this league will hold their convention in Asheville in October 1978. 246

Lease Agreement - Resolution adopted authorizing this agreement and publishing notice thereof with Wheeler Flying Service, Inc. 249

License Tax - Second reading of ordinance levying, assessing, imposing and defining this tax for the City of Asheville for fiscal year 1976-77. Passed on third -270 260

Leeson, Clyde - Request to Council to rezone property on Sweeten Creek Rd.; hearing scheduled. Hearing held & request sent back to Planning for further study-296 262

Louisiana Avenue - Second reading on ordinance to rezone property at the corner of this avenue and Emma Road. Passed on third reading - 270 260

Lake, Robin G. Edwards - Claim for damages. 273

Lawler-Wood Associates - Request the endorsement of Council in renovating the old Oteen VA Hospital into an apartment complex for elderly. 278

Law Week - Week of May 1-7, 1976 proclaimed as such by Mayor. 281

Loyalty Day - May 1, 1976 proclaimed as such by Mayor. 282

Lyman Street - Mayor authorized to sign necessary documents to sell vacant city property to the Housing Authority. 284

Mountain Street - 9 - Resolution adopted calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish this dwelling. 392

McHone, S. L., Jr. - Superintendent of the Sanitation Division commended by Councilwoman Swilling. 394

Memoriam - Resolution of memoriam of Harold H. Thoms. 395

Minority Affairs - Dr. Lonnie Horton introduced to Council by Councilman Michael; Dr. Horton assocaited with this office in the Governor's office. 397

M. B. Haynes Electric Corporation - Director of Finance authorized to make final payment to this corporation for work performed on the Asheville Civic Center and the Thomas Wolfe Auditorium. 405

Morton Distributing Company - Claim for damages referred to Corporation Counsel for investigation and recommendation. 408

Memorial Mission Hospital - Hearing held on site plan for proposed improvements to the hospital; same approved. 259

Memorial Mission Hospital - Hearing and resolution adopted closing streets within the grounds of this hospital permanently. 277

Mobile Homes - Third reading passed rezoning four areas in the one mile boundary from R-3 & R-2 to R-5 which permits this type of housing. 259

Mufflers - Complaint on these from E. R. McCarthy; Chief Hall reports on same. 267

Merchants Association, Downton - Request approved allowing free on-street parking on April 19, 1976. 267

Metcalf Street - Citizens of this request mini-park for this area. 278-292

Mini-Park - Requested by residents of Metcalf and Frances Streets. Mr. Kisiah, Parks Director reports and is directed to obtain appraisals & report back to Council. 278 292

Morgan Street - Request for street light on this street. 282

McCarthy, E. R. - Suggest that costs can be cut by Sanitation just carrying out trash receptacles and not carrying them back. 287

Michalove, William - Council pays tribute to this man and recognition of his support for the Police and Fire Dept. of the City. 294

Mapp, Rve. H. H. - States that Council should have at least some advisory control over the area hospitals. 294

McConnel, Virgil - Presents memorandum to Council on slowdown of work at the South Asheville Community Center and list of complaints and recommendations relative to the project. 295

Melton, Lambert Franklin - Claim for damages received from Robert B. Willson, atty. for this man. 273

Model Cities Funds - Presentation of two graduation announcements from students supported by these funds; also letter of thanks to the City for its support. 309

Montreat-Anderson - Councilwoman Swilling invites all members of Council to attend the Honorary Day for the Elderly at this college. 209

Mobile Homes - Public hearing and first reading on Ordinance zoning the Southwest district R-5 Residential to permit this type of housing. Second reading-331; Third-338. 313

Michael, Councilman - makes statement relating coalition by members of Council. 329

Meeting - Announcement by Vice Mayor Horton of meeting with County Commissioners to discuss equalizing the taxpayers burdens. 337

Metcalf Street - Staff report by Ray Kisiah, Director of Parks and Recreation on plans for the development of a tol lot at this street. 342

Model Cities Surplus Funds - Used to fund change orders on the Livingston Street School project. 346

Main Auto Parts Company, Inc. - Mayor authorized to sign a lease agreement with this company for space to store equipment and provide restroom and dressing room facilities for crew members. 377

Michael, Councilman - Requests that notices for Civil Service Examinations be printed in larger print in the newspaper. 159

Model Cities Program - Council members told of the sucess of this program by Larry Fisher, Director of Finance. 159

Mayor - Mayor Ochsenreiter announces that Feb. 2 and Feb. 16 would be Mayor's night in the Council Chambers. 159

Metropolitan Sewerage District - D. Frank Hyatt, Jr. appointed as member to this Board. 162

Montford Park Players - Resolution in support of this group. 163

Model Cities Commission - Second reading on ordinance rescinding ordinance which created and established this Commission in the office of the City Manager. Ordinance passed on third and final reading by Council. 161 166

Municipal Agreement - Supplemental municipal agreement authorized Mayor to execute same with the N. C. Dept. of Transportation relative to Utility relocations associated with the N. C. Dept. of Transportation Project 8.19041408. 181

Michalove, Ken - Asst. City Manager, Mr. Michalove presents report to Council on developments of several months of meetings with the Community Relations Council and other concerned citizens. 212

Mobile Homes - Four areas in the mile boundary rezoned from R-2 and R-3 Residential District to R-5 Residential District to permit this type of housing. Hearing scheduled 217

Montford Avenue - Resolution adopted authorizing the Mayor to execute right-of-way encroachment agreement with the N. C. Board of Transportation for a water line attached to bridge on this street. 217

Moore, C. L. - Resolution adopted appointing this man to the Boxing and Wrestling Commission for the City of Asheville. 218

Miller, Murray A. - Resolution adopted appointing this man to the Asheville Transit Authority 219

Michael, Councilman - Reported on Committee appointed to promote progressive black leadership in the community. 220

Model Cities - Resolution adopted for the disposition of reprogrammable funds for close-out of activities under this program. 237

Murphy Park - Resolution adopted approving fa[illegible]rket value of certain real property purchased for the development of this park. 238

Mayor's Statement - Relative to storm drainage into creeks. 239

Memorial Mission Hospital - Public hearing date set for proposed improvements to this hospital. 240

Mobile Homes - Public hearing and ordinance adopted rezoning four areas in the one mile boundary from R-2 & R-3 Residential to R-5 which would include mobile homes in these areas. 2nd Reading 248 241

Memorial Mission Hospital - Public hearing date set to close streets within the grounds of this hospital. 243

Montford Recreation Area - resolution authorizing the City Manager to enter into a contract for architect services with Moore-Robinson Assoc. to perform services for design 26

Mass Transit Funds - resolution authorizing and endorsing the filing of an application 42

Marine Corps Week - proclaimed week of November 10-16 80

Memorial Stadium - bids for aluminum seating 92

Market Street (South) - resolution authorizing the Mayor to execute sales contract for purchase of 29-35 95

Montford Recreation Complex - resolution approving fair market value of real property to be purchased 106

Mid-City Merchants Council - requesting free parking on Friday, November 28, 1975 108

Mayor - New Mayor elected. 110

Meetings of Council - Day and time of weekly council meetings prescribed. 112

Minority Employment - Councilman Michael request City Manager to furnish a report on the number of minorities that are in salaried positions in the City of Asheville. 121

Minority Employment - Report presented by W. M. Smith, Personnel Director, relative to minority employment statistics. 128

Marshall, Calvin W., Vice-Mayor - Resolution of appreciation from the City of Asheville . 136

Montford Community Club - Council members invited to attend singing at center. 136

Mid-Town Merchants Council - Request for free parking on Friday, Dec. 26, 1975 136

Murray Hill Road - Petition presented to close this street by the Housing Aut. 139

Murray Hill Road - Resolution adopted calling for a public hearing to close this road permanently. Resolution adopted closing this road. 165-139

McCormick Field - Request by Asheville AA Baseball, Inc. for Council to consider authorizing the Mayor to enter into an agreement with them to lease field. 143

Meetings of Council - Meetings cancelled for December 25, 1975 and January 1, 1976. 144

Model Cities Commission - Ordinance adopted rescinding the ordinance which created and established a Model Cities Commission and a Model Cities Agency within the Office of The City Manager of the City of Asheville, N. C. 149

Manpower Training Program, Buncombe County - Resolution adopted authorizing the execution of agreement with the County of Buncombe as part of this program. 150

Mathis, Weaver W. - Claim presented by City Manager received from Michael E. Vaughn, Attorney for Mathis, regarding a claim against the City. Claim referred to Corporation Counsel for investigation and recommendation. 155

McDowell Street - Petition presented to Council requesting traffic light at the intersection of McDowell and Doctors Drive. 201

McCarthy, E. R. - Complaints relating to noise; muffler ordinance is not being enforced. 253

McCarthy, E. R. - Suggests to Council that money can be saved by Sanitation just sitting out cans and not carrying them back. 287

McConnell, Virgil - Presents memorandum to Council on slowdown of work at the South Asheville Community Center and list of complaints and recommendations relative to this project. 295

McCloud, Edna - Appeared before Council to oppose the requested zoning of property located on U.S. 70 and presents Council with a petition from residents on Craig Circle relating to the same. 310

McCarthy, E. R. - Suggests to Council that granite from the Beaucatcher Cut could be used to stablize the banks of the French Broad River. 387

McDowell Street - Approval of use of Department of Transportation Urban Funds to conduct a Hydrographic Survey of this street. 347

McIntosh Road - City Manager authorized to acquire a right-of-way easement from Mr. and Mrs. Charles G. Cole for a water line on this road. 357

McElyea, Mrs. Helen - Annobces opening of new store, High Country Crafters, in the downtown area in the old Winner's building. 367

North Carolina State Board of Transportation - Encroachment agreement with this Board for a water line on Young Drive. 290

North Carolina Division of Law and Order - Mayor authorized to file an application for federal grant with this division for a Project Youth Outreach Program. 333

North Carolina Division of Recreation - Authorization of the Director of Parks and Recreation to enter into an agreement for Youth Employment for the summer of 1976. 334

North Carolina Board of Transportation - Approval of revised agreement between this board and the City in connection with disbursement and accounting of Planning Funds. 345

N.C. R-48 - Approval of the sale of Parcel 73 in the East Riberside Renewal Project. 345

National Guard Property - Resolution adopted relative to the acquisition of this property. 360

Neptune Water Meter Company - Awarded bid for estimated 12-month requirement for these meters. 371

North Carolina State Board of Transportation - Encroachment agreement with this Board for a water line on SR 1248 (Oak Hill Road). 406

Nature Center - Ark Nature Center transferred to the Buncombe County Commissioners. 407

North Carolina State Board of Transportation - Resolution authorizing the Mayor to execute right-of-way encroachment agreement with this Board for a water line at the entrance to the Black Mountain Shopping Center. 210

National Nutrition Week - March 7 - 13, 1976 proclaimed as such by Mayor. 213

North Carolina Division of Law and Order - Resolution authorizing the Mayor to file an application with this Division for the Legal Advisor Program. 215

North Carolina Division of Law and Order - Resolution authorizing the Mayor to file an application with this Division for the School Liaison Program. 216

North Carolina Division of Law and Order - Resolution authorizing the Mayor to file an application with this Division for The Safety & Support Program. 216

North Carolina Division of Law and Order - Resolution authorizing the Mayor to file an application with this Division for a Training Grant for the Asheville Police Department. 217

North Carolina State Board of Transportation - Resolution authorizing the Mayor to execute right-of-way encroachment agreement with this Board for a water line attached to bridge number 70-8404 (Montford Avenue). 217

Nutrition Program - Resolution authorizing the Mayor to sign a contract with the Land-of-Sky Regional Council for this program for older adults. 222

North Carolina Board of Transportation - Resolution authorizing the Mayor to execute right-of-way encroachment agreement with this Board for a water line crossing under U.S. 25 (Hendersonville Road). 223

Neighborhood Centers - Resolution authorizing the Director of Parks & Rec. to submit applications for Title XX Funding of a Senior Citizens Program and these centers. 224

Navy Band Day - March 27, 1976 proclaimed as such by Mayor. 240

North Carolina State Board of Transportation - Resolution authorizing the Mayor to execute Grant agreement with this Board for project 75-01 for the Asheville Airport. 244

North Carolina State Board of Transportation - Resolution authorizing the Mayor to execute Grant agreement with this Board for project 75-02 for the Asheville Airport. 244

Noise - Complaint from Mr. E. R. McCarthy and reports that ordinance on same is not being properly enforced. Report from J. E. Johnson - 266; 253

North Carolina State Board of Transportation - Encroachment agreement with this Board for a water line on SR 3157 (Weston Road). 263

North Carolina State Board of Transportation - Encroachment agreement with this Board for a water line crossing SR 191 (Brevard Road). 271

North Carolina League of Municipalities - Mayor authorized to enter into agreement with this League to provide consulting services for personnel management and employee relations for the City. 284

National Transportation Week - May 24-28, 1976 proclaimed as such by Mayor. 303

Nurses Week - Proclamation by Mayor Wood - October 6-12, 1975 9

Northland Shopping Center - Dedication of Mini-Park 28

National Weather Service - resolution authorizing notice of intent to lease space 59
106

North Carolina Board of Transportation - resolution authorizing the Mayor to execute right-of-way encroachment agreement 97

National Association of Counties - resolution supporting amendments advocated by N.A.C. 33

New Leicester Highway - hearing was held relative to rezoning Ward 17, Sheet 11, Lots 74,75 and 76 from R-3 to CS Commercial Service District. 146
Ordinance adopted to rezone this property. 147

North Carolina Board of Transportation - Resolution authorizing Mayor to execute right-of-way encroachment for water line crossing U.S. 70 at Swannanoa 116

North Carolina Department of Transportation - Public hearing held to discuss application through this Department. 123

North Carolina State Board of Transportation - Resolution authorizing Mayor to execute right-of-way encroachment for water line along US 70 at Swannanoa, N.C. 140

North Carolina State Board of Transportation - Resolution authorizing Mayor to execute right-of-way encroachment for water line on SR 2750 140

North Carolina State Board of Transportation - Resolution authorizing Mayor to execute right-of-way agreement for water line under Ramp B on Interchange. 141

North Carolina State Board of Transportation - Resolution authorizing Mayor to execute right-of-way agreement for water line along Oakley School Road 141

North Carolina State Board Of Transportation - Resolution authorizing Mayor to execute right-of-way agreement for water line on SR 2816 (Church Road) 153

North Carolina State Board of Transportation - Resolution authorizing Mayor to execute right-of-way agreement for water line on SR 2407 (Upper Grassy Branch Rd) 153

North Carolina Electrical Code - Hearing date set for adopting this code as the electrical code for the City of Asheville. 163

North Carolina Department of Transportation - Resolution adopted allowing Mayor to execute supplemental municipal agreement to relocate utility lines. 181

North Fork Watershed - Resolution authorizing timber sale no.10 with Gennett Lumber from this watershed adopted by Council. 199

North Carolina State Board of Transportation - Resolution adopted authorizing the Mayor to execute supplemental municipal agreement with this Board relative to the construction of US 70-74 Connector, Projects 8.1901402, 8.1901403 and 8.1901405. 204

North Carolina State Board of Transportation - Resolution adopted authorizing the Mayor to execute encroachment agreement (right-of-way) for a water line to run westerly along SR 3157 (Weston Road).

ORDINANCE NO. 892 -
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Southwest R-5 District)

First Reading	313
Second Reading	331
Third Reading	338

ORDINANCE NO. 893 -
AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1976-77.

First Reading	313
Second Reading	339
Third Reading	362

ORDINANCE NO. 894 -
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE." AS AMENDED (Buchanan Road)

First Reading	330
Second Reading	339
Third Reading	357

ORDINANCE NO. 895 -
AN ORDINANCE REQUIRING THE INSTALLATION OF DETECTOR-CHECK VALVES ON FIRE LINE CONNECTIONS TO THE WATER DISTRIBUTING SYSTEM OF THE CITY OF ASHEVILLE AND ESTABLISHING CHARGES FOR FIRE PROTECTION.

First Reading	334
Second Reading	340
Third Reading	357

ORDINANCE NO. 896 -
AN ORDINANCE TO AMEND SECTIONS 29-30 AND 29-32 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

First Reading	335
Second Reading	340
Third Reading	340

ORDINANCE NO. 897 -
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1975-76

First Reading	342
Second Reading	342
Third Reading	342

ORDINANCE NO. 898
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1975-76

First Reading	346
Second Reading	346
Third Reading	346

ORDINANCE NO. 899
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (New Wood Avenue)

First Reading	369
Second Reading	376
Third Reading	376

ORDINANCE NO. 900 -
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (New Leicester Highway and Westwood Drive)

First Reading	400
Second Reading	400
Third Reading	Book 42 - 4

ORDINANCE NO. 901 -
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1976-77. (Federal Programs Fiscal Office)

First Reading	407
Second REading	407
Third Reading	407

ORDINANCE NO. 881 -
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE:, AS AMENDED (Biltmore Forest Extraterritorial Zoning Jurisdiction)

First Reading	214
Second REading	222
Third Reading	237

ORDINANCE No. 882 -
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Mrs. Lula B. Kuykendall - Ward 4, Sheet 2, Lot 20)

First Reading	241
Second REading	248
Third Reading	248

ORDINANCE NO. 883 -
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Proposed R-5 Residential Dist.)

First Reading	241
Second REading	248
Third Reading	259

ORDINANCE NO. 884 -
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Property at the corner of N. La. Avenue & Emma Road from R-3 to CH Dist.).

First Reading	247
Second Reading	260
Third Reading	270

ORDINANCE NO. 885 -
AN ORDINANCE LEVYING, ASSESSING, IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1976 AND ENDING JUNE 30, 1977.

First Reading	250
Second Reading	260
Third Reading	270

ORDINANCE NO. 886 -
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1975-76 (Pack Library)

First Reading	283
Second Reading	283
Third Reading	283

ORDINANCE NO. 887 -
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Swannanoa River Rd.)

First Reading	288
Second Reading	300
Third Reading	304

ORDINANCE NO. 888 -
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Deaverview Road)

First Reading	288
Second Reading	301
Third Reading	301

ORDINANCE NO. 889 -
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Wording Amendments)

First Reading	299
Second Reading	304
Third Reading	314

ORDINANCE NO. 890 -
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1975-76.

First Reading	301
Second Reading	304
Third Reading	315

ORDINANCE NO. 891 -
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED. (Caribou Rd.)

First Reading	312
Second Reading	331
Third Reading	338

Oakley School Road - (State Road 3052) - Resolution authorizing Mayor to execute right-of-way encroachment agreement with the N. C. State Board of Transportation for water line. 141

Oteen Fire Department - Letter presented to Council from Veterans Council opposing the transferrof the Oteen Fire Dept. to the City of Asheville. 143

Orthopedic Hospital, Inc. - Public hearing scheduled relative to the site plan of the proposed school facilities to be constructed on these grounds. 200

Oxner, Capt. H. P. - This Fireman received letter of commendation from Chief Ball and is commended by Mayor for his part in saving the life of a 19-month old child. 207

Orthopedic Hospital, Inc. - Public hearing held and council approves site plan subject to the recommendations of the Planning and Zoning Commission for proposed school facilities at this school. 208

One Oak Plaza - Council approves amended development plans at this address for the construction of a 3-story office building on Disposal Parcel 30 in the Civic Redevelopment Project N.C. R-13. 243

Oakley Public Works Budget - This budget amended to include Eastview Avenue Water Line project. 245

Owen, Jim - Presents proposals to Council for nonsupervisory City employees. 268

Oakley - Mayor authorized to submit applications to the Appalachian Regional Commission for capital improvements in this area. 290

One Oak Plaza - Hearing held and site plan approved by Council.; addtional hearing-331 302

Older Americans Month - May 1976 proclaimed as such by Mayor. 302

Oak Street Improvements - Resolution adopted authorizing the Mayor to sign a contract with the Harry P. Clay Construction Company for these improvements. 306

Ochsenreiter, Mayor - Statement relative to the 1976-77 Budget. 328

Oakley Public Works Project and Improvements - Consideration of bids for this project. 344

Oakley Area Water Improvements - Contract with Huntley Construction Company for this project. 344

Oakley Public Works Improvements - Contract with Pittman Highway Contracting Company for this project. 359

Oteen V.A. Hospital - Motion by Council to advise HUD that they have no objections to the conversion of this building by Lawler, Wood and Assc., Inc. to housing for the elderly. 397

Oak Hill Road - Encroachment agreement with the N. C. Board of Transportation for a water line on SR 2148 (Oak Hill Road). 406

ORDINANCE NO. 869 -
AN ORDINANCE INCLUDING AUXILIARY POLICE OFFICERS IN WORKMEN'S COMPENSATION PLAN.

First Reading 139
Second Reading 147
Third Reading 161

ORDINANCE NO. 870 -
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (New Leicester Highway)

First Reading 147
Second Reading 160
Third Reading 166

ORDINANCE NO. 871 -
AN ORDINANCE AMENDING SECTION 28-63 SUBSECTION (C) (1) OF THE CODE OF THE CITY OF ASHEVILLE (TRAFFIC LIGHTS)

First Reading 148
Second Reading 148
Third Reading 148

ORDINANCE NO. 872 -
AN ORDINANCE RESCINDING ORDINANCE NO. 675 WHICH CREATED AND ESTABLISHED A MODEL CITIES COMMISSION AND A MODEL CITIES AGENCY WITHIN THE OFFICE OF THE CITY MANAGER OF THE CITY OF ASHEVILLE, NORTH CAROLINA

First Reading 149
Second Reading 161
Third Reading 166

ORDINANCE NO. 873 -
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1975-76

First Reading 152
Second Reading 152
Third Reading 152

ORDINANCE NO. 874 -
AN ORDINANCE ESTABLISHING ELECTRICAL INSTALLATION STANDARDS

First Reading 160
Second Reading 166
Third Reading 180

ORDINANCE NO. 875 -
AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1975-76. (Purchase of parking meters for Parks & Recreation Department)

First Reading 167
Second Reading 167
Third Reading 167

ORDINANCE NO. 876 -
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1975-76. (Purchase of truck for Parks and Recreation Department.)

First Reading 169
Second Reading 169
Third Reading 169

ORDINANCE NO. 877 -
AN ORDINANCE AMENDING ORDINANCE GRANTING FRANCHISE TO THOMS BROADCASTING COMPANIES, INC.

First Reading 178
Second Reading 186
Third Reading 225

ORDINANCE NO. 878 -
AN ORDINANCE AMENDING SECTION 11-68 of CHAPTER 11, OF THE CODE OF ORDINANCES ENTITLED STATE ELECTRICAL CODE ADOPTED.

First Reading 183
Second Reading 198
Third Reading 203

ORDINANCE NO. 879 -
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1975-76 (Purchase of Tilt Cab and Chassis for Fire Department)

First Reading 187
Second Reading 187
Third Reading 187

ORDINANCE NO. 880 -
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1975-76 (Reappropriating Community Development Funds)

First Reading 189
Second Reading 189
Third Reading 189

ORDINANCE NO. 856 -
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Urban Renewal Area)

First Reading 10
Second Reading 10
Third Reading 10

ORDINANCE NO. 857 -
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Urban Renewal Area)

First Reading 11
Second Reading 24
Third Reading 30

ORDINANCE NO 858 -
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Vance Gap Road)

First Reading 13
Second Reading 24
Third Reading 69

ORDINANCE NO 859 -
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Hendersonville Road)

First Reading 51
Second Reading 69
Third Reading 91

ORDINANCE NO. 860 -
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, " AS AMENDED (Biltmore Forest Extraterritorial zoning jurisdiction)

First Reading 67
Second Reading 91
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ORDINANCE NO. 861 -
AN ORDINANCE ESTABLISHING THE ASHEVILLE GENERAL EMPLOYEES' RETIREMENT PLAN AND TRUST

First Reading 70
Second Reading 92
Third Reading 102

ORDINANCE NO. 862 -
AN ORDINANCE AMENDING SECTION 2-43 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE RELATIVE TO THE ASHEVILLE TRANSIT AUTHORITY MEETING

First Reading 73
Second Reading 92
Third Reading 102

ORDINANCE NO. 863 -
ASHEVILLE SIGN AND OUTDOOR ADVERTISING ORDINANCE

First Reading 89
Second Reading 95-Failed

ORDINANCE NO. 864 -
AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 22 CLUB STREET, 40 CURVE STREET, 29 GRAY STREET, 71 WHITE FAWN DRIVE AND 77 WHITE FAWN DRIVE

First Reading 90
Second Reading 91
Third Reading 103

ORDINANCE NO. 865 -
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1975-76 (Vance Monument Restoration)

First Reading 105
Second Reading 105
Third Reading 105

ORDINANCE NO. 866 -
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILE FISCAL YEAR 1975-76 (Appropriation of Funds for Pay increases)

First Reading 107
Second Reading 107
Third Reading 107

ORDINANCE NO. 867 -
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Ward 22, Sheet 2, Lots 186 and 187)

First Reading 115
Second Reading 124
Third Reading 138

ORDINANCE NO. 868 -
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (TO PERMIT GREENHOUSES IN THE RESIDENTIAL AREA.)

First Reading 124
Second Reading 138
Third Reading 147

Pickard, Mrs. C. C. - Mayor publicly thanks this woman for her volunteer services to the City. 389

Property - City Manager authorized to negotiate for an option for the purchase of property on the East side of Valley Street for the purpose of expanding city facilities. 392

Parks and Recreation - Director of this Department authorized to develop a playground at the Hall Fletcher School. 395

Playground - Director of Parks and Recreation authorized to develop this at the Hall Fletcher School. 395

Police Cadet Program - Mayor authorized to enter into a contractural agreement with the Buncombe County for this program. 405

Parks & Recreation, Director - Authorized to enter into agreement with the Department of Agriculture and the Dept. of Interior through the Recreation Division of the Dept. of Natural and Economic Resources of the State of N. C. For Youth Employment during the summer of 1976. 334

Parks and Recreation Department - Consideration of bids for new roof postponed. (Shiloh School Gym and the Harvest House) 334

Parks and Recreation Department - Bids awarded to Stroup Sheet Metal Works, Inc. for new roof on the Shiloh School Gym. 341

Parks and Recreation Department - Bids awarded to Stroup Sheet Metal Works, Inc. for new roof on the Harvest House. 341

Pittman Highway Contracting Company, Inc. - Consideration of resolution authorizing signing of contract with this company for the Shiloh-Oakley Public Works Improvements project. 344

Parcel 73 - Sale of this parcel authorized in the East Riverside Renewal area. 345

Planning Funds - Approval of revised agreement between the N. C. Board of Transportation and the City in connection with disbursement and accounting of these funds. 345

Policemen's Pension Fund - Council passed on all readings an ordinance amending the budget for 1975-76 by appropriating $500,000. from the Revenue Sharing Trust Fund to put this fund on an actuarially sound basis. 347

Pension, Firemen's & Policemen's - Council passed on all reading an ordinance amending the budget for 1975-76 by appropriating $500,000. from the Revenue Sharing Trust Fund to put these pensions on an actuarially sound basis. 347

Pittman Highway Contracting Company - Contract with this company and the City for the Shiloh-Oakley Public Works Improvements project. 359

Panel System - Bids awarded to Talman Office Supplies, Inc. for this system for the Water Billing Department. 360

Proclamation - June 24-30, 1976 as National Autistic Week in Asheville, N. C. 361

Proclamation - July 7-12, 1976 as Salute the Tourist Week. 374

Police Department - Complaints about this department from Ralph Bishop. 374

Parks and Recreation - Increase in fees and charges of certain facilities withint this division approved by Council. 378

Parts - Repair parts for Mueller Improved fire hydrants; bid awarded to Supply Specialties, Inc. 378

Parts - For Kennedy Traffic Model fire hydrants; bid awarded to ITT Grinnel Corporation. 378

Petition - Police submit petition to Council for higher pay. 380

Policemen - Submit petition to Council for higher pay. 380

Privilege Taxes - Second reading on Ordinance levying, assessing, imposing and defining these for fiscal year 1976-77. Third reading on same - 270; 260!

Phipps, Mrs. Thelma - Hearing date set on rezoning request from this resident. 262

Parking - On-Street free parking authorized by Council on April 19, 1976. 267

Petition - REsidents present to Council requesting more adequate fire protection. 267

Proclamation - Week of April 18-24, 1976 as National Secretaries Week. 265

Proclamation - Week of April 18-24, 1976 as National YWCA Week. 265

Parks & REcreation - Notice of bid presentation. 272

Police Fund - Michael Smith, Personnel Director, reports to Council relative to this fund as to contributions, benefits, disability, retirements, deficits, etc. 273

Proclamation - April 18-24, 1976 as Private Property Week. 274

Proclamation - April 1976 as Fair Housing Month. 274

Pullen, A. M. & Co. - Resolution adopted authorizing City Manager to execute contract with this firm to audit financial accounts and records of the City for year ending June 30, 1976. 279

Parks & Recreation - Bids awarded for two diesel tractors for this department. 280

Proclamation - May 1-7, 1976 Respect for Law Week. 281

Proclamation - May 2-8, 1976 Be Kind to Animals Week. 281

Pack Memorial Library - Ordinance amending the operating budget to appropriate funds to this library. 283

Personnel Management - Mayor authorized to enter into agreement with the North Carolina League of Municipalities to provide these services to the City. 284

Prayton, Robert Y. - Claim for damages from surface water. 286

Proclamation - Older American Month, May 1976. 302

Proclamation - May 24-28, 1976 as Transportation Week. 303

Proclamation - May 31 - June 5 as "Life Insurance Week". 309

Parks and REcreation Department - Bids awarded for six tennis courts for this department to be paid for out of Community Development Funds. 307

Plemmons, Grady O. - Claim presented to Council that was received from this resident for damages to his automobile. 309

Permits, Building - Resolution adopted assuring review of all these type permits within the flood hazard area of the City. 316

Petition - Merchants and property owners requests Council's help in undertaking the restoration and preservation of Biltmore Village. 326

Police Department - Commended by councilmen for enforcing parking around the Federal Building. 205

Petition - Residents of Carroll Avenue petition Council to replace the bridge on this street which crossing over Valley St. 206

Proclamation - National Nutrition Week, March 7-13, 1976. 213

Proclamation - Physical Education and Sports Week, March 1-7, 1976. 213

Proclamation - National Prayer Day, Friday, March 5, 1976.

Police Dept.- Resolution authorizing the Mayor to file an application for a grant with the N. C. Division of Law and Order for the school liaison program. 216

Police Dept. - Resolution authorizing the Mayor to file an application for grant with the N. C. Division of Law and Order for the Safety & Support Program. 216

Police Dept. - Resolution authorizing the Mayor to file an application for a grant with the N. C. Division of Law and Order for a Training Grant for this Department. 217

Planning & Zoning Commission - Resolution adopted appointing Robert Turner to this Commission. 219

Patterson, Allen H. - Resolution adopted appointing this man to the Asheville Transit Authority. 219

Proclamation - International Demolay Week, March 14-21, 1976. 221

Parks & Recreation - Resolution adopted authorizing the director of this Department to submit applications for Title XX funding of a senior citizens program and a program of neighborhood centers. 224

Planning Division - Resolution authorizing the Mayor to enter into a contract with the Land-of-Sky Regional Council whereby this division will provide technical assistance for regional land use planning. 238

Proclamation - Navy Band Day, March 27, 1976. 240

Proclamation - Poultry Products Month, April 1976.

Poultry Products Month - April 1976 proclaimed as such. 240

Property, surplus - RESolution authorizing the Director of Finance to sell this type of property from the operating facilities on Valley Street. 245

Proclamation - National Auctioneer's Week, April 4-10, 1976. 246

Proclamation - Cancer Crusade Month, April 1976. 246

Proclamation - Week of the Young Child, April 12-17, 1976. 254

Parks & Recreation - Playground equipment bids awarded to be used in various New Park areas under the Community Development Program. 150
Bids - One picnic shelter for Aston Park 152

Petition - Police petition Council for better uniforms. 155

Police Department - Complaint by Ralph G. Bishop on the way this Department handles gambling in the City; especially critical of Chief Hall in this matter. 159

Policeman, K. D. Lt. - Resolution adopted commemorating service to City. 135

Parking - Free parking requested on Dec. 26, 1975 by the Mid-Town Merchants Council 136

Police Officers - Auxiliary - Ordinance adopted and passed on third reading including these officers in the Workmen's Compensation Plan of the City of Asheville. 161

Parks & Recreation Department - Ordinance adopted to amend budget for 1975-76 for the purchase of parking meters for this Department. 167

Parks & Recreation Department - Ordinance adopted to amend budget for 1975-76 for the purchase of one (1) cab and chassis with 36' articulating aerial ladder for this Department. 168

Police Department - Resolution of appreciation to the Crime Prevention Bureau of this Department for organizing programs throughout the City on women's protection. 167

Parks & Recreation Department - Ordinance adopted to amend budget for 1975-76 for the purchase of truck for this Department. 169

Police - Further complaints and comments from Ralph Bishop relating to gambling and Chief Hall. 182

Parking - Free parking requested on February 16, 1976 for George Washington's Birthday Sale by the Asheville Merchants Association. 182

Petition - Residents of Gashes Creek Road request that Council replace access road, which was closed by construction of Interstate 40. 191

Petition - Redwood Forest Homeowners' Association request that more fire hydrants be placed in their neighborhood. Council presented estimates on costs of these. 191-205

Proclamation - Week of February 11-14, 1976 - Crime Prevention Week . 192

Proclamation - Month of February as Human Relations Month. 192

Proclamation - Month of February 1976 as American History Month. 192

Preliminary Subdivision plat - Ballantree, Section presented to council for approval of variances. 200

Petition - Presented to Council requesting traffic light at the intersection of McDowell Street and Doctors Drive. 201

Proclamation - Month of February, 1976 as Human Relations Month in Buncombe County. 205

Pierce, Dr. Ernest F.- Claim presented to Council for damages to automobile received from Dr. Pierce. 205

Proclamation - February 21, 1976 proclaimed as Clean-A-Thon in City and County. 205

Property - Resolution authorizing offer for property adjacent Aston Park 4

Property - Resolution approving fair market value of certain property for development of West Asheville Park and Riverside Park 4

Property - Resolution adopting property acquisition policies where Uniform Relocation Assistance & Real Property Act of 1970 applies 4

Piek-up Truck for Parking Lots Division - Bids on 5

Parks and Recreation - bids on custom built van body 6

Parks and Recreation - bids on one three-gang greensmower 6

Police Department - and Fire Department statement by Mr. Ward re: salaries, etc. 7

Police Brutality - statement of Concerned Citizens Committee 25,46

Proclamation - proclaimed week of October 12-18 for International Alpha Delta Kappa Week 28

Pritchard Park Report - advised that work on the Pritchard Park had stopped at present time to coordinate activities of other departments 29

Park - attention to the outstanding work done to the Park at Southside, McDowell and Ashland Ave.

Police Department - special training report 45

Parks and Recreation - bids on one (1) three gang Greensmower 55

Property - Resolution authorizing the Mayor to execute sales contract for purchase of 29-35 South Market St. and 34 Eagle St. 95

Proclamation - proclaimed week of November 10-16, 1975 as Youth Appreciation Week 80

Proclamation - proclaimed week of November 10-16, 1975 as Marine Corps Week 80

Proclamation - "Up With The People Week" - Dec. 8-16, 1975 122

Police Department - Bids awarded for use in the Records Division (Office furniture) 126

Police Department - Bids awarded for automated retrieval unit to maintain files in the Records Division. Also for one automatic reader-printer for cartridge microfilm for Records Division. 126 127

Parking Garage, City Center- Resolution adopted authorizing the Mayor to enter into agreement with Carolina Power Light Company to supply electricity. 135

Pritchard Park Fountain - City Manager announces time and day fountain will be turned on. 136

Police Officers, Auxiliary - First reading on ordinance including these officers in the City's Workmen's Compensation plan. 138

Rock Hill Road - Rezoning request by Clyde Leeson for property south of this road on Sweeten Creek Road; public hearing scheduled. 336

Report - By Ray Kisiah, Director of Parks and Recreation, on plans for developing a tot lot on Francis and Metcalf streets. 342

Roofs - Ordinance adopted by Cojncil to amend the operating budget of the City for the Fiscal Year 1975-76; funds transferred from the Revenue Sharing Trust Funds. 342
Parks and Recreation Department.

Revenue Sharing Trust Fund - Budget amended to transfer funds from this account for roofs to the Shiloh School and the Harvest House for Parks and Recreation. 342

Riverside Renewal Project - Approval of sale of Parcel 73. in this area. 345

Rose, Billy - State Highway Administrator of the N. C. Dept. of Transportation, gives presentation of facts relating to the Beaucatcher Mountain Project. 361

Report - By J. E. Johnson, Director of Building Inspections, on action taken by the owner of the Battery Park Hotel. 379

Robindale Avenue - 78 - Adoption of a resolution calling for a public hearing for the adoption of an ordinance to direct the Housing Officer to demolish this dwelling. 392

Redwood Forest Homeowners Association - Council given estimates of costs to provide this area with more fire hydrants. 205

Riddle, R. M. - (Fireman) - Received "Certificate of Merit" from the National Red Cross and Commendation from Chief Ball and Mayor for his actions in saving the life of a 19-month old"baby. 207

Regent Park - Public hearing held relative to the approval of a site plan of this park. Hearing continued and site plan approved -301 207

Recreation Board - Resolution appointing Bob Adams to this Board. 218

Rogers, Mrs. Roy - Advises Council of the inadequate transportation for Senior Citizens and requested reduced fares for these citizens. 221

Rate Increase - Thoms Cablevision - Third reading passed giving this increase. 225

Radios - Bids awarded for purchase of these for Inspection & Demolitions. 250

Rose, Mr. Jesse M. - Request for property to be rezoned; hearing date set. 262

Redmon, Anthony - Spoke on behalf of bid submitted by Gray and Creech, Inc. for one total copy system for Service and Information Division. 274

Rogers, Mrs. Roy - Request for continuation of reduced bus rates for senior citizens; Council instructs Transit Authority to continue same. 282

Regions A & B - Redesignated as separate and distinct Health Service Areas. 285

Relocation Services Contract - Consideration of a resolution authorizing the Mayor to sign an addendum to this contract relating to property acquisition; tabled 305

Richmond Hills Golf Course - Resolution adopted authorizing the Mayor to execute lease agreements for the use of the West Asheville YMCA property and this property to the Asheville YMCA. 307

Report - Announcement that Mr. Verl Emrick, Director of Planning, will present a preliminary report on the Downtown proposal at the June 3, 1976 meeting. 309

Relocation Services Contract.- Resolution adopted authorizing the Mayor to sign an addendum to this contract relating to property acquisition. 315

Report - Presented by Verl Emrick, Planning Director, on Charles R. Kern's Downtown proposal. 319

Report - By Mr. Lyle Hackett, Manager of the Asheville Transit Authority, to continue reduced bus fares for senior citizens. 328

Rainey, Councilman - Statement by this Councilman relative to the 1976-77 Budget. 329

Report - By Verl Emrick, Planning Director, on Battery Park Hotel Apartment Complex. 333

Recreation Division - Dept. of Natural and Economic Resources; Director of Parks and Rec. authorized to enter into agreement with this division for Youth Employment. 334

Roofs - Consideration of roofs on Shiloh School Gym and the Harvest House for Parks and Recreation Department postponed. Both of these awarded to Stroup Sheet Metal Works, Inc. (see p. 341) 334

Ramsey, Bruce - Group Development - Garage Facility 1

Riverside Park - Resolution approving fair market value of certain property purchased for development of West Asheville Park and Riverside 4

Riverview Drive - public hearing relative to rezoning property from R-3 to HI 11,24 30

Riverside Park - resolution authorizing condemnation of certain parcels of land for development of park 17

Retirement Plan and Trust - ordinance establishing 70,92 102

Recreation Board for Asheville - appointing members 96

Rice, Larry E. - claim for injuries sustained at the Civic Center 98

Rock Concerts - retaining the free-form seating 108

Rogers,Roy - requested extended hours for reduced rates on buses for senior citizens 108

Ross, Ms. Janat - Public hearing scheduled for rezoning requested property. 118

Residential Areas - Public hearing held relative to allowing greenhouses in this section; First reading on Ordinance for same. 123

Relocation Services - Resolution adopted allowing Mayor to enter into an agreement with the Housing Authority of the City of Asheville to provide these services. 125

Rate Increase - Continued discussions on this matter; Another public hearing scheduled on this subject. 128

Report - Presented to Council by Michael Smith, Personnel Director, of conditions relative to minority employment statistics. 128

Report - Presented to Council by Sam Graves, Central Services, relative to meetings held with the Concerned Citizens Group in regard to police matters. 130

Rate Increase - Thoms=Cablevision - Mayor appoints committee to draft an ordinance for Council's consideration. Futher discussions. 162-146

Retirement Plan - City Manager appoints members to serve on the Pension Board for the General Employee's Ratirement Plan. 154

Rogers, Mrs. Roy - Reduced rates for Senior Citizens on Bus Fares; matter to be studied. 159

Ryan, Katherine - Spoke in favor of organizing a union for City employees. 177

Regent Park - Hearing scheduled for the group development of khis proposed park to be located on Payton Avenue near the Hazel Mill Road intersection for Universal Investment Corporation, Developer. 200

Swilling, Councilwoman - Statement relative to Beaucatcher Mountain Project. 337

Shiloh Public Works Improvements Project - Consideration of contract with Pittman Contracting Company for this project - 344; Contract awarded to this company-359.

Sale - Parcel 73 in the East Riverside Renewal Project N.C. R-48 approved. 345

Shuford, Mr. Milton - Sale of Parcel 73 in the E. Riverside Renewal Project N.C. R-48 to this resident approved. 345

Smith Mill Creek - Agreement with the Tennessee Valley Authority for the cleanup of this creek. 346

Survey - Hydrographic - Approval of the use of Dept. of Transportation Urban Funds to conduct this survey of the Biltmore, McDowell, and Southside Avenue area. 347

Street Superintendent, W. A. Bostic commended by resolution upon his retirement. 353

Subdivision Plat - Council approved final revised subdivision plat of the Sherwood Heights for R. L. Coleman. 358

Sherwood Heights - Council approved final subdivision (revised) plat for R. L. Coleman. 358

Subdivision - Ballantree - Final plat of this subdivision approved by Council. 358

Sweeten Creek Road - Public hearing held on rezoning request by Clyde Leeson for this property; For lack of a motion, Ordinance was defeated. 369

Support - Resolution - Adopted to support the Western North Carolina Regional Air Pollution Control Board for fiscal year 1976-77. 370

Supply Specialties, Inc. - Awarded bid for repair parts for Mueller Improved Fire hydrants for the Water Department.

Salaries - Policemen petition Council for increases. 380

Statement - Council unites on statement relating to the Beaucatcher Mountain Project. 381

Stowe, Mr. George - Public hearing date on rezoning request by this resident for property located on Leicester Highway. 393

Sanitation Department - Councilwoman Swilling commends this department on its trash pickup service. 394

Swilling, Councilwoman - Commends Sanitation Division on its trash pickup service. 394

Swimming Pool - Bid awarded to Gatlinburg Construction of this equipment at the Bee Tree Lake. 408

Shigley, Ronald J. - Appointed Chairman of the Mayor's Committee on Employment of the Handicapped. 269

Service and Information Division - Consideration of bids for copy system for this division; tabled by Council until justification for purchase could be presented. 272

Streets - Public hearing held and resolution adopted closing streets within the grounds of Memorial Mission Hospital permanently. 277

Street Light - Request for lights on Morgan Street. 282

Sale - Mayor authorized to sign necessary documents to seel vacant city property on Depot and Lyman Streets to the Housing Authority. 284

Senior Citizens - Reduced bus fares for these citizens continued. 287

Swannanoa River Road - Public hearing held and 1st reading on ordinance to rezone property located on this road. Second reading - passed (300) 288

Sand Hill Road - Public hearing held and passed on 1st reading as amended an ordinance rezoning property bounded on the west and north by this road to R-5 to permit mobile home housing. 288

School Tax, Special - Vice Mayor Horton makes statement relating to proposed increase in this tax. 293

South Asheville Community Center - Virgil McConnel presents memorandum and list of complaints to Council on the slowdown of work being done on this project. 295

Sweeten Creek Road - Public hearing on request from Clyde J. Leeson and others to rezone property on this road from R-3 to CS; request sent back to Planning for further study and hearings. 296

Swannanoa River Road - Ordinance passed on third reading rezoning property on this road. 304

Senior Citizens - Letter presented to Council received from the Asheville Transit Authority advising cost of continuation of reduced rates for these citizens. 305

Shepherd, Mr. - Request Council to zone property located on Leicester Highway from Commercial to residential. 309

Sand Hill Road - Public hearing and first reading on Ordinance establishing a R-5 Residential District in this area. 313

Senior Citizens - Reduced bus fares continued for these citizens on a full time basis. 328

Site Plan - Approval of the site plan of the proposed One Oak Plaza Office Building. 331

Shiloh School Gym - Consideration of bids for roof on this building; postponed. 334-341

Section 29-30 and Section 29-32 of the Code of the City amended; first reading on ordinance. Second reading-340; 335

Sweeten Creek Road - Public hearing scheduled on rezoning request by Clyde Leeson for property on this road. 336

Sewer Charges - These charges revised by resolution; increases. 336'

Sub-Committee - Appointed by Council presents recommendations for Community Development Projects for fiscal year 1976-77. 180

Street Department - Bids awarded for galvanized corrugated metal pipe to be used by this Department. 181

Sale Contract - No. 9 with the Gennett Lumber Company tabled by Council until they receive recommendations from Parks Director, Ray Kisiah. (Bee Tree Watershed) 199

Sale Contract - No. 10 with the Gennett Lumber Company adopted by resolution for timber sale from North Fork Watershed. 199

SubDivision Plat - Ballantree, Section - Council approved variances recommended by Planning and zoning on the preliminary subdivision of this plat. 200

Sale - Resolution authorizing the sale of obsolete fire equipment adopted by Council. 204

Sanitation Division - Bids awarded for two (2) cabs and one (1) chassis for use in this Division. 209

Southern Railway - Resolution authorizing the Mayor to execute right-of-way encroachment agreement with this company for a 6=inch water line near the Glendale crossing. 210

Safety & Support Program - Resolution authorizing the Mayor to file and application for a Federal Grant with the N. C. Division of Law & Order for this program. 216

Sinking Fund Commission - Resolution adopted appointing Karl H. Straus as Commissioner Four of this Commission. 218

Straus, Karl H.- Resolution adopted appointing him as Commissioner Fourt of the Sinking Fund Commission. 218

Shiloh Community Center - Bids awarded for doors, frames and hardware complete for this center for Parks and REcreation Department. 223

Senior Citizens Program - Resolution authorizing the Director of Parks & Rec. to submit applications for Title XX Funding for this program. 224

Swilling, Councilwoman - Inquires as to what steps were being taken relative to improvements in the downtown area and is advised by City Manager that list of improvements or violations are being worked on. 236

Storm Drainage - Mayor makes statement on this type of drainage into creeks. 239

Sale - (2) Obsolete Fire Trucks - Bids awarded for sale of these vehicles. 245

Resolution authorizing this sale. 251

Square D Company - Request for water service; request approved by Council 261

Sewer System Evaluation Survey - (Section 201 Facilities Plan) amended. 264

Stevens, Mr. John S. - Appointed by Council to conduct a public hearing to obtain the views of citizens on the proposed improvements to the Asheville Airport. 265

Secretaries - National Week - April 18-24, 1976 proclaimed as such by Mayor. 265

Sign Ordinance - Continuation of public hearing of proposed sign ordinance 14,1 60,77

Southern Railway - Resolution authorizing execution of supplemental agreement with same re: 12 inch sanitary sewer 7

Sanitary Sewer - Same as above entry 7

Street Department - bids for portable air compressor 15

Street Department - bids for Tractor Diesel 16

Street Department - Bids for brush Chipper 16

Senior Citizens Annual Convention - convention to held at Hilton Inn on October 29, 30, 31 29

Sign Ordinance - special meeting 81,45

Southern Railway - Resolution authorizing execution of right-of-way encroachment agreement re: water Line 97

Street Department - bids for two (2) 5- yards dump trucks 105

Senior Citizens - requested extended hours for reduced rates on buses 108

Sound Measurements - Councilman Horton requested measurements during concerts 109

Stephens, Mr. George M. - Letter of congratulations to Mayor Wood for his efforts to bring the Thomas Wolfe Auditorium to completion. 112

Sound Measurements - Study of measurements presented to Council; Vice-Mayor requests bibliography from Mr. DeVesto supporting his statements. 118

Sewer Easement - Resolution adopted concerning revision of easement from Asheville Jaycee Housing, Inc. 154

Sale of Parcel 16, 17 - Council approves sale of these parcels. (South Atlantic Conference of Seventh Day Adventist - buyers) 116

South Atlantic Conference of Seventh Day Adventist - Council approves sale of parcels 16 and 17 from the E. Riverside Renewal Project, NC R-48. 116

Sanitation Division - Bids awarded for two (2) tilt cab and chassis complete with minimum 30-cubic yard hydraulic packer type body for use in this division. 162

Sand Hill Road - Councilman Horton request traffic count at intersection of Vermont and this road. 164

Sale of Parcel 157 - Council approves sale of this parcel (located in the East Riverside Renewal project N. C. R-48.)

Southern Railway Company - Encroachment agreement for right of way to install water line (8 inch) at the Crayton Road crossing. 168'

Stepp, Ray - Of the Asheville Central Labor Union, spoke in support of the organization of the AFSCME with the city employees. 177

Thoms, Harold H. - Resolution in memoriam to this man and his contributions to the residents of the city. 395

Transportation, Dept. of U. S. - Authorization to file an application with this department for a grant under Section 119 of the Federal-Aid Highway amendments of 1974. (Bikeway) 396

Transportation, Dept. of U. S. - Approval of contract between the City and this government (Urban Mass Transportation) Grant Number NC-09-0019 and authorizing the City Manager of the City to receive and expend federal funds. 396

Thomas Wolfe Auditorium - Director of Finance authorized to make final payment to M.B. Haynes Electric Corporation and Moser, Inc. for work performed on the Civic Center and this auditorium. 405

Tobe, Maggie C. - Claim presented which was received from George W. Moore, Attorney for this resident; referred to Corporation Counsel for investigation and recommendation. 408

Traffic Control - Resolution adopted requesting the State of North Carolina Department of Transportation to transfer designated and unexpended Urban Land Funds for the use of the City for these devices. 244

Trash Receptacles - Vice-Mayor Horton request more of these containers in the downtown area. 246

Taxes, Privilege & License - Ordinance passed on first reading levying, assessing, imposing and defining these taxes for Fiscal Year beginning July 1, 1976 and ending June 30, 1977 for the City. Passed 2nd reading (260) 250

Transportation, Urban Mass - Authorization to file an application with the Department of Transportation, United States of American for a grant under this act. 264

Taxes, Privilege & License - Ordinance passed on third and final reading to levy, assess, impose, and define these taxes for fiscal year beginning July 1, 1976 and ending June 30, 1977 for the City of Asheville. 270

Transportation - Reduced bus fares for senior citizens to continue upon request from Mrs. Roy Rogers. 282

Transportation Week, National - May 24-28, 1976 proclamed by Mayor. 303

Transit Authority, Asheville - Resolution authorizing the Mayor to sign a contract with the United States of America to provide an operating subsidy to this Authority. 305

Tennis Courts (6) - Bids awarded for these for the Parks and Recreation Department to be purchased from Community Development Funds. 307

Transit Authority, Lyle J. Hackett - Resolution of appreciation to this man on his retirement. 328

Tax Rate - an ordinance adopting the appropriating the operating budget and fixing the tax rate for the City of Asheville fo the fiscal year 1976-77; fi est reading-313; Second reading-339; third reading-362.

Three Mountaineers, Inc. - Rezoning request- property on New Wood Avenue - hearing scheduled. Public hearing and 1st reading - 369; 2nd reading-376; 336

Tot Lot - Staff report by Ray Kisiah, Director of Parks and Recreation, relative to this playground. 342

Transportation, Dept. of U.S. - Resolution tabled for bicycle trail in the City of Asheville for further considerations. 344

Tennessee Valley Authority - Agreement with this authority for the cleanup of the Smith Mill Creek. 346

Transportation, Dept. of U. S. - For approval of the use of these funds to conduct a hydrographic survey of the McDowell, Biltmore, and Southside Avenue area. 347

Tunnels - Rev. Hugh Edsel presents resolution adopting these over the open cut; Council adopts policy favoring tunnels. 348

Tunnels - Further discussions relative to the Beaucatcher Mountain Project. 366

Tourist Week - Salute The; Week of July 7-12, 1976 proclaimed as such. 374

Taylor, Mildred R. - claim 28

Thoms Cablevision - Request for rate adjustment; Continued hearing 39,128

Tenney, James B. M.D., DR. P.H. - appointment to Drug and Alcohol Abuse Advisory Commission 96

Tiernan Street - Petition presented by Housing Authority to close this street 139
Resolution adopted calling for a public hearing to close St. 139

Tenie Street - Petition presented by Housing Authority to close this street 139
Resolution adopted calling for a public hearing to close street. 139

Thoms Cablevision - Committee appointed to draft an ordinance for Council's consideration. Further discussions on rates. 162- 146

Traffic Lights - Ordinance passed relative to traffic lights. (All 3 readings) 147

Traffic Count - Councilman Horton request count at Vermont and Sand Hill Road. 164

Tiernan Street - Resolution adopted closing portion of this street permanently. 165

Tenie Street - Resolution adopted closing portion of this street permanently. 165

Thoms Cablevision, Inc. - Ordinance adopted and passed on first reading to allow increase in rates. 178-180

Thoms Calbevision, Inc.- Further discussions; ordinance passed on second reading 183-186

Transportation, Department of U.S.A.- Public hearing held relative to filing of an application with this Department for a grant under the Urban Mass Transportation Act of 1964, as amended. 188

Traffic Congestion - Residents of Gashes Creek Road request that Council replace access road, which was closed to construct Interstate 40. 191

Traffic Light - Petition presented to Council requesting light for intersection of of McDowell Street and Doctors Drive. 201

Timber Sale No. 9 - Resolution tabled by Council until they receive recommendations from Parks Director, Ray Kisiah, for this sale from Bee Tree Watershed. 199

Timber Sale No. 10 - from North Fork Watershed; resolution adopted authorizing mayor to execute this sale with the Gennett Lumber Company. 199

Thoms Broadcasting Companies, Inc. - Ordinance tabled on third reading. 193

Timber Sale No. 9 - Resolution authorizing the Mayor to execute a timber sale with the Gennett Lumber Company. 211

Training Grant - Resolution authorizing the Mayor to file and application for a Federal Grant with the N. C. Division of Law & Order for this grant for the Asheville Police Dept. 217

Turner, Robert - Resolution adopted appointing this man to the Planning and Zoning Commission for the City. 219

Thoms Broadcasting Companies, Inc. - Ordinance passed on third reading granting rate increase to this company. 225

Urban Development - Resolution adopted authorizing application to the U. S. Dept. & Urban Development for a grant under the provisions of Section 701 of the Housing Act of 1954, as amended. 251

Urban Mass Transportation Act - Authorization to file an application with the Dept. of Transportation of the United States of America for a grant under this act. 264

United States of America - Resolution authorizing the Mayor to sign a contract with this government for an operating subsidy to the Asheville Transit Authority. 305

Urban Mass Transportation Administration - This administration to provide one-half of the total cost for the reduced fares for Senior Citizens. 305

Urban Renewal Project - Resolution authorizing the Mayor to sign a contract with the Harry P. Clay Construction Company for the project known as Oak, Woodfin, and Valley Street improvements. 306

Uniforms - Bids awarded for these for the Asheville Fire Department. 306

United States of America - Dept. of Transportation - Consideration of a resolution authorizing the filing of an application with this government to develop a bicycle trail in the City; resolution tabled until after July 1, 1976. 343

Urban Mass Transportation - Contract with the U. S. Dept. of Transportation for grant number NC-09-0019 and authorizing the City Manager to receive and expend federal funds for transportation planning and the transit system. 396

United States of America - Contract with the Dept. of Transportation for grant number NC-09-0019 and authorizing the City Manager to receive and expend federal funds for transportation planning and the transit system. 396

United States of America - Authorization to file an application with the Dept. of transportation for a grant under Section 119 of the Federal-Aid Highway. (Bikeway project) 396

U.S. Forest Service - to Asheville Airport - renewal lease 4

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 - resolution adopting property acquisition policies in instances where Act applies 4

Urban Renewal Area (East Riverside) - hearing relative to rezoning property from HI to R-3 10

Urban Renewal Area (East Riverside) - Hearing relative to site plan of the Housing Project NC 7-8 11

United States of America - resolution authorizing the Mayor to execute lease for space in the Asheville Airport Terminal Building 106

Union Oil Company - resolution authorizing cancellation of lease agreement 106

"Up With The People" Week - proclaimed Dec. 8 - 16, 1975. 122

Urban Mass Transportation Administration - Public hearing held relative to applying for a grant through N.C. Department of Transportation & this Adm. 123

United Way Campaign - Resolution adopted in appreciation to Employees for their outstanding contributions to this Fund. 135

Uniforms - Police Officers request better uniforms. 155

Urban Renewal Area - (East Riverside) - Council approves sale of parcel 157, located in this area. (Project N.C. R-48) 166

Union - City Employees - Discussion of check-off for employees participating in this organization. 170

Utility Lines - Resolution adopted authorizing Mayor to execute supplemental agreement (municipal) with the N. C. Dept. of Transportation to relocate these lines. 181

United States of American - Department of Transportation- Public hearing held relative to filing of an application for a grant under the Urban Mass Transportation Act of 1964, as amended. 188

Urban Mass Transportation Act of 1964, as Amended- Public hearing held relative to filing of an application with the Dept. of Transportation of the United States of America for a grant under this Act. 188

Urban Development and Housing - Resolution adopted authorizing submission of an application for Community Development Block Grant Funds from this Department. 189

Universal Investment Corporation, Developer - Public hearing scheduled for the development of Regent Park at Patton Avenue near the Hazel Mill Road intersection by this corp. 200

Unions - Comments from Ralph Bishop relating to this matter and city employees. 213

Urban Mass Transportation Act of 1964 - Public hearing held and resolution adopted to submit application for Grant through this act. 215

Vance Gap Road - hearing relative to rezoning property 12,24

Vance Monument - bids for renovation 30,67 104,105

Vice-Mayor - Elected. 111

Veterans Organizations of Western North Carolina - Oppose transfer of Oteen Fire Department to the City of Asheville. 143

Veterans Administration Hospital - Resolution adopted authorizing Mayor to enter into agreement with this Administration for Fire Protection. 148

Vermont Avenue - Councilman Horton request traffic count at the intersection of this avenue with Sand Hill Road. 164

Veterans Administration Hospital - (Old Oteen) - Firm of Lawler-Wood Association from Knoxville, Tennessee request Council's endorsement for their plans to convert this building into housing for the elderly. also 278 & 238

Valley Street Project - Resolution adopted authorizing the Mayor to sign a contract with Harry P. Clay Construction Company for this project. 306

Valley Street - Authorization for City Manager to negotiate for an option for the purchase of property on the East side of this street for the purpose of expanding city facilities. 392

Veterans Administration Hospital - (Old Oteen) - Adoption of a motion by Council to advise HUD that Council has no objections to the plans of Lawler, Wood and Associates, Inc. to convert this facility into housing for the elderly. 397

Water Billing Department - Bids awarded to Talman Office Supplies, Inc. for office furniture and panel system for this department. 360

Wood Avenue - Public hearing on rezoning request by Three Mountaineers, Inc. and W. R. Ballard; council passes on first reading. 2nd reading-376; 369

Western N. C. Air Pollution Control Board - Adoption of resolution of intent to support this board for the fiscal year 1976-77. 370

Water Meters - bids awarded for the 12-month requirements of these for the water dept 371

Water Department - Bids awarded for the 12-month requirements of water meters for this department. 371

Water Department - Bids awarded for chemicals for the treatment of water for the fiscal year 1976-1977. 372

Water Department - Bids awarded for repair parts for Mueller Improved Fire Hydrants for this department. 378

Water Department - Bids awarded for repair parts for Kennedy Traffic Model Fire Hydrants for this department. 378

Water Department - Bids awarded for miscellaneous mechanical joint gate valves and fittings for 6" and 8" water mains. 379

Westwood Drive - Public hearing scheduled on rezoning request of this road. 380

Whitaker, Nola O. - City Manager authorized to acquire a right-of-way easement from this resident for a water line on Aurora Drive. 391

Water Line - City Manager authorized to acquire a right-of-way easement from Nola O. Whitaker for this line on Aurora Drive. 391

Western Food Systems - Public hearing set on the rezoning request by this company. 393

Western North Carolina Baptist Home - Public hearing set on the site approval for this development. 393

Westwood Drive - Public hearing and council passes on 1st two readings ordinance to rezone property to R-3 Residential District. 400

Water Service - Request for this service from Square D Company; council approves. 261

Wachovia Bank & Trust Company - Rezoning request; hearing date set. 262

Water Line - Encroachment agreement with the N. C. Board of Transportation for a line on Weston Road (SR 3157) to extend northerly approximately 1,200 feet. 263

Weston Road (SR 3157) - Encroachment agreement with the N. C. Board of Transportation for a water line to extend northerly on this road for approximately 1,200 feet. 263

Water Line - Encroachment agreement with the N. C. Board of Transportation for a water line crossing NC 191 (Brevard Road). 271

Water and Sewer Department - Bids awarded for 24 fire hydrants for this department. 271

Western North Carolina Air Pollution Agency - Mrs. Aileen Highsmith and Ronald Boone review the budget requested for this agency to Council. 273

Wardiman, Attorney - Spoke to Council on the upcoming court case relating to the Beaucatcher Tunnel. 287

Water Line - Encroachment agreement with the N. C. Board of Transportation for a water line on Young Drive. 290

Western North Carolina Farmers Market - Hearing date set for site approval of this development. 290

Williams, Dolly V. - Claim for damages presented to Council. 293

Wording Amendments - Hearing held relative to these changes in the Zoning Ordinance. 299
Same passed for first reading by Council. Passed on second reading-304;Passed -3rd.-314

Water & Sewer Director - (William E. Edens) - City Manager makes report to Council on this investigation and of his action taken in the matter. 303

Woodfin Street - Resolution authorizing the Mayor to sign a contract with the Harry P. Clay Construction Company for improvements on this street. 306

Western North Carolina Farmers Market - Public hearing on site plan for this market; council approves same. 311

Westwood Drive - Public hearing date set on rezoning property on this drive. 318

Water Distribution System - First reading on ordinance requiring installation of detector-check valves on fire line connections to the City system and setting charges for fire protection. Second reading - 340; Third reading - 357. 334

Water charges - First reading on ordinance for water service connection charges and other related fees. Second reading - 340; Third reading - 340. 335

Water charges - Adoption of resolution revising water and sewer connection charges. 336

Water Improvements - Contract with Huntley Construction Company for these improvements in the Oakley area. 344

Westwood Drive - Public hearing held to rezone property on this road to CS District; matter referred back to Planning & Zoning for their recommendations in zoning property R-4. 353

Water Line - City Manager authorized to acquire a right-of-way easement from Mr. and Mrs. Cole for a water line on McIntosh Road. 357

Watershed - Bee Tree; Council tables resolution authorizing the mayor to execute timber sale agreement with the Gennett Lumber Company from this watershed until they receive recommendations from Parks Director, Ray Kisiah. 199

Watershed - North Fork; Resolution adopted authorizing the mayor to execute timber sale No. 10 with the Gennett Lumber Company from this watershed. 199

Water Bonds - Resolution adopted providing for the issuance of $5,175,000. Water Bonds, Series B. 203

Water Department Employees - Some members of Council met with these employees and representatives of the Union at Union Headquarters. (2/15/76) 206

Whitten C. T. (Fireman)- Received letter of commendation from Chief Ball and Commendation from Mayor for his part in the saving of the life of a 19-month old baby. 207

Water Line - Resolution adopted authorizing the Mayor to execute a right-of-way encroachment agreement with the Southern Railway for a water line at the Glendale Crossing. 210

Water Line - Resolution adopted authorizing the Mayor to execute a right-of-way encroachment agreement with the N. C. State Board of Transportation for a line to run westerly along SR 3157 (Weston Road).

Water Line - Resolution adopted authorizing the Mayor to execute a right-of way encroachment agreement with the N. C. Dept. of Transportation for a line crossing old U. S. 70 (Old Black Mtn. Highway) at the entrance to the Black Mtn. Shopping Center. 210

Water Bonds, Series B - City Manager reports that low bidder for $5,175,000 was First Citizens Bank & Trust Company with a net interest of 5.7243%.213

Water Line - Resolution adopted authorizing the Mayor to execute a right-of-way encroachment agreement with the N. C. Board of Transportation for a line attached to Bridge number 70-8404 (Montford Avenue). 217

Water Line - Resolution adopted authorizing the Mayor to execute a right-of= way encroachment agreement with the N. C. Board of Transportation for a line crossing under U. S. 25 (Hendersonville Road). 223

Water & Sewer Department - Bids awarded for 1000 feet of PVC Water Pipe for use in this Department. 224

Wheeler Airlines - Presentation relative to providing flight service through the Asheville Airport. 249

Wheeler Airlines - Resolution authorizing execution of lease agreement and publishing notice thereof relating to Wheeler Airlines. 249

Wheeler Airlines - Resolution authorizing and granting temporary operating permit to this airline at the Asheville Airport. 249

WNC Pilots Association, Inc. - Council approves request of this association to hold air show at the Asheville Airport. 250

Wolfe, Thomas - Recognition of celebration of 75th birthday 1

West Asheville Park - Resolution approving fair market value of property to be purchased for same and Riverside Park 4

Win-Tex Knitting Mills - request for water service 13,39 59

Wilson, Charles - complaint about drug abuse in the Civic Center during rock concerts 46

Wamsutta - request for water allocation 59

Water & Sewer Department - bids estimated requirements of 6 and 8 inch water main pipe for period ending June 30, 1976 70

Water & Sewer Department - bids for utility type trucks and bodies for use in department 72

Water & Sewer Department - resolution authorizing a supplemental agreement concerning a 12-inch water line 97

Water & Sewer Department - resolution authorizing a right-of-way encroachment agreement with the North Carolina Board of Transportation for a water line extension 97

Wolfe, Thomas - auditorium of Civic Center named in honor 108

Wood, Richard A., Jr. - Resolution of appreciation. 113

Water Line - Resolution authorizing Mayor to execute right-of-way encroachment agreement with N.C. State Board of Transportation for and eight inch line crossing under U.S. 70 at Swannanoa, N. C. 116

Worley, Mrs. Dan - Public hearing shheduled for rezoning requested property. 118

Workmen's Compensation Plan - Auxiliary Policemen request to be covered under this plan; also First Reading (138) Second (147) 138

Water Line - Resolution adopted authorizing Mayor to execute right-of-way encroachment agreement with the N.C. State Board of Transportation for water line on SR 2750 (Jims Branch Road); US 70 along ; SR 3052 (Oakley School Road); Under Ramp B on the Interchange Project. 140

Water Supply Systems - Resolution authorizing City Manager to sign application for approval of Plans and Specifications for water supply systeme.

Water Line - Resolution adopted authorizing Mayor to execute right-of-way with N.C. State Boadd of Transportation for line on State Rd. 2407 (Upper Grassy Branch Road) also State Road 2816 (Church Road) 153

Workmen's Compensation Plan - Ordinance passed including auxiliary police officers into this plan under the City. 161

Youth Appreciation Week - proclaimed the week of November 10-16, 1975 as youth week 80

Young, John M. - Presents claim against City for water damages. 118

Young Child, Week of - April 12-17, 1976 proclaimed as such by Mayor. 254

YWCA WEEK - (National) April 18-24, 1976 procalimed as such by Mayor. 265

Youth Council, Asheville-Buncombe (Youth Day) This council held their Council meeting discussing various issues. 282

Young Drive - Encroachment agreement with the N. C. Board of Transportation for a water line on this drive. 290

Yates, Mrs. Carolyn - Hearing date set on request of this citizen for property to be rezoned. 262

YMCA - Asheville - Resolution authorizing the Mayor execute a lease agreements for the use of the West Asheville branch YMCA property on Deaverview Road and the Richmond Hills Golf Course property to this organization. 307

Youth Outreach Program - Mayor authorized to file an application for federal grant with the N. C. Division of Law and Order for this program-resolution. 333

Youth Employment- Director of Parks and Recreation authorized to enter into an agreement with N. C. Dept. of Natural and Economic Resources through the Recreation Division for this program for the summer of 1976. (resolution) 334

Zoning - Public hearing and Council passes on 1st two reading ordinance to rezone property on Leicester Highway and Westwood Dr. R-3. 400

Zoning - Hearing date set on request from Dynatex, Inc. to rezone property located on Caribou Road. 291

Zoning - Wording Amendments to Zoning Ordinance passed on first reading. 299

Zoning - Wording Amendments to Zoning Ordinance passed on second reading. 304

Zoning - Mr. Shepherd request Council to zone property located on Leicester Highway from Commercial Service District to R-3 Residential District. 309

Zoning - Public hearing and first reading on ordinance rezoning property on Caribou Road to HI Heavy Industrial District. Second reading - 331. 312

Zoning - Public hearing and first reading on ordinance rezoning property bounded on the west and north by Sand Hill Road and on the south by I-40 and I-26 Interchange and on the east by South Bear Creek Road, R-5 Residential District. 2nd-331; 3rd-338. 313

Zoning - Wording Amendments to Zoning Ordinance passed on third reading. 314

Zoning - Public hearing date set on request to rezone Leicester Highway and Westwood Dr. 318

Zoning - Public hearing and first reading on ordinance to rezone property located on Buchanan Road; property owned by Ruth W. Geddings and others. 2nd-339; 3rd-357. 330

Zoning- Public hearing date set for rezoning request by R. Jack Ingram; property on Brevard Road and Dogwood Road. 336

Zoning - Public hearing date set for rezoning request by Three Mountaineers, Inc. and W. R. Ballard; property on New Wood Avenue. Hearing and first reading-369. 336

Zoning - Public hearing date set for rezoning request by Clyde Leeson and Others; property on Sweeten Creek Road. 336

Zoning - Public hearing date set for rezoning request by Gus & John Barlas; property on U. S. Highway 70. 337

Zoning- Council passes on third reading ordinance to rezone property on Caribou Road owned by Dyna-tex, Inc. 338

Zoning - Public hearing relative to rezoning property on Leicester Highway and Westwood Drive; referred back to Planning & Zoning for recommendations on an R-4 Zoning. 353

Zoning - Public hearing relative to rezoning property on U. S. Highway 70 for Gus & John Barlas; for lack of a motion ordinance was defeated. 367

Zoning - Public hearing relative to rezoning property on Sweeten Creek Road for Clyde J. Leeson and others; for lack of a motion ordinance was defeated. 368

Zoning - Public hearing relative to rezoning property on Brevard Road and Dogwood Road for R. Jack Ingram; matter referred back to Planning and Zoning for further study. 375

Zoning - Third reading on Ordinance to rezone property on New Wood Avenue. 376

Zoning - Public hearing scheduled on request for rezoning on Westwood Drive and Leicester Highway; request by property owners of this section. 380

Zoning - Public hearing scheduled on request by George Stowe for the rezoning of property located on Leicester Highway. 393

Zoning - Public hearing scheduled on request by Western Food Systems for the rezoning of property located on Greenhill Avenue. 393

Zoning - Public hearing held on the extraterritorial zoning of property in the Town of Biltmore Forest; also passed on first reading. 2nd-222 214

Zoning - Public hearing scheduled on rezoning four areas in the one mile boundary from R-2 & R-3 to R-5 to include mobile homes. 217

Zoning - Public hearing scheduled on rezoning property owned by Mrs. Lula B. Kuykendall from R-4 to CS District. (Ward 4, Sheet 2, Lot 20).220

Zoning - Public hearing scheduled on rezoning property owned by Mr. & Mrs. James Fisher from R-3 to CH District. (N. Louisiana Ave. & Emma Rd.) 223

Zoning - Ordinance passed on third reading amending Ordinance #322, extra-territorial zoning of peoperty in the Town of Biltmore Forest. 237

Zoning - Public hearing held and passed on first reading ordinance to rezone property owned by Mrs. Lula B. Kuykendall from R-4 to CS District. 241

Zoning - Public hearing held and passed on first reading ordinance to rezone four areas in the one mile boundary from R-2 and R-3 to R-5 to include mobile homes. Second reading-248; Third reading - 259. 241

Zoning - Public hearing held and passed on first reading ordinance to rezone property owned by Mr. & Mrs. James Fisher from R-3 to CH District. 247

Zoning - Second reading and third reading rezoning property owned by Mrs. Lula B. Kuykendall from R-4 to CS district. 248

Zoning - Second reading passed by Council to rezone property at the corner of North Louisiana Avenue and Emma Road from R-3 to CH (owned by Mr. & Mrs. James Fisher). Third reading on same. 270 260

Zoning - Hearing date set on rezoning request by Clyde J. Leeson and others for property located on Sweeten Creek Road - 262; hearing held & Council sends back to Planning for further study and hearings if necessary - 296;

Zoning - Hearing date set on request to rezone property made by Mrs. Thelma Phipps and Wachovia Bank & Trust Company. 262

Zoning - Hearing date set on request from Mrs. Carolyn Yates and Lucille Helms to rezone property. 262

Zoning - Hearing date set on request from Mrs. Elizabeth Hensley and Jesse M. Rose to rezone property. 262

Zoning - Hearing date set on request from Mr. John Barlas & Mrs. Gus Barlas to rezone property(263) Public hearing & Council send back to Planning for further consideration-298

Zoning - Hearing date set on wording amendments to the zoning ordinance. 263

Zoning - Hearing date set on the proposed southwest R-5 district. 273

Zoning - Public hearing held and Council passed on first reading request to rezone property on Swannanoa River Rd. Passed on second reading-300; passed on 3rd-304 - 288

Zoning - Public hearing held and Council passed on first reading request to rezone property bounded on the west and north by the I-40 and I-26 Interchange, and on the east by South Bear Creek Road. Passed on second and third readings-301. 288

Zoning - Hearing date set on request from Mrs. Ruth Geddings, et al to rezone property. 291

Zoning - relative to rezoning property in the East Riverside Urban Renewal Area from HI to R-3 — 10

Zoning Ordinance - hearing relative to the site plan of the proposed Housing Project NC 7-8 — 10

Zoning - hearing relative to rezoning property at Haywood Rd. and Riverview Dr. from R-3 to HI — 11

Zoning Ordinance - ordinance amending ordinance No. 322, relative to rezoning property on Vance Gap Road - Wayne Hinser — 12,24 30,67

Zoning - Request for Rezoning- J. Lloyd Kirk - Hendersonville Road — 21,50 69

Zoning Ordinance - ordinance amending ordinance No. 322, relative to rezoning property on Haywood Rd. and Riverview Dr. — 24,30

Zoning Ordinance - ordinance amending ordinance No. 322, relative to rezoning property on Hendersonville Rd.from R-2 to CH — 50,91

Zoning - hearing held to amend Asheville Zoning Ordinance No. 322, extending extraterritorial jurisdiction into the Town of Biltmore Forest — 67

Zoning - request for rezoning - Asheville Housing Authority — 73

Zoning Ordinance - ordinance amending ordinance no. 322, Biltmore Forest extraterritorial zoning jurisdiction- Ordinance tabled - p.114 — 91

Zoning - requesting ordinance be amended to permit greenhouses in residential areas — 107

Zoning - requesting rezoning of four areas in the mile boundary from R-2 and R-3 to R-5 (Residential including individual mobile homes) — 107

Zoning - Public hearing; ordinance adopted rezoning property of the Asheville Housing Authority - Ward 2, Sheet 2, Lots 186 and 187 - 1st Reading — 138 124,115

Zoning - Public hearing scheduled to rezone Ward 17, Sheet 11, Lots 74,75 and 76 from R-3 to CS — 118

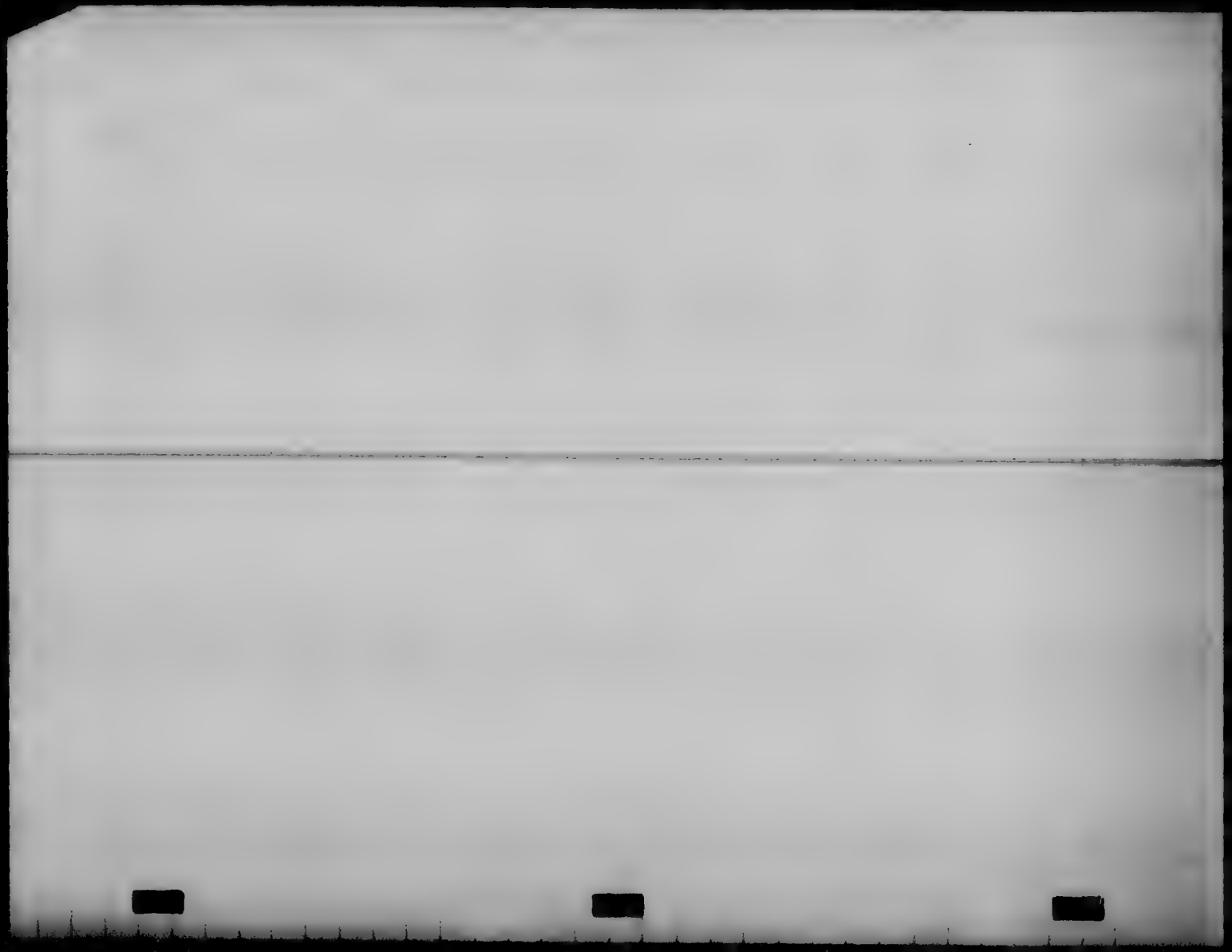
Zoning - Public hearing held and Ordinance adopted and passed on 1st reading permitting greenhouses in residential areas. — 147,138,123

Zoning - Request by Mrs. Charles E. Clouse to rezone property denied. — 142

Zoning - Public hearing held and Ordinance adopted and passed on 1st reading rezoning Ward 17, Sheet 11, Lots 74, 75 and 76 (New Leicester Hway.) Second Reading. — 146 160

Zoning - Third and final reading to rezone Ward 17, Sheet 11, Lots 74, 75 and 76 (New Leicester Highway). Ordinance passed. — 166

Zoning - Hearing scheduled for the extraterritorial zoning extension of Biltmore Forest. — 200



James Daniels reported that he had appeared at the first public hearing on behalf of the Sign Ordinance Task Force of the Chamber of Commerce and requested additional time to study the ordinance. He then distributed copies and read the task force's recommendation which proposed amendments to:

1. Sec. 50-4-7. Permit Fees (Page 23)
2. Sec. 50-4-11. Registration of Existing Signs (Page 24)
3. Sec. 50-5-4. Computation of Sign Area (Pages 30, 31, 32)
4. Sec. 50-5-5. Required Setback - Free Standing Signs (Page 32)
5. Sec. 50-5-10.5 Other Temporary Signs (pages 40, 41)
6. Sec. 50-6-3 (a). Schedule of Sign Requirements (Pages 43,44,45)
7. Sec. 50-7-4.2. Free Standing Signs (page 47)
8. Sec. 50-6-4.6. Wall Signs (Page 52)
9. Sec. 50-6-4-12. Off-Premise Advertising Signs (Page 56)
10. Sec. 50-8-4. Amortization Provisions (Page 67)
11. Sec. 50-8-5. Notice to Repair or Remove;Creation of Lien (Page 68)

The Chamber Task Force recommended the enactment of the ordinance with these amendments. Complete text of these amendments is on file in the City Clerk's office.

Corporation Counsel William Moore reported that he and Mr. Emrick were working on the amortization schedule, based on the depreciable life of the sign or seven years whichever is greater. He said they are trying to make language more palatable to sign companies.

Mrs. Barbara Keleher, 18 Maywood Road, spoke in support of the sign ordinance. She said she represented 62 people who come from all walks of life who have signed a petition supporting the ordinance.

Mrs. Martha Abshire Gilmartin spoke in support of the ordinance. She reported that in the State of Vermont all billboards are illegal, yet it has not slowed down their tourist business. Their ordinance has a 5-year amortization period and is statewide.

Mr. Joe Bell, 87 Woodland Road, spoke in support of the ordinance. He made three points: 1) revenue from sign tax could be used to enforce ordinance; 2) it was understood at the time of enactment that the sign control in the present zoning ordinance was only temporary; and 3) if you enact amendments suggested by the Chamber of Commerce, you will have no sign ordinance.

Mr. E. R. McCarthy, West Asheville, said he was not for or against the ordinance, but was concerned about civic matters. He thought they were paying an awful lot of attention to this when there were more pressing affairs in the city.

Mr. Mike Summey, Summey Sign Company, said he had previously submitted his recommendation to City Council. He spoke in favor of improving the sign control in the present zoning ordinance. He said that in his opinion controls in other cities are not applicable here. He said the proposed ordinance deals with many areas that are not problems and he felt that it was overdone.

Mr. Loyd Kirk, 866 Hendersonville Road, spoke in favor of improving and using the sign controls in the present zoning ordinance. He cited pages in the proposed ordinance which are the same as those already existing. It appears that the new ordinance has some 70 pages that are not necessary.

Thursday, October 2, 1975, 3:00 o'clock p.m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., presiding, Vice Mayor Calvin W. Marshall, Councilmen Henry E. Colton, Bill B. Horton, J. W. Hoyle, and Ralph D. Morris, Jr.; City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr., and Corporation Counsel William C. Moore.

Absent: Councilman Eugene C. Ochsenreiter

1. Approval of minutes of September 25, 1975.

Upon motion of Councilman Colton, seconded by Councilman Horton, the minutes of the September 25, 1975 meeting were approved as submitted.

PUBLIC HEARING - GROUP DEVELOPMENT - GARAGE FACILITY FOR BRUCE RAMSEY

2. A public hearing was held relative to the site plan of a proposed garage facility to be constructed by Bruce Ramsey on Emma Road.

Mayor Wood opened the public hearing at 3:02 o'clock p.m.

The City Manager read the advertised notice to the public and affidavit of publication setting the time and date for the public hearing.

Verl Emrick, Planning Director, reported that the site plan was reviewed by the Planning and Zoning Commission on September 10, 1975. It meets all requirements as to proper zone, adequate setback and access and is recommended for approval.

Mayor Wood closed the public hearing at 3:08 o'clock p.m.

Vice Mayor Marshall moved to approved the site plan of the proposed garage facility. This motion was seconded by Councilman Hoyle and carried unanimously.

RECOGNITION - CELEBRATION OF THOMAS WOLFE 75TH BIRTHDAY

Mayor Wood noted that this was not an agenda item, but he would like to commend the public's participation in the festivities of the 75th Birthday Celebration of Thomas Wolfe. He also commended the Civic Arts Council and the University of North Carolina at Asheville for sponsoring the programs. He recognized Mrs. Barbara Keleher who introduced Mrs. Grace Rohrer, N. C. Secretary of Cultural Resources.

PUBLIC HEARING - CONTINUATION OF PUBLIC HEARING ON SIGN ORDINANCE ORDINANCE - A SIGN AND PUBLIC ADVERTISING ORDINANCE

3. City Council continued a public hearing on the proposed Sign Ordinance for the City of Asheville. Mayor Wood noted that the first hearing was held on September 18, 1975.

Mayor Wood reconvened the public hearing at 3:12 o'clock p.m.

RESOLUTION 75-120 - A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO SIGN RENEWAL LEASE FOR U. S. FOREST SERVICE FOR ASHEVILLE AIRPORT

4. Consideration was given to a resolution authorizing the Mayor to sign a renewal lease for U. S. Forest Service for Asheville Airport.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 75-120 was unanimously adopted.

Complete text of Resolution No. 75-120 will be found in Resolution Book 8 at Page 189.

RESOLUTION 72-121 - A RESOLUTION AUTHORIZING THE MAYOR TO OFFER THE APPROVED APPRAISED FAIR MARKET VALUE FOR PROPERTY ADJACENT TO ASTON PARK

5. Consideration was given to a resolution authorizing the Mayor to offer the approved appraised fair market value for property adjacent to Aston Park.

The City Manager read the resolution.

Ken Michalove, Assistant City Manager, explained that on these projects the federal government requires that the property be appraised first and the city cannot pay less than the appraised value. The intent of this resolution and the next one is to approve the fair market value of Aston Park, West Asheville Park, and Riverside Park. The intent of the third resolution is to adopt this policy for future purchases.

Upon motion of Councilman Morris, seconded by Councilman Horton, Resolution No. 75-121 was adopted by a vote of 3 to 2.

Complete text of Resolution No. 75-121 will be found in Resolution Book 8 at Page 190. and 191.

RESOLUTION 75-122 - A RESOLUTION APPROVING FAIR MARKET VALUE OF CERTAIN REAL PROPERTY PURCHASED FOR THE DEVELOPMENT OF WEST ASHEVILLE PARK AND RIVERSIDE PARK.

7. Consideration was given to a resolution approving the fair market value of certain real property purchased for the development of West Asheville Park and Riverside Park.

The Corporation Counsel read the resolution.

Upon motion of Councilman Colton, seconded by Vice Mayor Marshall, Resolution No. 72-122 was unanimously adopted.

Complete text of Resolution No. 75-122 will be found in Resolution Book 8 at Page 192.

RESOLUTION 75-123 - A RESOLUTION ADOPTING PROPERTY ACQUISITION POLICIES IN INSTANCES WHERE THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970, AS AMENDED, APPLIES

8. Consideration was given to a resolution adopting property acquisition policies in instances where the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, applies.

Mayor Wood announced that they would depart from the usual procedure and ask Mr. Emrick to read the second draft of the ordinance page by page and Council would have an opportunity to vote on any amendments. At some later date the amended ordinance would be read with a roll call vote.

Mr. Emrick then reviewed and explained each section through Page 19. The following action was taken:

Page 1. Sec. 50-1-2. Amend Title of Section to read: "Purpose; Repeal of All Parts of Any Preceding Ordinance Which Refers in its Entirety or in Part to Sign Regulations and Control."

Councilman Horton moved approval of this amendment.

Councilman Morris seconded the motion and it carried unanimously.

Page 6. Sec. 50-2-3. Paragraph C. Add the following words at the end of Paragraph C: "or as an integral part of a sign regulated under this Ordinance."

Councilman Morris moved approval of this amendment.

Councilman Colton seconded the motion and it carried unanimously.

Page 6. Sec. 50-2-3. Paragraph H. City Council requested that the Planning staff study the restriction of signs on buses and other vehicles

Page 7. Sec. 50-2-4. Enforcement. City Council requested Planning staff to clear up methods of enforcement and maintenances. Corporation Counsel advised that a fine must be set. Mr. Emrick advised that enforcement and maintenance was dealt with in a later section.

Page 13. Sign. (definition)

Mayor Wood suggested that further consideration be given to color and design.

Page 14. Sec. 50-3-2. (Under Words and Terms) Portable and Mobile Signs. City Council requested Planning staff to look at the clause "leased or rented" and advise next week if they think it should be there.

Page 16. Under Identification Sign add a new item (6) as follows: "(6) a permanent sign identifying a subdivision, group development (other than a commercial entity), or a planned unit development."

Councilman Colton moved approval of this amendment.

Councilman Hoyle seconded the motion and it carried unanimously.

Mayor Wood noted that it was 5:00 o'clock p.m. He said the Council would continue the public hearing until next Thursday after any other public hearing set for that date.

Council recessed for five minutes and reconvened at 5:08 o'clock p.m.

BIDS - CUSTOM BUILT VAN BODY FOR PARKS AND RECREATION DEPARTMENT

9. Consideration was given to bids received September 23, 1975 for one custom built van body to fit Chavalier II truck chassis.

The City Manager read a memorandum from the Purchasing Agent which recommended accepting the only bid submitted by Young's Metal Fabricators in the amount of $11,400.

Ray Kisiah, Parks and Recreation Department, explained that this was a Children's Zoo Traveling Nature Center that would be operated by the Junior League of Women and taken to institutions, day care centers, etc. The City will not be responsible for replacing the vehicle. It will be in the City's ownership now because of the necessary insurance coverage. City will furnish gas, maintenance and insurance.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bid to Young's Metal Fabricators in the amount of $11,400. This motion was seconded by Councilman Horton and carried unanimously.

BID SUMMARY — CITY OF ASHEVILLE — BIDS OPENED: TUESDAY, SEPTEMBER 23, 1975 - 10:30 A.M.

BID REQUEST NO. 302 — ONE (1) CUSTOM BUILT VAN BODY TO FIT CHAVALIER II TRUCK CHASSIS FOR PARK AND RECREATION DEPARTMENT

(Re-advertisement of Bid Request #291)

	YOUNG'S METAL FABRICATORS ASHEVILLE, N.C.	CAROLINA TRUCK & BODY CO. ASHEVILLE, N.C.	WILSON'S MOBILE HOME REPAIR ASHEVILLE, N.C.	POWHATTAN MANUFACTURING CO. CANDLER, N.C.
1 Van Body to Fit Chavalier II Chassis per Specifications	$11,400.00 ✓	NO REPLY	NO REPLY	NO REPLY
DELIVERY:	60 DAYS			
BID DEPOSIT:	5% BID BOND			

BIDS - ONE THREE-GANG GREENSMOWER FOR PARKS & RECREATION DEPARTMENT

10. Consideration was given to bids received September 24, 1975 for one (1) three-gang riding greensmower, Greensmaster 3 or equal, for Municipal Golf Course.

The City Manager read a memorandum from the Purchasing Agent which recommended the low bid submitted by Porter Brothers, Inc. in the amount of $3,139.50, for a Jacobsen Three Gang Greensmower, Model 62219. Mr. Ward noted that Mr. Phipps had forwarded a letter from Mr. Kisiah recommending the second low bid from J. E. Smith and Sons in the amount of $3,160 for a 1975 Toro, Model 04323.

The City Manager read the resolution.

Mayor Wood asked if there was any reason for restricting the policy to just these purchases - Riverside, Montford, etc. Mr. Michalove replied that it would apply to all purchases and that these were singled out so it would cover previous purchases. The policy would cover only property purchased under the Uniform Relocation Act with federal money. Mayor Wood suggested that the Resolution reflect that the policy would be used in all future instances where the Uniform Relocation Act applies and then specify these that have been purchased.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 75-123, as amended, was unanimously adopted.

Complete text of Resolution No. 75-123 will be found in Resolution Book 8 at Page 194.

BIDS - ONE PICK-UP TRUCK FOR PARKING LOTS DIVISION

8. Consideration was given to bids received September 24, 1975 for one pick-up truck for the parking lots division.

The City Manager read the memorandum from the Purchasing Agent which recommended the low bid submitted by Apple Tree Chevrolet, Inc. in the amount of $3,383.85. Mr. Ward noted that only $3,200 was budgeted, but the department could recover this small amount and no budget amendment would be necessary. He noted that Mr. Phipps was available to answer questions.

Vice Mayor Marshall moved to accept the recommendation of the Purchasing Agent and award the bid to Apple Tree Chevrolet, Inc. in the amount of $3,383.85. This motion was seconded by Councilman Morris and carried unanimously.

BID SUMMARY — CITY OF ASHEVILLE — BIDS OPENED: WEDNESDAY, SEPTEMBER 24, 1975 - 10:30 A.M.

BID REQUEST NO. 304 — ONE (1) PICKUP TRUCK FOR USE IN PARKING LOTS DIVISION

	ARROWHEAD INTERNATIONAL TRUCK SALES, INC. ASHEVILLE, N.C.	APPLE TREE CHEVROLET, INC. ASHEVILLE, N.C.	DORATO MOTORS, INC. ASHEVILLE, N.C.	MATTHEWS MOTORS, INC. ASHEVILLE, N.C.
ITEM #1 - One (1) Pick-up Truck	$4,088.74	$3,383.85 ✓	$3,490.50	$3,586.19
YEAR:	1976	1976	1976	1976
MAKE:	INTERNATIONAL	CHEVROLET	DODGE	FORD
MODEL:	XLC SCOUT PICKUP	½ TON PICKUP CC 10703	D-100	F-100
G.V.W.R.	6200	4900 lbs.	5000 lbs.	4600 GVW
ENGINE	304 cu. in. (8 cyl.)	250 cu. in. (6 cyl.)	225 cu. in. (6 cyl.)	304 CID (8 cyl.)
DELIVERY:	December, 1975	Approximately 45 Days	60-90 Days	45 Days
BID BOND:	5% BID BOND	5% BID BOND	5% BID BOND	5% CERTIFIED CHECK

NOTES: (1) No Trade-In Unit
(2) Gross Vehicle Weight Rating: 4600 lbs. Minimum per Bid Request Specifications
(3) Engine Displacement: 225 cu. in. Minimum per Bid Request Specifications

8

RESOLUTION NO. 75-125

RESOLUTION IN MEMORIAM OF GUY WARREN BASS

WHEREAS, the Asheville City Council wishes to record its deep sorrow over the recent passing of Guy Warren Bass; and

WHEREAS, Guy Bass throughout his life gave of himself to the improvements of others, particularly in the areas of education and human relations; and

WHEREAS, Guy Bass made an outstanding contribution to the community in improving human relations in his position with the Asheville-Buncombe Community Relations Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Council does hereby express our appreciation for the fine service given to the community by Guy Bass and we extend to his family our sincere sympathy upon his passing.

BE IT FURTHER RESOLVED, that this resolution be transcribed in the minutes of the Asheville City Council and that a copy of the resolution be forwarded to the family of Guy Warren Bass.

I move the adoption of the foregoing resolution.

Bill B. Hunter
COUNCILMAN

SECONDED BY: Esther M. Marshall
COUNCILMAN

Read, approved and adopted this 2nd day of October, 1975.

Richard A. Wood
MAYOR

Frances L. Roberts
CITY CLERK

APPROVED AS TO FORM:

William C. Morris
CORPORATION COUNSEL

Mr. Kisiah said that after seeing demonstrations of both machines they believed the Toro to be a superior machine and that his golf course personnel preferred it.

Corporation Counsel William Moore advised that unless there was a sound reason they would be setting a poor precedent in accepting the second low bid.

After further discussion, Mayor Wood said they would postpone action and carry this item over to next meeting.

POLICE AND FIREMEN - SALARIES AND GRIEVANCES

The City Manager read the following statement:

> The article in the morning paper implies that we were not going to give our attention to the matter of raises until July, 1976, was incorrect.
>
> We are, in fact, presently compiling information from other cities and reviewing our own policy structure and expect to have a report for the Council's review and action within three (3) weeks.

RESOLUTION 75-124 - A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH SOUTHERN RAILWAY - 12 INCH SANITARY SEWER

Consideration was given to a resolution authorizing the Mayor to execute a supplemental right-of-way agreement with the Southern Railway Company concerning a 12" sanitary sewer line from Meadow Road across the railroad freight yards at Biltmore.

The City Manager read the resolution and explained that this would amend an agreement previously made with Southern Railway and it involved moving the easement line.

Upon motion of Vice Mayor Marshall, seconded by Councilman Hoyle, Resolution No. 75-124 was unanimously adopted.

Complete text of Resolution No. 75-124 will be found in Resolution Book 8 at Page 195.

RESOLUTION 75-125 - A RESOLUTION IN MEMORIAM OF GUY WARREN BASS

The City Manager read a resolution in memoriam of Guy Warren Bass and requested that it be placed in the minutes and a copy sent to his family.

Thursday - October 9, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, Bill B. Horton, J. W. Hoyle, Ralph D. Morris, E. Ochsenreiter, Jr., Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of October 2, 1975 meeting.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall, the minutes of the October 2, 1975 meeting were approved as submitted.

PUBLIC HEARING - REZONING - SCATTERED SITES IN EAST RIVERSIDE URBAN RENEWAL AREA

2. A public hearing was held relative to rezoning property in the East Riverside Urban Renewal Area from HI Heavy Industrial District to R-3 Residential District.

Mayor Wood opened the public hearing at 3:03 o'clock p. m.

The City Manager read the advertised notice to the public and affidavit of publication setting the time and date for the public hearing.

Verl Emrick, Planning Director, reported that the Planning and Zoning Commission had recommended approval of rezoning these lots in order to allow the Asheville Housing Authority to construct Project NC 7-8 in the East Riverside Urban Renewal Area. He said all the lots were in the East Riverside Urban Renewal Area and were owned by the Asheville Housing Authority.

J. Bertram King, member of the Planning and Zoning Commission and architect for Project NC 7-8, commented that in his opinion this property was never intended to be used for industrial purposes.

Mayor Wood closed the public hearing at 3:10 o'clock p. m. and instructed the City Manager to read the prepared ordinance rezoning the property as requested.

Councilman Ochsenreiter moved for the adoption of the ordinance, as recommended by the Planning and Zoning Commission. This motion was seconded by Councilman Colton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 856 passed on its first reading.

In order for Council to proceed to the public hearing relative to the site plan of the proposed Housing Project NC 7-8, Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 856. This motion was seconded by Councilman Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 856 passed on its second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 856. This motion was seconded by Councilman Horton and carried unanimously.

Upon motion of Councilman Horton, seconded by Vice Mayor Marshall Resolution No. 75-125 was unanimously adopted.

Complete text of Resolution No. 75-125 will be found in Resolution Book 8 at Page 196.

PROCLAMATION - EMPLOY THE HANDICAPPED WEEK IN ASHEVILLE

Mayor Wood proclaimed the week of October 5-11, 1975 as Employ the Handicapped Week in Asheville.

PROCLAMATION - FIRE PREVENTION WEEK

Mayor Wood proclaimed that that Asheville will join in the observance of National Fire Prevention Week, October 5-11, 1975.

PROCLAMATION - NURSES WEEK IN ASHEVILLE, N. C.

Mayor Wood proclaimed the week of October 6-12, 1975 as Nurses Week in Asheville, North Carolina.

Adjournment.

Richard A. Wood, Jr.
MAYOR

Maxeanne F. Malcolm
CITY CLERK

The City Manager read the advertised notice to the public and affidavit of publication setting the time and date for the public hearing.

Verl Emrick, Planning Director, reported that the Planning and Zoning Commission had recommended approval of the rezoning request for the following reasons:

1) The property is contiguous with the Heavy Industrial District along the French Broad River.

2) The site is better suited for industrial development than for residential development.

3) Access to the property is adequate by way of both Riverview Drive and Haywood Road.

4) The proposed use of the property is compatible with established uses within the industrial district to the north.

Mr. Hall, District Manager of the Carolina Power and Light Company, said the Housing Authority of the City of Asheville has informed Carolina Power and Light Company that their redevelopment plans calls for the acquisition, relocation, demolition and disposition of the Vernell Street property, which now houses the present location of the Carolina Power and Light Company's downtown service facility. He said the Carolina Power and Light Company presently owns the property requested to be rezoned and the proximity to the downtown service area would make it economical and feasible for them to consider it for a prime relocation site.

Mayor Wood closed the public hearing at 3:48 o'clock p. m. and instructed the City Manager to read the prepared ordinance rezoning the property as requested.

Councilman Morris moved for the adoption of the ordinance. This motion was seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 857 passed on its first reading.

PUBLIC HEARING - REZONING PROPERTY ON VANCE GAP ROAD - WAYNE KINSER

ORDINANCE NO. 858 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

5. A public hearing was held relative to rezoning property on Vance Gap Road from R-3 Residential District to Office Institutional District.

Mayor Wood opened the public hearing at 3:52 o'clock p. m.

The City Manager read the advertised notice to the public and affidavit of publication setting the time and date for the public hearing.

Verl Emrick, Planning Director, reported that the Planning and Zoning Commission had recommended approval of the rezoning request for the following reasons:

1) The present R-3 residential zoning restricts the most reasonable use of the property;

2) Residential areas will not be adversely affected by the zoning change;

On a roll call vote of 6-0, Ordinance No. 856 passed on its third and final reading.

Complete text of Ordinance No. 856 will be found in Ordinance Book No. 6 at page 311 .

PUBLIC HEARING - SITE PLAN -HOUSING PROJECT N. C. 7-8 - EAST RIVERSIDE URBAN RENEWAL AREA ASHEVILLE HOUSING AUTHORITY

3. A public hearing was held relative to the site plan of the proposed Housing Project NC 7-8 located in the East Riverside Urban Renewal Area for the Asheville Housing Authority.

Mayor Wood opened the public hearing at 3:12 o'clock p. m.

The City Manager read the advertised notice to the public and affidavit of publication setting the time and date for the public hearing.

Verl Emrick, Planning Director, reported that the Planning and Zoning Commission had recommended approval of the site plan subject to the following:

1) Approval of sedimentation plan for site grading in excess of one acre.

2) Approval of driveway construction.

3) Rezoning of lots on Site #3 from HI Heavy Industrial District to R-3 Residential District.

He said basically all the requirements for the group development had been complied with.

J. Bertram King, architect for the project, reviewed the architectural features of the project. He said the complex would consist mainly of duplexes and quadroplexes, with a few single-family buildings; that the units were designed for the physically handicapped; and that each unit would have ample space for passive type activities.

W. C. King, Executive Director of the Asheville Housing Authority, commented that a park near the complex would be deeded to the City as soon as one business in the area was relocated. It was also pointed out that the Livingston Street School recreation area would be within easy access from the complex.

After discussion, Mayor Wood closed the public hearing at 3:37 o'clock p. m.

Councilman Horton moved for the approval of the site plan subject to the conditions set forth by the Planning and Zoning Commission. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

PUBLIC HEARING - REZONING - HAYWOOD ROAD AND RIVERVIEW DRIVE - CAROLINA POWER AND LIGHT CO.

4. A public hearing was held relative to rezoning property at Haywood Road and Riverview Drive from R-3 Residential District to HI Heavy Industrial District for the Carolina Power and Light Company.

Mayor Wood opened the public hearing at 3:38 o'clock p. m.

After discussion, Councilman Morris commented that he was not prepared to make such an important decision at this time and he would like to have at least a week to consider the request. He said he would also like to obtain additional information as to:

1) How much water Win-Tex is using at the present time;
2) How this new line would reinforce the presernt system; and
3) How would the request of 1,000,000 gallons per day be spread out over a 24-hour period.

It was the consensus of Council to defer the request for one week in order to obtain additional information.

Council took a five-minute recess.

PUBLIC HEARING - CONTINUATION OF PUBLIC HEARING ON SIGN ORDINANCE - A SIGN AND PUBLIC ADVERTISING ORDINANCE

7. City Council continued the public hearing on the proposed sign ordinance for the City of Asheville. Mayor Wood reconvened the public hearing at 4:37 o'clock p. m.

Councilman Hoyle was excused from the meeting at 4:37 o'clock p. m.

J. Bertram King, chairman of the Planning and Zoning Commission, speaking on behalf of the Commission said they were reaffirming their position that no changes should be made in the proposed ordinance.

Ms. Ann Bach, with Region B, spoke in favor of the proposed ordinance.

Mr. Max Coffey, Port-A-Sign Company, stated that he admitted that a sign ordinance was necessary but not one as extensive as the proposed ordinance.

Mr. Emrick, Planning Director, noted that at the last meeting Council had instructed that the following amendments be considered at this meeting.

Page 13. Sign (Definition)

Further consideration was given to deleting the words "color and design" from the definition of sign.

Councilman Horton moved to delete from paragraph 3, page 13, the words "color and design" from the definition of a sign. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Page 14. Section 50-3-2 (Under Words and Terms) Portable and Mobile Signs. City Council had requested the Planning Staff to study the clause "leased or rented" and to give their recommendation.

Mr. Emrick suggested deleting the words "leased or rented" and insert in lieu thereof the words "all primary use or advertising signs not permanently affixed to real property."

Councilman Morris moved for the approval of this amendment. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

3) The Office-Institutional District will permit the proposed uses. It is felt that the Commercial Highway District would permit some uses that would not be compatible with the surrounding residential property; and

4) All zoning amendments should be based on community-wide considerations rather than the special interests of a few property owners. As this facility would serve the entire Asheville community, it is the staff's opinion that the zoning change is justified in this request.

He said, the only staff concern relating to the rezoning is that of access to the property. Vance Gap Road is narrow in places with deep curves at certain points which could create traffic problems. However, the owner/developer indicates that the possibility exists of offering shuttle bus service from specific points within the City to the property. The staff encourages the property owner to pursue this idea as it could lessen congestion and provide safer access to and from the site.

Mr. Wayne Kinser, developer, said the rezoning was being requested in order to convert the Carriage House existing on the property to a Dinner-Theater and also to utilize the main house for the location of several specialty shops, such as: an Art Gallery, Pottery Shop, Boutique Shop, Leather Craft Shop, etc. He said the Planning Staff had assured him that the Office Institutional rezoning would be the most restrictive zoning and would allow all the proposed uses in the development.

Bill Edens, Water and Sewer Director, pointed out that there wouldn't be adequate water supply for fire protection to the site after the open cut is made through Beaucatcher Mountain, according to the present plans for the water system. He said the pumping station which now serves the area will be moved to the opposite side of the cut and there will be no storage tank close to the development. He said the area would only be served by a pumping station and would be dependent on the pump being operational at all times.

Mayor Wood closed the public hearing at 4:07 o'clock p. m. and instructed the City Manager to read the prepared ordinance rezoning the property as requested.

Councilman Morris moved for the adoption of the ordinance. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 858 passed on its first reading.

REQUEST OF WIN-TEX KNITTING MILLS FOR 1,000,000 GALLON/DAY WATER SERVICE

6. The City Manager read a letter from Win-Tex Knitting Mills outlining a plan for expansion and a request for water services in the amount of 1,000,000 gallons of water per day.

Bill Edens, Water and Sewer Director, advised that he was concerned about the draft on the water supply that this request would have rather than on the sizeable load on the transmission lines. He said his primary concern was that if this request was granted the City would be forced into a new water plant two years sooner than anticipated. He also said, in his opinion, that in view of the many obligations to improve the service to our present customers he felt it would be a disservice to them to grant this request.

BIDS - DIESEL MOTOR GRADER -11,000 lb. CLASS FOR STREET DEPARTMENT

9. Consideration was given to bids received September 8, 1975 for Diesel Motor Grader 11,000 lb. Class for Street Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by E. F. Craven Company in the amount of $18,462.00.

Councilman Colton moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, E. F. Craven Company in the amount of $18,462.00. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Bid Summary

Bidder	Bid
North Carolina Equipment Company	No Bid
Western Carolina Tractor Company	$18,500.00
E. F. Craven Company	18,462.00

BIDS - TRACTOR DIESEL FOR STREET DEPARTMENT

10. Consideration was given to bids received September 8, 1975 for Tractor Diesel for Street Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the only responsive bid received, submitted by North Carolina Equipment Company in the amount of $11,900.00. It was noted that the noncomplying bids are:

1. Western Carolina Tractor Company — Total Bid: $10,300.00
   Asheville, N. C.

   Bidder took exception to specifications for 201 Cubic Inch Engine and quoted in lieu thereof 179 Cubic Inch Engine.

2. Bruce Construction Machinery and Equipment Company — (Bid not accepted)

   Bidder failed to include bid deposit with bid package. The bid, therefore, was disqualified and returned to bidder unread.

Councilman Colton moved to accept the recommendation of the Purchasing Agent and award the bid to the only responsive bidder, North Carolina Equipment Company in the amount of $11,900.00. This motion was seconded by Councilman Morris and carried unanimously.

BIDS - BRUSH CHIPPER FOR STREET DEPARTMENT

11. Consideration was given to bids received September 24, 1975 for brush chipper for Street Department.

The City Manager read a memorandum from the Purchasing Agent which stated the Bid Request specified 1,100 pounds minimum weight of machine and the machine quoted by low bidder, Porter Brothers, Inc. weighed 1,000 pounds. Therefore, it was recommended that the second low bid submitted by Farm Equipment Company in the amount of $2,690.00 be accepted.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bid to the second low bidder, Farm Equipment Company in the amount of

$

Section 50-2-3. Page 6. Exemptions - Subparagraph I

Mr. Emrick recommended that a new sub-paragraph I be inserted to read as follows:

I. "Signs displayed as a trademark that are affixed to vending machines, dispensing machines and gasoline pumps."

Councilman Morris moved for the approval of this amendment. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Mr. Emrick then continued his review of the draft of the ordinance page by page.

He explained each Section through Page 23. The following action was taken:

Councilman Morris was excused from the meeting at 5:20 o'clock p. m.

Section 50-4-1 , Permits and Section 50-4-7, Permit Fees. - City Council requested the Planning Staff to look into inserting language into these Sections that would stipulate that a permit for a portable sign is only required one time. However, an inspection would be required each time it is moved.

Section 50-4-6, (F) - Page 23. Plans, Specifications, and Other Data Required.

Amend Subsection F to read:

"Statement of Valuation and the person, firm or corporation to whom the sign is to be listed for ad valorem tax purposes."

Councilman Colton moved for the adoption of this amendment. This motion was seconded by Councilman Horton and carried unanimously.

Councilman Morris returned to the meeting at 5:45 o'clock p. m.

Council continued the public hearing until October 23, 1975.

BIDS - PORTABLE AIR COMPRESSOR FOR STREET DEPARTMENT

8. Consideration was given to bids received September 8, 1975 for portable air compressor for the Street Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the low bid submitted by Mitchell Distributing Company in the amount of $4,706.90.

Councilman Ochsenreiter moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Mitchell Distributing Company in the amount of $4,706.90. This motion was seconded by Councilman Morris and carried unanimously.

Bid Summary

Bidder	Bid
Asheville Construction Equipment, Inc.	$7,009.00 (Diesel Eng.)
Mitchell Distributing Company	4,706.90 (Gas Eng.)
North Carolina Equipment Company	4,875.00 (Gas Eng.)
	6,125.00 (Diesel Eng.)
Western Carolina Tractor Company	5,105.00 (Gas Eng.)

Harold Bass	4	(949)	953
Marvin D. Chambers	1	(1037)	1038
Lacy T. Haith	2	(966)	968
Carl E. Johnson	3	(694)	697
Russell E. (Farmer Russ) Offhaus	2	(1915)	1917

As a result of the Board over ruling a challenged ballot, the vote count for Matthew Bacoate, Jr. was increased by 1 to 1338.

State of North Carolina, Buncombe County, Primary Election, City of Asheville, September 23, 1975

The County Board of Elections for said county, having opened, canvassed and judicially determined the original returns of the Primary Election, City of Asheville in the several precincts in this city, held as above stated, we do certify that the above is a true abstract hereof, and contains the number of legal votes cast in each precinct, according to the returns made to said Board, for the Primary Election.

This 6 day of October 1975

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, this 6 day of October 1975.

Sonya E. Swedwick

My Commission Expires June 12, 1980

LETTER FROM DON FOX - ASHEVILLE BUILDING AND CONSTRUCTION TRADES COUNCIL

The City Manager presented a letter from Mr. Don Fox of the Asheville Building and Construction Trades Council.

Mayor Wood instructed that the letter be made a part of the minutes.

Asheville

BUILDING AND CONSTRUCTION TRADES COUNCIL

AFL-CIO

11 South French Broad Avenue

ASHEVILLE, NORTH CAROLINA 28801

Area Code 704 :: *Telephones:* 253-4610 - 253-3091

October 9, 1975

The Honorable Richard A. Wood, Jr.
Mayor, City of Asheville
Municipal Building
Asheville, N. C.

Dear Mr. Mayor:

$2,690.00. This motion was seconded by Councilman Horton and carried unanimously.

Bid Summary

Bidder	Bid
E. J. Smith & Sons	$ 2,713.50
Porter Brothers, Inc.	2,425.00
Farm Equipment Company	2,690.00

RESOLUTION NO. 75-126 - RESOLUTION AUTHORIZING CONDEMNATION OF CERTAIN PARCELS OF LAND FOR THE DEVELOPMENT OF RIVERSIDE PARK

12. Consideration was given to a resolution authorizing condemnation of certain parcels of land for the development of Riverside Park.

The City Manager read the resolution.

Ken Michalove, Assistant City Manager, explained that Council had previously authorized the acquisition of the real property in the Montford area for the development of Riverside Park. However HUD regulations require authorization of condemnation of each specific parcel to be condemned.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Horton, Resolution No. 75-126 was unanimously adopted.

Complete text of Resolution No. 75-126 will be found in Resolution Book No. 8 at page 197.

AMENDED ABSTRACT OF VOTES CAST AT PRIMARY ELECTION FOR CITY COUNCILMAN- CITY OF ASHEVILLE, SEPTEMBER 23, 1975

The City Manager presented amended abstract of votes cast at the primary election for City Councilmen for the City of Asheville, on September 23, 1975, which was received from the Buncombe County Board of Elections.

Mayor Wood instructed that the abstract be made a part of the minutes:

BUNCOMBE COUNTY BOARD OF ELECTIONS

Phone 255-5495
3rd Floor
Courthouse

P. O. Box 7632
Asheville, N. C.
28807

AMENDED ABSTRACT OF VOTES CAST AT PRIMARY ELECTION FOR CITY COUNCILMEN,

CITY OF ASHEVILLE, SEPTEMBER 23, 1975

As a result of incorrect reporting of election returns from precinct 10, the following votes should be added to the previous totals certified for the candidates indicated:

I do feel, however, that the problems posed to those agencies slated to be tenants in the new facility (Asheville Symphony, Art Museum, Mineral Museum, and Community Concert Series) by dilatory performance on the Civic Center construction are such that they have an obvious vested interest and right to participate in any such forum.

To assure full and positive response to all questions already posed, or which may be raised, it would be useful if Council would assert its authority to require attendance by all parties having responsibility in this area. Those would include:

(1) Contractor (Manger Construction)
(2) Architect (John Cort)
(3) Municipal Counsel (Bill Moore)
(4) Municipal Finance Director (Larry Fisher)
(5) Civic Center Manager (Jim Evans)

Since they are servants of the City Council, there would appear to be no problem in affording access to the latter three.

Presumably, inasmuch as his firm has already collected a fee of several hundred thousand dollars for its performance as the City's agent in drafting plans and specifications and monitoring the Contractor's performance in executing those plans and specifications, the Architect can be required to make himself available and amenable to the purpose at hand.

Against this background, it would also appear in the best interest of the Contractor to participate as well, affording him a forum for explanation and defense of his point of view regarding the problems encountered. Failure to cooperate might be interpreted as further evidence of negative attitude and performance on his part.

With the job almost a year behind schedule, with the substandard quality of the construction attested by an inferior punch list stretching to 96 pages and more than 1,600 items, and with no firm (or even tentative) date yet set for completion of the Civic Center, the suggested "Task Force" or committee - broadly based and representive of legitimate community interests - would appear to offer a legitimate and responsible mode to address the widespread concern over the Civic Center issue.

I commend this proposal for your consideration, and would appreciate an early positive response.

Sincerely,

William D. Fox

William D. Fox, President

cc: Ernest Ward, City Manager
John Cort
Bill Moore
Art Museum
Mineral Museum
Asheville Symphony
Community Concert Series
Chamber of Commerce
League of Women Voters
News Media

With local political issues within Democratic ranks to be decided in next Tuesday's second primary for City Council, I hope this request will be regarded as totally divorced from any "political" overtones, and treated as what it is: an honest and well-intentioned effort to gain access to information which is the right of every citizen and taxpayer, and in the process adduce some sign of positive progress towards completion (with some assurance of reasonable quality) of Asheville's controversial Civic Center.

I have already communicated to City Council my dissatisfaction with both the tone and the substance of the response tendered to my initial questions, which were formally submitted to Council in public session. The City's Counsel, Bill Moore, indicated that the response submitted over his signature the following week reflected the response submitted by Architect John Cort, and he lacked both direction and authority to require a more responsive reply from Cort.

I do not feel that Cort's response constituted a positive and specific response to the questions raised. For your convenience, I am attaching a clipping from a local newspaper (the Advocate/Native Stone) which printed those questions followed by the responses tendered. In all fairness, would you consider those replies to be adequate and responsive to the questions tendered?

Your Counsel would have me believe that only the Architect and the Contractor can provide more positive answers to my questions.

I frankly do not understand his rationale. Certainly, such questions as the total expended to date on the construction, the fees paid to date to the Architect, and similar matters should be available from the financial records of the City, and as such are clearly matters of "public record" within the meaning of the statute pertaining to "Freedom of Information".

For that reason, I respectfully request that you direct Municipal Staff to again survey the original questions submitted, and prepare more specific and responsive answers where they have access to the information requested.

For those questions where only the Architect and/or the Contractor can provide answers, I respectfully request positive action by the City Council to produce those answers. I believe production of those answers to be clearly in the public interest, and am convinced that this action will reduce public misunderstanding and resentment.

The performance of Council to date in handling my request, and the apparent reluctance of both Architect John Cort and the Contractor to respond affirmatively and substantively to my request, lead me to believe there is strong resistance to a full airing of the issue in such a forum as a formal Council Session.

If that is the case, I have a suggestion which I believe to be reasonable, and which I believe offers an opportunity to resolve the apparent impasse.

I suggest a private, as opposed to a public forum. To avoid any implication of bowing to demands from labor, I would suggest inclusion of representatives from such "neutral" bodies as the Chamber of Commerce and the League of Women Voters in addition to myself as representative of the nineteen Building and Construction crafts.

The group thus assembled should also include at least one member of City Council, and at least one ranking member of the Municipal Administration. Any decision regarding participation of News Media representatives I leave to your judgement, but I feel discussion might be freer and more open if the interrogation of the Architect and Contractor were kept private. News Media could then draft their coverage from the concensus of those participating.

Mayor Wood scheduled the matter of the Concerned Citizens group for the meeting of October 16, 1975.

Mr. James Smith, President of the Concerned Citizens Committee read the following statement:

TO: The Asheville City Council

FROM: Concerned Citizens

DATE: October 9, 1975

We, the concerned citizens of Asheville North Carolina, County of Buncombe, had a meeting on October 5, 1975, in order to come up with some demands to present to the City Council on police brutality.

We believe that the City Council members, as well as the Police Department, choose either to believe that this problem does not exist or, like many of the citizens of this community, choose to ignore the problem by saying, "In time it will work itself out."

We, as concerned citizens know that police brutality in this community is among many of its problems, but our main concern at this time is police brutality and, as concerned citizens we want to see something done about this problem immediately.

We feel that rules and regulations should be set up so at such times when a police officer has been accused of brutality, he should go before a board consisting of two (2) police officers, one (1) physician and three (3) citizens from the low and moderate income community, to determine the officer's innocence or guilt.

When a policeman at such said time has been found guilty of brutality or using unnecessary force to subdue a suspect, he should be released from the Police Department immediately.

In order to achieve better community relations, we want an increase of Blacks in the Police Department according to the population of this community.

Another vital and most important demand is immediate psychological screening of all police officers, including officials of the staff. This would rule them incompetent of handling their positions. Anyone not meeting the standards should be released immediately from the Police Department.

These are just a few of the things that can be done in order to stop police brutality in this community. Maybe this body has some suggestions of its own. At any rate, we request that we be on the agenda for the next City Council meeting.

Thank you.

James Smith, President
Concerned Citizens

GROUP DEVELOPMENT - HAW CREEK ELEMENTARY SCHOOL

The City Manager presented a letter from the Planning and Zoning Commission recommending approval of the proposed site plan of the Haw Creek Elementary School to be located at Trinity Chapel Road, Miller Road, and New Haw Creek Road, prepared by Jackson, Padgett and Freeman, Architects, for the Buncombe County School Board, subject to the following:

1) That the developer comply with Ordinance #813, City of Asheville Erosion Control Ordinance;

2) That the developer submit a satisfactory Environmental Impact Statement before final approval is granted; and

3) That adequate water and sewer lines, as recommended by the Water and Sewer Department, be installed prior to the opening of the school.

Councilman Morris moved to schedule a public hearing on the matter for October 30, 1975. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Mayor Wood instructed that Mr. Edens, Water and Sewer Director, be prepared to discuss the extent of water and sewer improvements needed in the area and the financing of same at the public hearing.

REZONING REQUEST - J. LOYD KIRK - HENDERSONVILLE ROAD

The City Manager presented a letter from the Planning and Zoning Commission recommending approval of the rezoning request of Mr. J. Loyd Kirk to rezone Ward 7, Sheet 52, Lot 80, located on Hendersonville Road, from R-2 Residential District to CH Commercial Highway District.

Councilman Colton moved to schedule a public hearing on the matter for October 30, 1975. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

CONCERNED CITIZENS GROUP - POLICE BRUTALITY

Rose Hawkins, Secretary of the Concerned Citizens group made the following statement:

"We the Concerned Citizens of Asheville, North Carolina and County of Buncombe would like to know as to what moves have been made toward our complaint of police brutality?"

The City Manager commented that the Police Department is now in the process of working on a review statement, a review board and a manual for the Police Department and changes within its structure.

Mrs. Hawkins continued "The Concerned Citizens committee would like to meet with Mayor Wood, Council, Civil Service Board and Chief Hall to discuss some suggestions in an effort toward the issue of police brutality. The march on Saturday, October 4, 1975 was carried on to make it visible and knowlegeable to all citizens that police brutality is a "must" issue."

Thursday - October 16, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Acting Mayor Henry B. Colton, Presiding; Councilmen Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Eugene C. Ochsenreiter, Jr. Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/ City Clerk William F. Wolcott, Jr.

Absent: Mayor Richard A. Wood, Jr., Vice-Mayor Calvin W. Marshall

1. Approval of minutes of October 9, 1975 meeting.

Councilman Horton noted that on page 11, in the paragraph relative to J. Bertram King's statement "that the units were designed for the physically handicapped" an amendment should be made to read as follows: "that some units were designed for the physically handicapped." The City Clerk noted that this amendment would be inserted into the minutes.

Councilman Horton moved for the approval of the minutes of the October 9, 1975 meeting, as amended. This motion was seconded by Councilman Hoyle and carried unanimously.

ORDINANCE NO. 857 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Haywood Road and Riverview Drive)

2. Consideration was given to the second reading of Ordinance No. 857, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED. to rezone property on Haywood Road and Riverview Drive from R-3 Residential District to HI Heavy Industrial District.

Acting Mayor Colton advised that members of Council had previously been furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 857 passed on its second reading.

ORDINANCE NO. 858 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Vance Gap Road

3. Consideration was given to the second reading of Ordinance No. 858, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED to rezone property on Vance Gap Road from R-3 Residential District to Office Institutional District.

Acting Mayor Colton advised that members of Council had previously been furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 3-1, Ordinance No. 858 passed on its second reading, with Councilman Hoyle voting "no".

Mr. Smith continued saying "We know that many of these demands are duplicates of the recommendations presented to Council by the Asheville-Buncombe County Community Relations Council which have not been implemented as of this date. Our primary concern is to get our demands before Council and once they are brought before Council for Council to take immediate and deliberate action on getting our demands set up as part of the standard regulations for the Asheville policemen to be governed by. We believe these suggestions will make for better quality policemen and a safer community."

Mayor Wood suggested that Mr. Smith arrange for a meeting with Mr. Michalove, Assistant City Manager and Mr. Mike Smith, Personnel Director, to obtain information relative to the Civil Service Laws in relationship to the specific recommendations proposed. He said he felt this information would be helpful in determining, under State law, what steps and procedures could be taken in implementing such recommendations.

Adjournment.

MAYOR

CITY CLERK

2) The definition of a policeman to me is--- This is simply to more or less reflect a personal attitude of the individual. After being accepted a person should be sent to a police academy and if there is no police academy in North Carolina then we felt that a strict training program could be set up and the program consisting of psychological screening test; also knowing police rules and regulations; knowing the traffic rules of the City; a certain amount of law; knowing his weapon and when to use his weapon; required practice on the practice range until he becomes quite accurate with his weapon; to know a little first aid; and how to subdue a person by using judo or some wrestling maneuvers and enough intelligence to utilize it in any given situation and also use only necessary force in making that arrest. We felt that we needed a promotion for black officers like I forestated in the Planning Division we felt that this could serve as a safety and security of the community and remove the psychological complex of how some people airs the people react towards a policeman arriving at the scene - this psychological complex could be relieved by the policeman letting the community know that "I'm offering myself and I hope to get the same in return by getting to know each other very well". As far as our meeting of the 14th of October we did meet with some of the officials and Mr. Michalove and we discussed applying the Minnesota Multi-Phase Testing Program into the application of being a policeman for approximately a couple of hours or more and at this time we would like to recommend to the Civil Service Board or to the Council, whomever, that the Minnesota Multi-Phase Testing Program be used as a part of the examination of our policemen.

A few of these items were discussed in the meeting of October 14, 1975. However we felt Council should know about what is discussed in the meetings. Another meeting is scheduled for Tuesday, October 21, 1975 at 10:00 a. m.

Acting Mayor Colton suggested that at the meeting to be held on October 21, 1975 that all the items mentioned at this meeting be brought up. He said he appreciated the committee's report and the idea of bringing them out in an open Council meeting allowing Council members to know what is taking place at the small meetings with various individuals.

Councilman Horton agreed with Acting Mayor Colton that in his opinion the open ideas are helpful to Council in making their decisions and it was a good exercise in better communications.

RESOLUTION NO. 75-128 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR ARCHITECT SERVICES WITH MOORE-ROBINSON ASSOCIATES TO PERFORM ARCHITECTURAL SERVICES FOR THE DESIGN OF THE PROPOSED MONTFORD RECREATION AREA

6. Consideration was given to a resolution authorizing the City Manager to enter into a contract for architect services with Moore-Robinson Associates to perform architectural services for the design of the proposed Montford Recreation Center.

The City Manager read the resolution.

Ray Kisiah, Director of Parks and Recreation, advised that the Asheville Parks and Recreation Advisory Board had voted unanimously to recommend the architectural services of Moore-Robinson Associates for the design of the proposed Montford Recreation Center Complex. He said the Board interviewed approximately 12 interested architects before recommending the firm.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, Resolution No. 75-128 was unanimously adopted.

Complete text of Resolution No. 75-128 will be found in Resolution Book No. 8 at page 200.

Councilman Hoyle commented that he felt there should be more publicity on the matter and a deeper study should be made as to the proposed uses.

Councilman Ochsenreiter said he also felt there should be a deeper study made of the proposed uses concerning commercial uses versus semi-commercial uses.

RESOLUTION NO. 75-127 - RESOLUTION APPOINTING MEMBERS TO THE ADULT ADVISORY BOARD OF THE ASHEVILLE BUNCOMBE COUNTY YOUTH COUNCIL

4. Consideration was given to a resolution appointing members to the Adult Advisory Board of the Asheville Buncombe County Youth Council.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 75-127 was unanimously adopted, with an amendment to add "until successors are duly appointed and qualified" to the resolution.

Complete text of Resolution No. 75-127 will be found in Resolution Book No. 8 at page 199.

STATEMENT OF CONCERNED CITIZENS COMMITTEE / POLICE BRUTALITY

Mr. James Harrison, 51 Adams Street, Asheville, North Carolina - "Before I come to the results of the meeting that was held on the 14th day of October, 1975 we have a few other things that we would like to read to the Council today for the record and that is -- we the committee of the Concerned Citizens believe that the City Council members as well as the Police Department choose either to believe that this problem of police brutality does not exist or like many of the citizens of this community choose to ignore the problem by saying -- "in time it will take care of itself". We, at this time, wish to list some demands that we have thought on as a matter of record for the Council to act on. Our demands are: 1) In order to achieve better community relations we would like to see an increase of blacks in the Police Department according to the population ratio of blacks in Asheville. There, also, we felt that there should be a Planning Division Program at the Police Department to more or less better relationships between the police officers and the community. 2) When a policeman at such said time is found guilty of police brutality or using unnecessary force to subdue a suspect, he should be released from the Police Department immediately. 3) The Police Department will have special files for records of officers on assault on an officer and of resisting arrest. These files are to be reviewed or should be reviewed at frequent intervals to more or less give the Chief or whoever a very bright picture of what the policeman really is. 4) The most pertinent demand of all is that of strict or efficient administration of the police officers from their subordinates because no law is any better than the person or persons who are suppose to enforce the law and we feel that every officer will have to respect and obey the laws and hold his subordinates to this creed. We believe that authority of those in power should be used for the benefit of all people and when this power is abused or misused then the power of the people should come into focus because no one is above the law and everyone should be treated equally. We have a few suggested steps as to one becoming a policeman and that is -- we feel that the application should include the two following questions: the first being 1) As to why I want to be an officer?;and

CLAIM - MRS. MILDRED R. TAYLOR - 929 COUNTRY CLUB ROAD - RECOMMENDATION OF CORPORATION COUNSEL

The City Manager presented a letter from Corporation Counsel William C. Moore recommending denial of the claim presented by Mrs. Mildred R. Taylor of 929 Country Club Road.

Councilman Horton moved to accept the recommendation of the Corporation Counsel and deny the claim presented by Mrs. Mildred R. Taylor of 929 Country Club Road. This motion was seconded by Councilman Hoyle and carried unanimously.

Acting Mayor Colton instructed the City Clerk to inform Mrs. Taylor of this action on the claim presented.

CLAIM - JACOB P. DEMETRIS - MAD HATTER SHOPPE - MERRIMON AVENUE

The City Manager presented a claim filed by J. Lawrence Smith for Jacob P. Demetris of the Mad Hatter Shoppe on Merrimon Avenue.

Acting Mayor Colton referred the claim to the Corporation Counsel for investigation and recommendation.

EXTRATERRITORIAL ZONING EXTENSION - BILTMORE FOREST - PUBLIC HEARING SET

The City Manager read a letter from the Planning and Zoning Commission stating that the new agreement authorizing Asheville to exercise extraterritorial zoning within a portion of Biltmore Forest's jurisdiction has been executed and the necessary maps have been prepared. As these preliminary steps have been taken, it is necessary that City Council set a date for the public hearing.

Councilman Morris moved to schedule a public hearing on the matter for November 6, 1975. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

PROCLAMATION - INTERNATIONAL ALPHA DELTA KAPPA WEEK

Acting Mayor Colton proclaimed the week of October 12-18, 1975 as International Alpha Delta Kappa Week in the City of Asheville.

ASHEVILLE BUILDING AND CONSTRUCTION TRADES COUNCIL

Upon inquiry of Councilman Hoyle, Corporation Counsel William C. Moore reported that he had had a conversation with Mr. Don Fox relative to the letter presented to members of Council at last weeks meeting concerning the Civic Center. He said he had informed Mr. Fox that if the Mayor directed him to do so he would set up a meeting as requested in Mr. Fox's letter.

DEDICATION OF MINI-PARK - NORTHLAND SHOPPING CENTER -

Councilman Ochsenreiter called attention to the dedication of the Mini-Park at the Northland Shopping Center on October 12, 1975. He said all the work was done by the Etheridge Woman's Club and he commended Mrs. Thomas Naomi, Jr., President, Mrs. Robert Hoffman, Chairman and Mrs. Olive Hulme, Co-Chairman of the project, for the outstanding work done at the Mini-Park. He suggested, in the form of a motion, to send a letter of appreciation to all the individuals and firms who contributed to the project. This motion was seconded by Councilman Hoyle and carried unanimously.

BUNCOMBE COUNTY COUNCIL ON AGING -

7. The City Manager presented a letter from Philip Clark, President of the Buncombe County Council on Aging, requesting that the 50 per cent reduction in bus fares for senior citizens now in effect by the Asheville Transit Authority be made valid for the full day of bus operations Monday through Saturday.

Acting Mayor Colton referred the letter to the Asheville Transit Authority for study and recommendation.

AMENDED ABSTRACT OF VOTES CAST AT PRIMARY FOR CITY COUNCILMEN - CITY OF ASHEVILLE - SEPTEMBER 23, 1975

8. The City Manager presented a letter from the Buncombe County Board of Elections stating that the previous amended abstract of votes cast at the primary for City Councilmen for the City of Asheville on September 23, 1975 and dated October 6, 1975 be disregarded and insert the following amended abstract:

AMENDED ABSTRACT OF VOTES CAST AS PRIMARY ELECTION FOR CITY COUNCILMEN, CITY OF ASHEVILLE, SEPTEMBER 23, 1975

As a result of the Board over ruling a challenged ballot, the vote count for Matthew Bacoate, Jr. was increased by one (1) to 1338.

State of North Carolina, Buncombe County, Primary Election, City of Asheville, September 23, 1975.

The County Board of Elections for said county, having opened, canvassed and judicially determined the orginal returns of the Primary Election, City of Asheville in the several precincts in this city, held as above stated, we do certify that the above is a true amended abstract hereof, and contains the number of legal votes cast in each precinct, according to the returns made to said Board, for the Primary Election.

This 9 day of Oct 1975

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, this 9 day of Oct 1975.

Sonya E Fredrick

My Commission Expires June 12, 1980

Thursday, October 23, 1975 – 3:00 o'clock p.m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Eugene C. Ochsenreiter, Jr., Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Mrs. Carol Hensley, Acting City Clerk.

Absent: Councilman Henry C. Colton and Assistant City Manager/City Clerk, William F. Wolcott, Jr.

1. Approval of minutes of October 16, 1975 meeting.

Councilman Morris moved for the approval of the minutes of the October 16, 1975 meeting. This motion was seconded by Councilman Hoyle and carried unanimously.

ORDINANCE NO. 857 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Haywood Road and Riverview Drive)

2. Consideration was given to the third reading of Ordinance No. 857, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED", to rezone property on Haywood Road and Riverview Drive from R-3 Residential District to HI Heavy Industrial District.

Mayor Wood advised that members of Council had previously been furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 857 passed on its third and final reading.

Complete text of Ordinance No. 857 can be found in Ordinance Book No. 6 at page 312.

ORDINANCE NO. 858 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Vance Gap Road

3. Consideration was given to the third reading of Ordinance No. 858, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED, to rezone property on Vance Gap Road from R-3 Residential District to Office Institutional District.

Mayor Wood advised that members of Council had previously been furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Mr. Robert W. Anthony, 34 Crestwood Lane, representing the Grove Park Sunset Citizens Committee read the following letter in opposition to the rezoning:

ASHEVILLE HIGH BAND - CONCERT ON THE GREEN

Councilman Horton called attention to the Concert on the Green held on October 12, 1975 by the Asheville High Band. He said the crowd was most appreciative and the show was very delightful. He said the Asheville Area Chamber of Commerce had indicated that more of this type activity would take place next year.

PARK - SOUTHSIDE, McDOWELL AND ASHLAND AVENUE

Acting Mayor Colton called attention to the outstanding work done to the Park at Southside, McDowell and Ashland Avenue.

SENIOR CITIZENS ANNUAL CONVENTION

Ray Kisiah, Director of Parks and Recreation, noted that the Asheville Parks and Recreation Department was hosting the State Senior Citizens Annual Convention to be held at the Hilton Inn on October 29, 30, and 31. He extended an invitation to all members of Council to attend this event.

PRITCHARD PARK PROGRESS REPORT

Upon inquiry of Councilman Horton, Mr. Kisiah, Parks and Recreation Director, advised that work on the Pritchard Park Program had stopped at the present time to coordinate activities of other departments. He said the Carolina Power and Light Company was now working in the area with the underground wiring and it would be a short time before work could continue on the project.

Adjournment.

Richard D. Wood, Jr.
MAYOR

Frances D. Moseley
CITY CLERK

proposed for the Zealandia property. New roads would cost additional tax dollars which would constitute an unfair burden on the citizens of our community.

We wish the Council to understand that our association strongly supports the concept of a dinner theater and its supporting activities. However, the Zealandia property is not in our opinion the appropriate location for such an activity either on a commercial or environmental basis and the Gove Park Sunset Citizens Association strongly urges rejection of the request to rezone the Zealandia property.

Very truly yours,

GROVE PARK SUNSET CITIZENS ASSOCIATION

Mrs. Dwight Avis, President

J. K. MacKendree Day, Vice President

Councilman Morris pointed out that with the present R-3 zoning a developer could construct 240 units on the property proposed to be rezoned, which would be more undesirable than the proposed uses.

Mrs. John Davis, 33 Sunset Summit, spoke in opposition to the rezoning.

Mrs. Dwight Avis also spoke in opposition to the rezoning.

Verl Emrick, Planning Director, pointed out that property would be adequately isolated from residential areas. He said the Planning and Zoning Commission recommended that the property be rezoned to Office Institutional District rather than Commercial Highway to avoid undesirable uses permitted by the Commercial Highway District.

Mrs. Marylyn Gordon, 34 West Haven Drive, representing the Beaucatcher Mountain Defense Association, Inc., spoke in opposition to the rezoning and requested that members of Council make an on-site inspection of the property before making a final decision.

Councilman Ochsenreiter moved to postpone the third reading of Ordinance No. 858 for two weeks, November 6, 1975, allowing members of Council time to make an on-site inspection of the property. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

October 21, 1975

Asheville City Council
City of Asheville
Asheville, North Carolina

Attention: Mayor Richard A. Wood

Dear Sirs:

The Grove Park Sunset Citizens Association wishes to register its support against the petition for rezoning submitted by the Beaucatcher Mountain Defense Association, Incorporated relative to the property commonly known as Zealandia located on Beaucatcher Mountain. Said petition urges rejection of the request to reclassify the subject property from its existing classification.

After a lengthy and often-detailed examination of the issues, etc., the City Council has most recently enacted a new Master Zoning Plan for the City of Asheville. It was intended that said plan would bring uniformity and stability to the development of the various areas of the city. The classifications were drawn on the basis of the predominant character of the various areas. The property currently the subject of the petition to rezone is located within a single family residential district wherein the surrounding property owners have devoted considerable effort and money to the development of the predominant character of their area. The City Council recognized this fact when it so recently zoned the area R-1. Thus, any reclassification of the subject property for commercial development so soon after enactment of the Master Plan would be both unfair to the surrounding property owners and contrary to the philosophy and reason for the enactment of the new Master Plan.

Further, there are certain aspects of the proposed development plans for Zealandia which on analysis we find to be particularly objectionable and not in the best interest of the community as well as adjoining property owners. First there is the issue of parking facilities for approximately 300 cars. A parking lot of that size will cause drainage problems which will contribute to the already substantial erosion problems plaguing the mountains due to uncontrolled development. Second, there is the issue of access roads to the property. The existing roads serving the property for both sides of the mountain are not adequate to handle the amount of traffic that should or would accompany an entertainment complex such as that

RESOLUTION NO. 75-131

RESOLUTION AUTHORIZING THE ASHEVILLE POLICE DEPARTMENT TO DESTROY CERTAIN RECORDS AND TO ADOPT A SCHEDULE FOR THE RETENTION AND DISPOSAL OF RECORDS.

WHEREAS, the General Assembly of the State of North Carolina has enacted in Chapters 121 and 132 of the General Statutes of North Carolina laws dealing with public records; and

WHEREAS, the North Carolina Department of Cultural Resources, Division of Archives and History, has published, as by law authorized, a list of municipal records - including police department records - and a schedule of retention periods for these records, such list and schedule being contained in The Municipal Records Manual (1971) and a photostatic copy of said list and schedule being attached hereto as Exhibit "A"; and

WHEREAS, the Division of Archives and History has approved the request of the Asheville Police Department to destroy certain records, as specified in Exhibit "B" attached hereto (approval of the Division is attached as Exhibit "C"); and

WHEREAS, the Council of the City of Asheville, pursuant to Section 121-5(b) of the General Statutes of North Carolina, is empowered to permit the Asheville Police Department to proceed in accordance with the approval from the Division of Archives and History.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Asheville:

1. That the Asheville Police Department proceed to destroy, in compliance with law and through the official records custodian, that is, the head of the Records Division of the Asheville Police Department, those records enumerated in the attached Exhibit "B".

2. That the Asheville Police Department be allowed to adopt the schedule of record retention periods as set out in The Municipal Records Manual (1971) and in the attached Exhibit "A".

3. That this resolution and attached exhibits be placed in the minutes of the Council of the City of Asheville, together with a notation of the date on which destruction of the named records is accomplished.

4. That future disposals of records be noted in the minutes of the Council of the City of Asheville, together with a description of the records disposed of, inclusive dates covered, and the date on which disposal was completed.

5. That this resolution shall take effect immediately upon its adoption.

I move the adoption of the foregoing resolution.

Ralph W. Edwards Jr.
Councilman

Seconded by:

Cathie H.W. Marshall
Councilman

Read, approved and adopted, this the 23rd day of October, 1975.

Richard A. Wood Jr.
Mayor

Marian D. Holcombe
City Clerk

Approved as to form:

William C. Moore
Corporation Counsel

RESOLUTION NO. 75-129 - RESOLUTION SUPPORTING AMENDMENTS ADVOCATED BY THE NATIONAL ASSOCIATION OF COUNTIES TO THE CRIME CONTROL ACT OF 1976 (Senate Bill 2212)

3. Consideration was given to a resolution supporting amendments advocated by the National Association of Counties to the Crime Control Act of 1976.

The City Manager read the resolution.

Ken Michalove, Assistant City Manager, said the City of Asheville had benefited from the LEAA funds in the past years and in his opinion the recommendations being made to the Senate Committee would benefit the City of Asheville by permitting a greater latitude of programs that might become available. He said these recommendations needed support from the Council, by way of the proposed resolution.

Upon motion of Councilman Morris, seconded by Councilman Horton, Resolution No. 75-129 was unanimously adopted.

Complete text of Resolution No. 75-129 will be found in Resolution Book No. 8 at page 201.

RESOLUTION NO. 75-130 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH 22 CLUB STREET, 40 CURVE STREET, 29 GRAY STREET, 23 TRADE STREET, 71 WHITE FAWN DRIVE, AND 77 WHITE FAWN DRIVE

4. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish 22 Club Street, 40 Curve Street, 29 Gray Street, 23 Trade Street, 71 White Fawn Drive, and 77 White Fawn Drive.

The City Manager read the resolution.

Councilman Morris moved for the adoption of the resolution scheduling the public hearing date for November 13, 1975. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Upon inquiry of Mayor Wood, J. E. Johnson, Building Inspector, advised that the owners of 37 White Fawn Drive were planning to repair the dwelling and bring it up to minimum housing code standards.

Complete text of Resolution No. 75-130 will be found in Resolution Book No. 8 at page 202.

RESOLUTION NO. 75-131 - RESOLUTION AUTHORIZING THE ASHEVILLE POLICE DEPARTMENT TO DESTROY CERTAIN RECORDS AND TO ADOPT A SCHEDULE FOR THE RETENTION AND DISPOSAL OF RECORDS

5. Consideration was given to a resolution authorizing the Asheville Police Department to destroy certain records and to adopt a schedule for the retention and disposal of records.

The City Manager read the resolution and included the resolution and exhibits in the minutes, as instructed by the resolution.

The resolution and exhibits are as follows:

Exhibit "B"

RECORDS TO BE DISPOSED OF

Pursuant to Chapter 9, Section B (and its several subsections) of The Municipal Records Manual (1971 edition), the Asheville Police Department seeks to dispose of the following records:

Category	Type	Quantity
Arrest records	(Included with criminal histories and records)	--------
Complaint files	(Included with criminal histories and records)	--------
Criminal history or case records	All criminal history records prior to 1946--some dating to 1920's and earlier	891 cubic ft.
Criminal history or case records	Felonies prior to 1955 (1946 - 1954)	5,365
Criminal history or case records	Misdemeanors prior to 1970 (1946 - 1969)	216,150

Additionally, the volume of accident reports (public--not the ones mentioned in Chapter 9, section B.1.) is currently 3,000 - 4,000 per year. The Department wishes to destroy reports prior to 1970, unless it has actual knowledge of a legal action growing out of an accident.

Finally, the Department hopes to dispose of the parking meter collection records and the traffic citation and parking ticket records referred to in subsections 17.b., 24., 25., and 26., respectively, of the ages listed in those subsections.

Exhibit "A" B. POLICE DEPARTMENT RECORDS

1.	Accident files (personnel and municipally owned property)	Until case settled and 5 years thereafter
2.	Ambulance call records	1 year
3.	Annual, quarterly, and monthly reports to governing body	As long as of administrative value
4.	Animal control records	1 year
5.	Arrest records	5 years
6.	Automobiles and property in storage, sales reports, and records	2 years after sale or other disposition
7.	Bicycle registration	2 years
8.	Breathalyzer records	5 years
9.	Budget, material for annual	5 years
10.	Complaint files	5 years

Item	Title or Description	Retain as indicated
11.	Correspondence	Comply with article 9, chapter 1
12.	Criminal history or case records	
	a. Felonies	20 years
	b. Misdemeanors	5 years
	c. Investigations, noncriminal (missing persons)	5 years
13.	Daily bulletins	1 year
14.	Drivers' license revocations, records of	1 year
15.	Equipment and materials, records of	5 years
16.	Master card index to case records	Weed out as necessary to keep file current
17.	Parking meter records	
	a. Coins, locations, and number installed	Weed out as necessary to keep records current
	b. Collection records	Until audited
	c. Maintenance records	2 years
18.	Personal identification records, fingerprints, and photographs	As long as of administrative value
19.	Personnel records	During period of employment and 5 years thereafter
20.	Radio and telephone logs (if not included in item 19)	2 years
21.	Requisitions	5 years
22.	Stolen motor vehicle record	Until vehicle recovered or case disposed of
23.	Taxicab inspection and licensing	2 years
24.	Traffic citations (department copies)	1 year after audit
25.	Traffic citation and parking ticket sign-out sheets, record of	1 year after audit
26.	Traffic citation and parking ticket record of dates turned in by police officer	1 year after audit
27.	Vehicle mileage and cost data for police vehicles	2 years
28.	Wanted persons (if not included in item 12), lists or other records of	5 years
29.	Warrant register	5 years
30.	Wrecker records	1 year

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Exhibit "C"

STATE OF NORTH CAROLINA
Department of Cultural Resources
Raleigh 27611

James E. Holshouser, Jr.
Governor

Grace J. Rohrer
Secretary

June 24, 1975

Division of Archives and History
Robert E. Stipe, Director

Mr. Drew Walker
Local Advisor
P. O. Box 1748
Asheville, North Carolina 28807

Dear Mr. Walker:

As applicable, reference is made to sections 121-5b), 132-3, and 132-8 of the General Statutes of North Carolina, to chapter 9, section b, of The Municipal Records Manual, 1971, and to your letter of June 17, 1975. Reference is specifically made to the list of records which have been certified to have no further use or value for official business which was attached to your letter.

The Department of Cultural Resources hereby certifies that the records listed in the attachment do not appear to have any further research or reference value and may be destroyed insofar as the department is concerned.

Inasmuch as these records no longer appear to be required in any capacity, it is recommended that you request your city council to authorize their destruction.

Prior to the actual destruction of any records, custodians should carefully read items 17 and 18 of the manual.

Sincerely,

Frank D. Gatton

Frank D. Gatton
Head, Local Records Branch

FDG/cr

Certification to Department of Cultural Resources

To: Mr. Frank Gatton, Administrator
Local Records Section
Department of Archives and History

I, Lt. Clarence Welborn, head of the Records Division of the Police Department of the City of Asheville, do hereby certify, pursuant to N. C. G. S. sec. 121-5(b), that the following official records have no further use or value for official business of this Department:

Category	Type	Quantity
Arrest records	(Included with criminal histories and records)	--------
Complaint files	(Included with criminal histories and records)	--------
Criminal history or case records	All criminal history records prior to 1946--some dating to 1920's and earlier	891 cubic ft.
Criminal history or case records	Felonies prior to 1955 (1946 - 1954)	5,365
Criminal history or case records	Misdemeanors prior to 1970 (1946 - 1969)	216,150

Additionally, the volume of accident reports (public--not the ones mentioned in Chapter 9, sec. B.1.) is currently 3,000 - 4,000 per year. The Department wishes to destroy reports prior to 1970, unless it has actual knowledge of a legal action growing out of an accident.

Finally, the Department hopes to dispose of the parking meter collection records and the traffic citation and parking ticket records referred to in subsections 17.b., 24., 25., and 26., respectively, of the ages listed in those subsections.

This 25th day of June, 1975.

Signed: Lt. Clarence Welborn

Lt. Clarence Welborn, Records Division
Police Department of the City of Asheville

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ROBERTS AND COGBURN
ATTORNEYS AT LAW
TWELFTH FLOOR, WESTERN CAROLINA BANK BUILDING
ASHEVILLE, NORTH CAROLINA 28807

LANDON ROBERTS
MAX O. COGBURN

P. O. BOX 7248
(704) 253-4766

October 14, 1975

To the Mayor and Members of the City
Council of the City of Asheville
City Building
Asheville, North Carolina 28801

Re: Thoms Broadcasting Companies, Inc.

Gentlemen:

As you know, this Company made application for authorization to increase the rates which it charges for cable television service to its subscribers who reside in the City of Asheville. In support of its application, this Company submitted evidence showing that the rate of $5.40 which it is presently permitted to charge is second from the lowest in North Carolina and well below the national average for cities comparable in size to Asheville. The merit of this application was further underscored by financial data submitted by the Company showing that the existing rate structure has caused this Company to operate at a loss since inception.

Although other city councils have recognized the financial problems of cable television service and have granted them substantial rate increases, this Company's application was denied by the City Council of the City of Asheville.

The denial of this Company's application for a rate increase followed three public hearings spanning a 12-week period. There was no public opposition voiced at any of these hearings. Since the information and financial data furnished to the City Council made it apparent that the requested rate increase was necessary, the denial of the Company's application for a rate increase was not justified. A research of the proceedings before the Council in these hearings indicates that the Council did not weigh and consider the needs of this Company for the justification for its rate increase, but rather the Council seized upon the three-year provision in Section Eleven of the Franchise to deny the rate increase requested without ever seriously weighing and considering this request upon its merits.

The plain truth is that after six years of operation this Company must stand on its own as an operating entity. It is only fair for the stockholders of this Company to expect the Company to have earnings which provide some return after six years of operation. It is justifiable and necessary that the City Council of the City of Asheville allow the charging of rates to subscribers which will provide a fair return upon the capital invested in the business of this Company.

The rates established by the City Council of the City of Asheville do not provide any return upon its invested capital, will not and do not enable this Company to maintain its financial integrity and render service to its subscribers of the

Mr. Drew Walker, Legal Advisor for the Police Department, said this resolution was necessary to clear storage space in the Police Department and to begin the process for a new record keeping system. He said the North Carolina Department of Cultural Resources have certified that the records listed in the exhibits do not appear to have any further reasearch or reference value.

Councilman Horton said he felt the five (5) year retention period for misdemeanor case records was for too short of a time period.

After discussion, Councilman Morris moved for the adoption of Resolution No. 75-131, amending the retention period of misdemeanor case records from five (5) years to a ten (10) year retention period. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Complete text of Resolution No. 75-130 will be found in Resolution Book No. 8 at page 204.

PURTHER CONSIDERATION OF REQUEST OF WIN-TEX KNITTING MILLS FOR 1,000,000 GALLON/DAY WATER SERVICE

6. Bill Edens, Water and Sewer Director, advised that the present consumption of Win-Tex Knitting Mills was approximately 1,500 gallons per day.

He said in order to grant the request a new 12 inch line on Louisiana Avenue from Patton Avenue to the Square D Plant and a new 10" line on Emma Road from Louisiana Avenue to Bingham Road would be needed.

He also pointed out that the request would reduce the revenue the City could receive from selling the same quantity of water to residential and commercial customers; it would consume approximately 1/3 of the City's present reserves and speed up the time when the City would be forced to go to the French Broad River for water supply by approximately five (5) years.

Councilman Colton joined the meeting at 4:08 o'clock p. m.

Mayor Wood pointed out that if the request was granted it would be at no expense to the City but only a demand on the City's present supply of water.

After considerable discussion, Councilman Hoyle moved for the approval of the request of Win-Tex Knitting Mills. This motion was seconded by Vice-Mayor Marsahll and on a voice vote of 2-4 the motion failed and the request was denied.

REQUEST OF THOMS CABLEVISION FOR RATE ADJUSTMENT

8. Mr. Max Cogburn, Attorney for Thoms Cablevision, read a letter requesting a rate increase.

Mayor Wood instructed that the letter be made a part of the minutes:

Mr. Cogburn cited several court cases he felt were relative to the making of decisions on such matters.

Mr. William W. Orr said he had supervised income tax preparations for Mr. Thoms and Thoms Cablevision for the past thirty (30) years. He said since the beginning of the cablevision franchise, in 1967, the company has taken a loss every year; there had been an IRS audit each year; and the IRS had accepted these losses in each case. He said in his opinion the company could not break even on the current monthly subscribers rate.

Vice-Mayor Marshall was excused from the meeting at 5:00 o'clock p. m.

During the discussion it was the consensus of Council that the franchise could not be altered by waiving the three (3) year limitation on rate increases since the ordinance had been adopted by the voters of the City of Asheville and not Council themselves.

Corporation Counsel William C. Moore stated that in his opinion Council could waive the three (3) year limitation period upon satisfactory proof that the Company was operating at a loss and was not within the national average of such cablevision rates. He said he felt a certified audit was needed for satisfactory proof. He further stated that in his opinion the three (3) year limitation period could not be entirely taken out without altering the franchise. He said if it was Council's desire he would obtain an opinion on the matter from the Attorney General's office.

Councilman Ochsenreiter moved to accept the recommendation of the Corporation Counsel and instruct him to obtain a ruling from the Attorney General's office relating to the waiving of the three (3) year limitation period on reviewing rate adjustments.

RESOLUTION NO. 75-132 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AUTHORIZE THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE TO ADVERTISE FOR AND CONTRACT FOR DEMOLITION OF UNSOUND STRUCTURES

9. Consideration was given to a resolution authorizing the City Manager to authorize the Housing Authority of the City of Asheville to advertise for and contract for demolition of unsound structures.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, Resolution No. 75-132 was unanimously adopted.

Complete text of Resolution No. 75-132 will be found in Resolution Book No. 8 at page 205.

RESOLUTION NO. 75-133 - RESOLUTION AUTHORIZING AND ENDORSING THE FILING OF AN APPLICATION FOR MASS TRANSIT FUNDS

10. Consideration was given to a resolution authorizing and endorsing the filing of an application for Mass Transit funds.

The City Manager read the resolution.

quality it desires to render, allow no capital for expansion and continued investment, to say nothing of the failure to compensate the investors in the Company for the risks which they have assumed in undertaking to provide service to the residents of the City of Asheville under this Franchise.

It is not constitutionally permissible for the City Council of the City of Asheville to require service and expansion under this Franchise without allowing a rate which will permit this service and expansion and which will pay for it and allow a return upon capital invested in the business. This Company now calls upon the City Council of the City of Asheville to reconsider this Company's application for a rate increase. The denial of this application under the circumstances amounts to a confiscation of the property of this Company without due process of law.

This Company requests that the City Council of the City of Asheville do the following:

(1) Amend Section Eleven of the Ordinance granting the Franchise to this Company to allow for the setting of rates to be charged by this Company which will provide a fair and reasonable return upon the invested capital.

(2) Grant the application of this Company for a rate increase at the present time as previously applied for.

This Company has submitted information and has submitted financial data to the City Council of the City of Asheville. If the City Council desires further information for use in its deliberation upon this request for a rate increase, then this Company requests that it be furnished a list of such desired information at once to the end that this Company may furnish any such information immediately.

Since this letter is a request for reconsideration of this Company's earlier application for a rate increase, we request that this letter be read into the minutes of the next meeting of the City Council of the City of Asheville.

Yours very truly,

MAX O. COGBURN, Attorney for
Thoms Broadcasting Companies, Inc.

MOC:deo
CC: Mr. Richard A. Wood, Jr.
Mr. Henry E. Colton
Mr. Bill B. Horton
Mr. J. W. (Red) Hoyle
Mr. Calvin W. Marshall
Mr. Ralph D. Morris, Jr.
Mr. Eugene C. Ochsenreiter, Jr.

ABSTRACT OF VOTES, CAST AT PRIMARY ELECTION FOR CITY COUNCILMEN, CITY OF ASHEVILLE, OCTOBER 14, 1975

Precinct	BILL B. HORTON (Dem.)	JESSE A. JAYNE (Dem.)	CALVIN W. MARSHALL (Dem.)	RALPH D. MORRIS, JR. (Dem.)	RUSSELL E. (Farmer Russ) OFFHAUS (Dem.)	THOMAS C. (TOM) POSEY (Dem.)	GENE RAINEY (Dem.)	LEROY RAY (Dem.)	JO ANN M. SYTSMA (Dem.)
Absentee	17	11	20	26	8	19	19	7	15
1	64	100	87	37	96	29	47	37	72
2	151	184	154	126	193	90	184	82	169
3	137	138	133	148	155	117	140	85	139
4	328	207	302	357	295	314	287	159	231
5	324	188	299	367	229	306	364	158	247
6	292	241	281	333	267	302	303	202	329
7	170	127	172	180	144	219	123	97	158
8	83	73	84	79	90	76	132	57	99
9	70	79	95	79	93	59	82	68	[redacted]
10	34	49	42	23	51	14	32	21	[redacted]
11	61	45	37	55	50	40	51	33	37
12	83	92	110	71	95	62	80	65	85
13	128	118	158	90	115	61	76	95	131
14	95	95	118	72	93	57	96	94	100
15	343	312	318	259	214	194	246	278	336
16	263	184	202	193	171	143	164	217	186
17	131	95	119	187	108	179	160	97	114
Totals	2774	2338	2731	2682	2467	2381	2576	1852	2577

STATE OF NORTH CAROLINA—BUNCOMBE COUNTY—PRIMARY ELECTION, CITY OF ASHEVILLE, OCTOBER 14, 1975

The County Board of Elections for said county, having opened, canvassed and judicially determined the original returns of the Primary Election, City of Asheville in the several precincts in this city, held as above stated, we do certify that the above is a true abstract hereof, and contains the number of legal votes cast in each precinct, according to the returns made to said Board, for the Primary Election.

This 16 Day of October 1975

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, this 16 day of Oct 1975.

Tommy E. Diedrich
(Seal)

My commission expires June 12, 1980.

[redacted]

Charles A. Webb

William D. Baird

Mr. Michalove, Assistant City Manager, explained that the resolution would authorize the City to apply for a grant through the North Carolina Department of Transportation and the Urban Mass Transportation Administration. He said the estimated $255,910.00 in grant funds will be used to subsidize operating expenses of the Asheville Transit Authority bus service for Fiscal Year 1975-76.

Council instructed the Asheville Transit Authority to check into reducing the Senior Citizens fare before the public hearing.

Councilman Colton moved for the adoption of the resolution setting the public hearing date for December 11, 1975. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Complete text of Resolution No. 75-133 will be found in Resolution Book No. 8 at page 206.

CONCURRENCE OF COUNTY COMMISSIONERS RESOLUTION ON LIBRARY BIDS

11. Mayor Wood reported that on October 21, 1975 the County Commissioners passed a resolution authorizing the Chairman of the Buncombe County Commissioners to execute contracts with Juno Construction Corporation, Wells and West Mechanical Contractors, R & W Inc., and Electrical Constructors of America, for the construction of the new central library building. The Chairman was also authorized to execute change orders to the contracts as recommended by the Board of Trustees of the Asheville and Buncombe County Library System.

J. Bertram King, architect for the project, said these contractors were all low bidders and construction time was 730 days with liquidated damages at $200 per day thereafter.

Councilman Morris moved to concur with the County Commissioners resolution with a directive that under no circumstances would the City of Asheville expend more than $618,000 to the project. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

J. Bertram King said interested parties to the construction of the new library facility should attend the pre-construction conference to be held the second week of November. He said all duties and responsibilities would be outlined during this meeting.

ABSTRACT OF VOTES CAST AT PRIMARY ELECTION FOR CITY COUNCILMEN CITY OF ASHEVILLE - OCTOBER 14, 1975

The City Manager reported that he had received the abstract of votes cast at the Primary Election for City Councilmen for the City of Asheville on October 14, 1975.

Mayor Wood instructed that the abstract of votes be included in the minutes.

The abstract is as follows:

ASHEVILLE CIVIC CENTER - COMPLAINT BY CHARLES WILSON

Mr. Charles Wilson, Plastex of Asheville, ask Council to do something about the drug abuse in the Asheville Civic Center during the rock concerts.

POLICE BRUTALITY - CONCERNED CITIZENS GROUP

The Concerned Citizens Committee of Asheville asked what steps had been taken against their complaint of police brutality.

Corporation Counsel William C. Moore commented that several meeting had been held with the Concerned Citizens Committee to go over their complaints and recommendations. He said another meeting was scheduled for November 4, 1975 and it was hoped that some concrete recommendations would be made at that time. He said, so far they have agreed that some additional testing procedures would be recommended for the Civic Service Board; that certain procedures would be instituted in regard to the keeping of files as far as police brutality situations or excess use of force situations are concerned. He said it was his understanding from the last meeting that representatives of the Concerned Citizens group would be going with the police officers to ball games and possibly to some of the churches.

When asked by the Concerned Citizens Committee to put the item back on the agenda for next week, Mayor Wood commented that he would discuss with the Corporation Counsel the results of the continued meetings and that if it appears that anything has come to a point where Council would be in a position to take action on anything then the item would be put on the agenda.

The Concerned Citizens Committee said that they felt that the smaller meetings was doing no good, that the people they are meeting with does not have the power to change anything.

Ms. Rose Hawkins, 269 Hillside Street, asked Council what could be done about Clouesse Reed and gave the following report:

" Yesterday, we went with Clouesse Reed to the doctor and the doctor recommended further testing. While we were there we notices that Clouesse Reed was bound by chains on the ankle, bound by chains around the waist, and also handcuffed. This incident took place on Haywood Street. The Sheriff's deputy took him to the doctor's office. We as the Concerned Citizens would like to know why you are holding Clouesse Reed as a prisoner and he is the victim of police brutality. We the Concerned Citizens would also like to know why Clouesse Reed has not had a speedy trial according to his constitutional rights. We the Concerned Citizes would also like to know why Clouesse Reed's bail is excessive. Clouesse Reed has had cruel punishment, he signed a statment to this effect yesterday. I would like to quote here the Constitution that keeps any State from depriving you of your constitutional rights. We would like to know what can be done now about Clouesse Reed. This is not also affecting Clouesse Reed, it is affecting his family, and the community and we as Concerned Citizens need an answer today."

Mayor Wood advised Ms. Hawkins that the Council does not have any jurisdiction of the Buncombe County Sheriff's Department in the way of his custody by the Sheriff's Department, nor the bail set for Mr. Reed by a magistrate, nor the District Court and Mr. Reed's attorney for the timing of his trail. He also advised Ms. Hawkins that he felt all the concerns expressed by her relative to Mr. Reed was addressed to the wrong people and advised her to talk with Sheriff Morrissey, Mr. Reed's attorney, and Mr. Robert Fisher, Soliciter, about the matter.

Adjournment.

Richard A. Wood, Jr. MAYOR _____ CITY CLERK

PROPOSED SECTION 8 SUBSIDIZED HOUSING FOR THE ASHEVILLE AREA

The Mayor reported that he had received a letter from Mr. R. B. Barnwell, Area Director of the Department of Housing and Urban Development requesting that the City of Asheville examine certain proposals that had been submitted to Housing and Urban Development for federal assistance from Section 8 of the Housing and Urban Development Act of 1975. The HUD letter requested that the City determine whether the proposals were consistent with the local Community Development Capital Housing Assistance Plan.

It was the consensus of Council that the thirty (30) day review period was an insufficient amount of time to review these proposals. They also felt that to only examine the proposals in terms of whether they are inconsistent with the local Housing Assistance Plan should only be one of several criteria for evaluation. For example, the additional criteria of meeting local ordinances and codes, the availability of water, sewers, recreation, transportation and other public services, and the impact of this many units on schools, the surrounding neighborhood and public facilities should rank equally as important in this evaluation.

Councilman Morris moved that the memorandum dated October 17, 1975, from Verl Emrick, Planning Director, to Mayor Wood be sent to HUD as the City of Asheville's initial comments on the proposals; and further that the Asheville City Council have the opportunity to provide additional information on the proposals along the lines of school impact, the availability of water and sewer services, the availability of public transportation and other related matters that have not been covered in the memorandum before HUD makes a decision on which proposal should be funded. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

POLICE DEPARTMENT - SPECIAL TRAINING REPORT

The City Manager presented copies of reports relative to special training for Asheville police officers and the basic guides that they use as well as a tabulation of some of the hours that they have been to some of the schools that are available to them.

Chief Hall commented that since there had been quite a bit of talk about the training of the police officers that Council should have some idea of what is taking place relative to training. He pointed out that the Asheville Police Department is one of seven law enforcment agencies that are accredited to give this law enforcement training. All others that are accredited are either Technical Institutes or Community Colleges or some educational institution. We are the only law enfocement agency in Western North Carolina that is accredited to give this training

CITY EMPLOYEES COMPARABILITY SALARY STUDY

The City Manager reported that the comparability study of city employees salaries which is being prepared by the Personnel Department and my recommendations will be presented to Council at the regular meeting of the City Council next week.

SPECIAL MEETING SCHEDULED - SIGN ORDINANCE

Mayor Wood scheduled a special meeting of the Asheville City Council for Tuesday, October 28, 1975 at 3:00 o'clock p. m. for the sole purpose of continuation of the public hearing on the proposed sign ordinance for the City of Asheville.

Section 50-4-11 - Registration of Existing Signs

Councilman Colton moved to amend Section 50-4-11 to read as follows:

"In order to facilitate the administration and enforcement of the provisions of this code, the Building Inspector shall register all signs existing in the City of Asheville which were erected prior to the adoption of the Ordinance, with no registration fee required."

This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Section 50-4-10 - Sign Contractor's License

Councilman Horton moved to amend Section 50-4-10 to read as follows:

"No person, firm, or corporation shall engage in the business of installing, erecting, moving, or maintaining signs in the City of Asheville unless said person, firm, or corporation has been issued a sign contractor's license, which license is in effect at the time of said work. This license may be obtained from the City Tax Collector pursuant to the provisions of the Revenue Ordinance then in effect, and Section 24-3 of the Code of Ordinances, City of Asheville."

This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Section 50-5-2 (A) - Permits Not Required

Councilman Hoyle moved to delete the last sentence in Section 50-5-10.4 and insert the same sentence as the last in Section 50-5-2 (A). This motion was seconded by Councilman Colton and carried unanimously.

Section 50-5-2 (E) Permits Not Required

Mr. Emrick suggested the following amendments in Section 50-5-2 (E):

E. Non-illuminated window signs, when the total area of such signs does not exceed twenty-five (25%) percent of the total window area in the same vertical plane at the ground floor level on the side of the building or business unit upon which said signs are displayed.

He said this would delete 50-5-2 (E) (2).

Councilman Morris moved for the adoption of this amendment. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Section 50-5-9 - Window Signs

Mr. Emrick suggested the following amendments in Section 50-5-9:

Section 50-5-9 Window Signs

"When permanent or temporary non-illuminated signs are displayed in a window so as to be visible beyond the boundaries of the lot upon which such signs are displayed, the area of all such window signs in excess of twenty-five (25%) percent of the total window area in the same vertical plane at ground floor level on the side of the building or business unit upon which such signs are displayed shall be included in the total allowable sign area for the premises.

Tuesday, October 28, 1975 - 3:00 o'clock p.m

Special Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Eugene C. Ochsenreiter, Jr., City Manager Ernest J. Ward, Jr., Acting City Clerk Mrs. Carol Hensley.

Absent: Corporation Counsel William C. Moore and Assistant City Manager/ City Clerk William F. Wolcott, Jr.

The City Manager read the advertised notice to the public giving notice that a special meeting of the City Council of the City of Asheville had been called and scheduled by Mayor Richard A. Wood, Jr., to be held in the Council Chambers on Tuesday, October 28, 1975 at 3:00 o'clock p. m. for the sole purpose of continuation of the public hearing on the proposed sign ordinance for the City of Asheville.

Mr. Verl Emrick, Planning Director, noted that at the last meeting Council had instructed that the Planning Staff look into inserting language into Section 50-4-7, PERMIT FEES that would stipulate that a permit for a portable sign is only required one time and the following amendment was suggested:

Amend First Paragraph of Section 50-4-7. Permit Fees (Page 23) to read as follows:

A permit fee shall be paid to the Division of Inspections and Demolition for each sign permit issued under this code; provided, however, that a fee shall not be charged for: (1) putting a sign in conformance with this Ordinance when such action is undertaken voluntarily prior to the expiration of the applicable amortization period, (2) for a copy change when no change in business name is involved, or (3) for moving a portable or mobile sign to another location provided that the requirements of all other codes, ordinances, and inspection procedures are complied with prior to locating the sign.

Councilman Morris moved to amend Section 50-4-7 as suggested by the Planning Staff. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Mr. Emrick then continued with his review of the draft of the ordinance page by page.

He explained each Section through Section 50-5-3. The following action was taken:

Section 50-4-8 - Identification and Marking

Councilman Morris moved to amend Section 50-4-8 to read as follows:

"Each sign hereafter erected or remodeled shall bear thereon a clearly legible identification plate to be furnished by the Building Inspector stating the name of the person, firm or corporation responsible for its construction and erection, with installation date and permit number thereon. Electrical signs shall also be marked with input amperes at full load input."

This motion was seconded by Councilman Colton and carried unanimously.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Eugene C. Ochsenreiter, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Mrs. Carol Hensley, Acting City Clerk

Absent: Assistant City Manager/City Clerk William F. Wolcott, Jr.

1. Approval of minutes of October 23, 1975 meeting.

Vice-Mayor Marshall moved for the approval of the minutes of the October 23, 1975 meeting. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

2. Approval of minutes of special meeting held on October 28, 1975.

Councilman Hoyle moved for the approval of the minutes of the special meeting held on October 28, 1975. This motion was seconded by Councilman Horton and carried unanimously.

PUBLIC HEARING - REZONING PROPERTY ON HENDERSONVILLE ROAD - J. LOYD KIRK

ORDINANCE NO. 859 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

3) A public hearing was held relative to rezoning property on Hendersonville Road from R-2 Residential District to CH Commercial Highway District, property owned by J. Loyd Kirk. (Ward 7, Sheet 52, Lot 80)

Mayor Wood opened the public hearing at 3:03 o'clock p. m.

The City Manager read the advertised notice to the public and affidavit of publication setting the time and date for the public hearing.

Verl Emrick, Planning Director, reported that the Planning and Zoning Commission had recommended approval of the rezoning for the following reasons:

1. The R-2 Residential Zoning limits reasonable use of the property;

2. A portion of the property has been used for a commercial motel over the past several years; therefore this extension of the commercial district boundary should not have an adverse affect on the residential neighborhood;

3. The property is contiguous with the existing CH district on Hendersonville Road;

4. It is the staff's opinion that the rezoning would not alter the intent and purpose of the Comprehensive Development Plan for this area; and

5. The Department of Transportation is contemplating taking a portion of this property and the rezoning would allow the owner to move his business building back and have ample space should it be needed.

No window sign in excess of four (4) square feet in area shall be displayed in any window above the ground floor level, and no window signs shall be displayed in any window above the third floor level.

Temporary posters announcing or advertising events sponsored by noncommercial organizations shall be exempt from limitations on window signs."

Councilman Colton moved for the adoption of this amendment. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Section 50-5-3 (B) Prohibited Signs

Councilman Morris moved to amend Section 50-5-3 (B) to read as follows:

"Signs with optical illusion of movement by means of a design which presents a pattern capable of reversible perspective, giving the illusion of motion."

This motion was seconded by Councilman Colton and carried unanimously.

Bebe McClain said she was in the process of opening an audio-visual firm in the City of Asheville and if Council imposes these regulations on the sign people, the billboard people, then she felt Council would restrict her business next. She said, she felt she had the right of free enterprise, to advertise her business.

Charles M. Wilson, owner of Plastex of Asheville, said he felt a sign ordinance was needed to regulate signs, but not one as extensive as the proposed ordinance.

Mayor Wood continued the public hearing until Thursday, October 30, 1975.

Adjournment.

Richard D. Wood, Jr.
MAYOR

Marian D. Nolan
CITY CLERK

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RESOLUTION AUTHORIZING WITHDRAWAL OF SEVENTY TWO THOUSAND SIX HUNDRED FORTY FIVE ($72,645.00) AND NO/100 DOLLARS FROM THE BUNCOMBE COUNTY SCHOOL CAPITAL RESERVE FUND FOR THE COST OF UPGRADING THE EXISTING SEWER MAIN AND THE COST OF A WATER MAIN FOR FIRE PROTECTION OF THE NEW HAW CREEK ELEMENTARY SCHOOL.

RECEIVED
OCT 8 '75
Supt's Office

WHEREAS, by petition dated September 17, 1975, a copy of which is attached hereto as Exhibit "A", the Buncombe County Board of Education has petitioned this Board for a withdrawal in the sum of Seventy Two Thousand Six Hundred Forty Five ($72,645.00) and No/100 Dollars from Capital Reserve funds to be used in upgrading the existing sewer main and for installing a water main for fire protection for the New Haw Creek Elementary School; and

WHEREAS, by previous resolutions this Board has authorized the sum of One Million Eight Hundred Twenty Three Thousand ($1,823,000.00) and No/100 Dollars from the Buncombe County School Capital Reserve Fund for architects' fees, construction, and equipping the New Haw Creek Elementary School; and

WHEREAS, this Board feels that the withdrawal of the additional sum for the purposes indicated is in the best interests of the citizens of Buncombe County; and

WHEREAS, the Finance Director has determined that sufficient funds are available in the Buncombe County School Capital Reserve Fund to cover this expenditure.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That a withdrawal in the sum of Seventy Two Thousand Six Hundred Forty Five ($72,645.00) and No/100 Dollars from the Buncombe County School Capital Reserve Fund is hereby authorized;

2. That said funds, when withdrawn, shall be transferred to the Buncombe County Board of Education for use by that Board for the purposes as set forth in the attached Exhibit "A";

3. The transfer of said funds is to be made pursuant to the instru tion of the Director of Finance;

Mr. Emrick then reviewed the site for members of Council.

Mr. J. Loyd Kirk, owner of the Forest Manor Lodge, said the business had been operated in the same location for 23 years and he felt the lot proposed to be rezoned was zoned R-2 Residential District in error.

No one appeared in opposition to the requested rezoning.

Mayor Wood closed the public hearing at 3:13 o'clock p. m. and instructed the City Manager to read the prepared ordinance which would rezone the property as petitioned.

Councilman Morris moved for the adoption of the ordinance. This motion was seconded by Councilman Colton.

On a roll call vote of 6-0, Ordinance No. 859 passed on its first reading.

PUBLIC HEARING - GROUP DEVELOPMENT - HAW CREEK ELEMENTARY SCHOOL

4. A public hearing was held relative to the site plan of the proposed new Haw Creek Elementary School to be located at Trinity Chapel Road, Miller Road, and New Haw Creek Road.

Mayor Wood opened the public hearing at 3:16 o'clock p. m.

Verl Emrick, Planning Director, reported that the Planning and Zoning Commission had recommended approval of the proposed site plan subject to the following conditions:

1. That the developer comply with Ordinance No. 813, City of Asheville Erosion Control Ordinance;

2. That the developer submit a satisfactory Environmental Impact Statement before final approval is granted; and

3. That adequate water and sewer lines, as recommended by the Water and Sewer Department, be installed prior to the opening of the school.

Mr. Emrick advised that Mr. Edens, Water and Sewer Director, had advised the Buncombe County School Board that because of the deterioration of the sewer mains and inadequate water lines that there would be insufficient water to serve this school as it now stands without additional lines running to the location. He said the Buncombe County School Board had requested the Buncombe County Commissioners to help defray the cost by providing some $72,645 to bring the lines to the school and on October 7, 1975 the Buncombe County Commissioners authorized the withdrawal of that amount of money to be allocated to the school funds for the express purpose of installing the water mains and upgrading the existing sewer.

Mayor Wood instructed that a copy of the resolution adopted by the Buncombe County Commissioners be made a part of the minutes.

The resolution is as follows:

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RESOLUTION PETITIONING THE BOARD OF COUNTY COMMISSIONERS FOR THE COMMITMENT OF ADDITIONAL CAPITAL RESERVE FUNDS IN THE AMOUNT OF $72,645.00 FOR THE COST OF UPGRADING THE EXISTING SEWER MAIN AND THE COST OF A MAIN FOR FIRE PROTECTION FOR THE NEW HAW CREEK ELEMENTARY SCHOOL.

RESOLVED BY THE BUNCOMBE COUNTY BOARD OF EDUCATION:

WHEREAS, the Buncombe County Board of Education recognizes the commitment by the Board of County Commissioners of $90,000.00 from the County Capital Reserve Fund and $1,823,000.00 from the Buncombe County Schools Capital Reserve Funds for architect fees, construction and equipping the New Haw Creek Elementary School exclusive of site acquisition which has been expended, and

WHEREAS, the Water and Sewer Department of the City of Asheville has advised the Board of Education that $93,265.00 will be needed to enlarge the existing sewer running along Haw Creek from 8 inches to 20 inches in diameter for approximately 3,740 feet above the point where the Highway Department will end their work. Of this amount the City of Asheville is requesting that the Board of Education provide $54,113.00, and

WHEREAS, the Water and Sewer Department has also advised the Board of Education that $18,532.00 will be needed in order to run an 8-inch main from the main at Beverly Road up Miller Road to the entrance of the school property where the contractor would continue with fire loop designed, and

WHEREAS, funds are not available from any other source.

NOW, THEREFORE BE IT RESOLVED, that the Buncombe County Board of Education petitions the Board of County Commissioners for the commitment of $72,645.00 for the Board's cost of upgrading the existing sewer main and the cost of a main for fire protection for the New Haw Creek Elementary School.

I MOVE THE ADOPTION OF THE FOREGOING RESOLUTION:

D. Lee Arnold
MEMBER

SECONDED BY:

Mrs. C. Y. Roberts
MEMBER

READ, APPROVED, AND ADOPTED THIS 17th DAY OF September, 1975.

James R. Mac Clarke
CHAIRMAN

Fred H. Martin
SECRETARY

4. This resolution shall be effective upon its passage at a second reading.

The foregoing resolution was passed on first reading this 7th day of October, 1975.

The foregoing resolution was passed on second reading this 7th day of October, 1975.

Board of Commissioners for the County of Buncombe

By: R Curtis Bateman
Chairman

Approved as to Form:

Stuart E Bell
County Attorney

cc: Mr. James McClure Clarke
Mr. Fred Martin
Mr. Brainard Morison
Mr. W. F. Taylor

4. The Toro has the operator of the machine sitting forward so that he can observe more closely what is in front. Whereas in the Jacobsen the seat is further back and makes it more difficult to control and manage.

He said his recommendation would still remain to accept the second low bidder.

After discussion, Councilman Ochsenreiter moved to accept the recommendation of the Parks and Recreation Director and award the bid to the second low bidder, E. J. Smith & Sons in the amount of $3,160.00. He instructed that the reasons for Mr. Kisiah's recommendation be included in the minutes. This motion was seconded by Councilman Horton and carried unanimously.

Mr. Kisiah's reasons for recommending the second low bidder are cited above.

Bid Summary

Bidder	Bid
R. P. Johnson & Sons	$3,855.00 - Hahn TT1200 Deluxe
Porter Brothers, Inc.	$3,129.50 - 1976 Jacobsen 62219
E. J. Smith & Sons	$3,160.00 - 1975 Toro 04323

REPORT OF CITY MANAGER - COMPARABILITY STUDY OF CITY EMPLOYEES SALARIES

5. The City Manager presented to Council a comparability study of salaries of City employees, in the form of a memorandum to Council and a memorandum from W. Michael Smith, Personnel Director, outlining the methodology used in preparing this survey.

In presenting the study, the City Manager outlined the contents of the memorandum presented to Council. He said he had discussed city employees salaries at several meetings and in telephone conversations with City Managers throughout the State and find the Personnel Director's recommended adjustments to be consistent with pay plans and personnel policies in North Carolina. He said he had reviewed Mr. Smith's report and approve of the methodology used and the recommendations made for pay adjustments with the exception of several positions. These recommendations are in addition to the budgeted five percent across the board pay increase to be implemented January 1, 1976. Due to the short period of time during which this wage comparability survey was prepared, the Director of Central Services was not able to determine whether, in all instances, the job qualifications and performance of incumbent in a particular position were truly comparable with job classifications existing in other cities. Therefore, to whatever extent the Council wishes to authorize implementation of the wage increase recommendations, I feel that I should retain my customary authority to determine whether and when wage adjustments should be made in those job classifications affecting five or fewer employees. After the Council has made its decision with reference to the proposed authorization for wage increases, I will then review the job qualifications and performance of incumbents in those classifications affecting five or fewer employees and make wage adjustments based upon my personal evaluation in each particular instance.

Mr. Emrick said it was his understanding that the Water Department could install the necessary lines before the opening of the school.

Mr. Emrick also pointed out that the Planning and Zoning Commission recommended that an in-depth engineering study be made of the surrounding streets relative to upgrading and widening. He said these streets included Trinity Chapel Road, Bethesda Road, Miller Road, and Beverly Road. He said it would be the State's responsibility to upgrade New Haw Creek Road for this facility.

Mr. Mike Freeman, architect for the project, answered general questions relative to construction, facilities and bus routes.

Mayor Wood closed the public hearing at 3:35 o'clock p. m.

Councilman Morris moved for the approval of the site plan for the proposed Haw Creek School subject to the Buncombe County School Board providing to the State or the City any right of ways on their property necessary for the widening of the surrounding roads. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

BIDS - ONE (1) THREE GANG RIDING GREENSMOWER

5. Further consideration was given to bids received September 24, 1975 for one (1) three gang riding greensmower.

The City Manager advised that several weeks ago Council had instructed Mr. Ray Kisiah, Parks and Recreation Director, to investigate the difference between the low bidder, Porter Brothers, Inc. in the amount of $3,129.50 and the second low bidder, E. J. Smith and Sons in the amount of $3,160.00 since his recommendation had been to accept the second low bidder.

Mr. Kisiah advised that Porter Brothers, Inc. bid on a 1976 Jacobsen Greensmower and E. J. Smith and Sons bid on a Toro Greensmaster. He said his decision for recommending the second low bidder was based on the following reasons:

1. The Toro Greensmower, at $30.00 more, has fully balanced and free floating grass baskets. The grass baskets are in front of the reels. The Jacobsen mower, the baskets are attached to the reels and they move along which as the weight of the grass in the baskets comes in it creates a heavier cut each time you go across the greens. The Toro is completely independent of the baskets and are free floating so the same amount of pressure is exerted upon the grass regardless of whatever weight is in the baskets.

2. The Jacobsen has two right hand reels and one left hand reel therefore if a reel goes out, you have to have two spare cutting units at a cost of approximately $210.00 per reel. The Toro mower has an interchangeable reel for all three reels, so you only have to have one spare reel should you have difficulties.

3. The difference in turning radius - the Jacobsen mower as you come to the end of a cut coming across a green takes a 20" radius of uncut grass as you make your turn to come back. The Toro mower has a 15" radius which makes for a shorter turning radius.

A. In position classifications where the incumbent (s)' salary is less than the minimum authorized at the present time, cost figure was the differential of the current salary from the minimum of the recommended range times the number of positions affected.

B. In situations where the incumbent(s)' salary was greater than the new recommended range, no cost figures were applied and a notation was made that the increase was "previously approved".

C. No cost figures where shown for position reclassifications where there is, at the present time, no incumbent.

In addition to the above information concerning the technical aspects of the pay survey, I would like to make some additional observations and recommendations relative to this pay survey:

A. Generally speaking, the City of Asheville pay structure was competitive locally for lower skilled clerical, unskilled and semi-skilled labor and mid-level supervisory positions. The major area where adjustments were recommended were at the department head level and for skilled clerical, skilled craft, foreman and public safety positions.

B. Recommended adjustments range from 5 to 30 percent with the weighted average increase recommended being 9.72%.

C. The total annual cost of the recommendations is $389,855. Based on an approximate annual payroll of $7 million, this increase is 5.6% of payroll.

D. The results of this pay survey pointed up the need for the City of Asheville to develop and implement an equitable program of merit and longivity pay increases. Many long time, capable employees of the City are working at the entry level pay rate because the City of Asheville pay system does not provide for these alternatives.

E. Additional pay surveys should be conducted by the Personnel Division and submitted to the City Manager and City Council during budget preparation each year. The information contained in this pay survey should be used in future pay schedule adjustments and pay classification readjustments.

Mr. Smith highlighted the positions which were recommended for pay adjustments.

Councilman Horton noted that with the requested amount of increases, it would take about 6-1/2 cents on the property tax rate as it now stands.

The City Manager noted that the Contingency fund is presently $262,000.

Mayor Wood commented that to his knowledge in the late 60's the City of Asheville was about 1/3 below the statewide average and this study shows only 5% below statewide average and this would indicate that some progress has been made.

He said, it appears that the following alternatives are available for Council's consideration for implementation of the recommended rate adjustments:

1) Implement the recommended pay adjustments in 1976-77 budget effective July 1, 1976 an an annual cost of $389,855 (G. F. $355,647, W. F. $54,208).

2) Implement one-half of the total amount of the recommended pay adjustments effective January 1, 1976 at a cost of $97,464 (G. F. $83,912, W. F. $13,552) for the remainder of the 1975-76 Fiscal Year and recommend to the next Council that the remaining half of the pay adjustment be implemented July 1, 1976. The total annualized cost of this alternate is $389,855 (G.F. $355,647, W.F. $54,208).

3) Implement the total amount of the recommended pay adjustments effective January 1, 1976 at a cost of $194,928 (G. F. $167,824, W.F. $27,104) for the remainder of the 1975-76 Fiscal Year. The total annualized cost of this alternate is $389,855 (G.F. $335,647, W.F. $54,208).

Should the Council choose to use alternates 2 or 3 it is recommended that the amount stated be transferred from the Contingency Funds of the General and Water Funds. This would reduce the amount of surplus carried forward into the 1976-77 Fiscal Year. Using any of these alternatives the Council will probably be faced with a tax increase for the 1976-77 Fiscal Year in order to maintain the same level of services now being rendered or the administration will have to reduce the number of employees on the City's payroll or both.

Mr. W. Michael Smith, Personnel Director, outlined the manner in which the survey was conducted. He said data was collected from 14 North Carolina cities for the bulk of the wage survey. These cities were Charlotte, Raleigh, Gastonia, Winston-Salem, Burlington, High Point, Wilmington, Fayetteville, Durham, Hickory, Greenville, Rocky Mount, and Goldsboro. These cities included a proportionate number with populations larger and smaller than that of Asheville and several with approximately the same population as Asheville. Additional information was gathered with the cooperation of the Asheville office of the Employment Security Commission. Local data was collected only on those positions that the City competes for on a local basis and for which comparable positions exist in private industry. After the raw data was collected, a mean range from the surveyed cities were computed. The mean for each position was then compared with the present pay range in the Asheville Salary Plan and the percent difference form the survey mean range was computed. The recommended pay ranges were arrived at by comparing the survey mean range with the present Asheville range and if an applicable position, the local entry range from the Employment Security Commission pay survey.

Annual cost figures were arrived at by taking the difference between the entry level of present range and the recommended range and multiplying it times the number of positions affected. Three exceptions exist to this method of computing costs:

Mr. Wolfer, with Win-Tex Knitting Mills, said there was a misunderstanding that Win-Tex's immediate needs would be 25,000,000 gallons per month or approximately 1,000,000 gallons per day. He said it was impossible at this time to project the needs after 1980, which would be based on expansions, etc. He said the water at Bee Tree is being tested at this time to see if the water could be used without treatment. He said he needed an answer on the approval of 25,000,000 gallons per month today since the option on the Wamsutta plant expired tommorrow. He said he would venture that the projected amount of water after 1980 would never be over 1,500,000 gallons per day. He said there was a possibility that Win-Tex would be willing to accept 30,000,000 per month and not go over that amount at the present time.

After considerable discussion, Councilman Morris moved, that at the request of Win-Tex Knitting Mills, to commit from the City's surplus water to the Wamsutta location in the Swannanoa Valley a level of water usage not to exceed 30,000,000 gallons per month and that any further request for additional water be negotiated and reviewed at that time. This motion was seconded by Councilman Hoyle and carried unanimously.

CLAIM - ANTONIO ALLEN

The City Manager presented a claim from Bruce A. Elmore, attorney for Antonio Allen relative to an accident at the Recreation Park.

Mayor Wood referred the claim to the Corporation Counsel for investigation and recommendation.

CONTINUATION OF PUBLIC HEARING - SIGN ORDINANCE

Mr. Emrick continued with his review of the draft of the ordinance page by page.

He explained each Section through Section 50-5-10.3. The following action was taken.

Section 50-5-10.1 Construction Signs

Councilman Morris moved to amend Section 50-5-10.1 by adding the word "temporary" to the beginning of the first sentence. This motion was seconded by Councilman Colton and carried unanimously.

Section 50-5-10.2 Subdivision Directional Signs

It was the consensus of Council to amend Section 50-5-10.2 (a) to read as follows:

"(a) Such signs shall not exceed twenty (20) square feet per sign in total area or ten (10) square feet per sign face; and shall not exceed eight (8) feet in height."

Council instructed the Planning Staff to look into the possibility of inserting "group developments and apartment buildings" into Section 50-5-10.2.

Sgt. Dillingham, President of the Fraternal Order of Police, speaking on behalf of the majority of the Asheville Police Department, thanked the Council and the staff members for their extra work and efforts put into the comparability study. He said it was the hope of the majority of the Police Department that Council would authorize implementation of the full recommended pay adjustments immediately.

Michael Argo, of the Wilderness Shop on Merrimon Avenue, commented that he felt the policemen and the firemen deserved the pay increases and he would be willing to pay the tax increase for that purpose.

After considerable discussion Councilman Morris moved to accept Alternate #2 recommended by the City Manager to implement one-half of the total amount of the recommended pay adjustments effective January 1, 1976 at a cost of $97,464 (G. F. $83,912, W. F. $13,552) for the remainder of the 1975-76 Fiscal Year and recommend to the next Council that the remaining half of the pay adjustment be implemented July 1, 1976, for a total annualized cost of $389,855 (G.F. $355,647, W.F. $54,208). He further moved that the City Manager be given the authority to determine whether and when wage adjustments should be made in those job classifications affecting five or fewer employees. This motion was seconded by Councilman Morris and carried unanimously.

RESOLUTION NO. 75-134 - RESOLUTION AUTHORIZING NOTICE OF INTENT TO LEASE SPACE AT THE ASHEVILLE AIRPORT TO THE UNITED STATES OF AMERICA - NATIONAL WEATHER SERVICE

7. Consideration was given to a resolution authorizing notice of intent to lease space at the Asheville Airport to the United States of America - National Weather Service.

The City Manager read the resolution.

Councilman Morris moved for the adoption of the resolution stating that Council would consider the adoption of a resolution authorizing the execution of said lease at its regular meeting to be held on November 20, 1975. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Complete text of Resolution No. 75-134 will be found in Resolution Book No. 8 at page 207.

REQUEST OF WIN-TEX KNITTING MILLS - WATER ALLOCATION TO WAMSUTTA LOCATION

The City Manager advised that at last weeks meeting Council discussed the possibility of the water allocation for the Win-Tex Plant in the Emma area and that particular request was turned down because of the availability of water pressure problems. Since that time Mr. Wolfer with Win-Tex has had conversations with Mr. Edens and he is negotiating with Wamsutta for their plant in the Swannanoa Valley. He said Wamsutta already has a water allocation for the plant now in existence. The allocations that are now available to Wamsutta would be satisfactory to Win-Tex Dye operation until approximately 1980, at which time their allocation would increase to approximately 25,000,000 gallons per month.

W. E. Edens, Water and Sewer Director, said this would require approximately 2,000 feet extension and a water treatment plant unless Win-Tex could use the water without treatment.

Tuesday - November 4, 1975 - 2:30 o'clock p. m.

Special Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Eugene C. Ochsenreiter, Jr., Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

The City Manager read the advertised notice to the public giving notice that a special meeting of the City Council of the City of Asheville had been called and scheduled by Mayor Richard A. Wood, Jr., to be held in the Council Chambers on Tuesday, November 4, 1975 at 2:30 o'clock p. m. for the sole purpose of continuation of the public hearing on the proposed sign ordinance for the City of Asheville.

Mrs. Samuel Bingham, representing the Asheville Council of Garden Clubs in the area, spoke in favor of the proposed ordinance and not for the proposed draft presented by the Asheville Area Chamber of Commerce. She presented architectural renderings of the effect of the proposed ordinance which would affect signs on Tunnel Road. She presented both the present and future effects.

A member of the League of Women Voters, Land Use Committee, also spoke in favor of the proposed ordinance and recommended its adoption as written and not as amended by the proposed draft presented by the Asheville Area Chamber of Commerce.

Mrs. Barbara Keleher, former City Council member, also spoke in favor of the proposed ordinance.

Verl Emrick, Planning Director, then continued with his review of the draft of the ordinance page by page.

He explained each Section through Section 50-6-3(a). The following action was taken:

Section 50-5-10.4 - Real Estate Signs

Councilman Morris moved to amend Section 50-5-10.4 to read as follows:

"Signs which advertise property as "For Sale", "For Rent", or "For Lease" in residential districts, shall be limited to free-standing, window, or wall signs only and shall not exceed eight (8) square feet in area. In Office-Institutional and all Commercial and Industrial zones, maximum size shall be no greater than thirty-two (32) square feet. However, after a sale, rental or lease contract has been entered into said sign shall be removed within one (1) week."

This motion was seconded by Councilman Horton and carried unanimously.

Section 50-5-10.3 Political Signs

It was the consensus of Council to amend Section 50-5-10.3 to read as follows:

"Signs concerning candidacy for public office or urging action on any ballot issue in a primary, general or special election shall be permitted in all zoning districts as specified in Section 50-6-3 (a), subject to the area and height restrictions set forth in that section."

Mayor Wood then called a special meeting of the Asheville City Council for Tuesday, November 4, 1975 at 2:30 o'clock p. m. for the sole purpose of continuation of the public hearing on the proposed sign ordinance for the City of Asheville.

Adjournment.

Richard D. Wood
MAYOR

Marian D. Nesbitt
CITY CLERK

ZONING DISTRICT	CLASS OF SIGN PERMITTED	TYPE OF SIGN PERMITTED	MAXIMUM SIGN AREA PERMITTED PER LOT	MAXIMUM AREA PER SIGN FACE	MAXIMUM NUMBER OF SIGNS PERMITTED	MAXIMUM HEIGHT OF FREE-STANDING SIGNS*
Office-Institutional (OI)	Free-standing Wall Window	Identification Sign	The greater of: 25 sq. ft., or 0.5 sq. ft. of total sign area for each lineal foot of street frontage	50 sq.ft. for free-standing signs	1 per street frontage for free-standing signs	8 ft.
		Temporary Sign	See Section 50-5-10			8 ft.
		Legal notice		12 sq.ft.	As required by law	6 ft.
		Historical Marker (bona fide)		12 sq.ft.	1 per use	6 ft.
		Directional	For non-residential uses only: 24 sq.ft.	12 sq.ft.	1 per street frontage	5 ft.
		Joint Identification Sign	1 sq.ft. sign area per linear foot of street frontage (maximum area per sign: 150 sq.ft.)	75 sq.ft.	1 per use	8 ft.
		Business Sign	Same as Commercial and Industrial Zoning Districts			
	*	Real Estate Sign	32 square feet	16 sq.ft.	1 per lot	8 ft.
	*	Political Sign	50 square feet			8 ft.

*NOTE: Height of the sign shall be measured from the grade at the sign or at the grade of the nearest roadway whichever is higher.

Section 50-6-3(a) Schedule of Sign Requirements

Councilman Colton moved to amend Section 50-6-3(a) - pages 43, 44, and 45 as follows:

SEC. 50-6-3(a) SCHEDULE OF SIGN REQUIREMENTS

ZONING DISTRICT	CLASS OF SIGN PERMITTED	TYPE OF SIGN PERMITTED	MAXIMUM SIGN AREA PERMITTED PER LOT	MAXIMUM AREA PER SIGN FACE	MAXIMUM NUMBER OF SIGNS PERMITTED	MAXIMUM HEIGHT OF FREE-STANDING SIGNS*
Residential R-1 R-2 R-3 R-4	Free-standing Wall Window	Identification Sign	For single-family residential uses: 4 sq.ft.	2 sq.ft.	1 per use	6 ft.
			For multi-family residential uses: 20 sq.ft.	10 sq.ft.	1 per use	6 ft.
			For non-residential uses-by-right: 30 sq.ft.	15 sq.ft.	1 per use	6 ft.
			For uses located in Group Developments as part of site plan approval only:	(See Sec. 50-5-13)		
			For Home Occupation 4 sq.ft.	2 sq.ft.	1 per use	6 ft.
		Bulletin Board	For non-residential uses only: 32 sq.ft.	16 sq.ft.	1 per street frontage	6 ft.
		Business Sign (in R-4 only)	For uses permitted by special review and for lawful nonconforming uses: the lesser of: 50 sq.ft., or the maximum sign area permitted for the use in the zoning district wherein the use is permitted by the zoning ordinance.	15 sq.ft.	The lesser of: 1 per street frontage or 2 per use	8 ft.
		Temporary Sign	See Section 50-5-10			6 ft.
		Historical Marker (Bona Fide)		12 sq.ft.	1 per use	6 ft.
		Legal Notice		12 sq.ft.	As Required by law	6 ft.
		Directional	For non-residential uses only: 24 sq.ft.	12 sq.ft.	1 per street frontage	6 ft.
		Political Sign	4 square feet			6 ft.

*NOTE: Height of the sign shall be measured from the grade at the sign or the grade at the nearest roadway, whichever is higher.

A discussion followed on the maximum number of days that a portable sign could remain on any one lot. Mr. Emrick stated that as proposed in the ordinance thirty (30) days would be the maximum.

Upon inquiry of Councilman Colton, Mr. Emrick stated that portable signs were not included within the allowable space allocated for signage in the proposed ordinance.

Councilman Colton moved that all signs portable or permanent should be included in the allowable space allocated for signage as specified in the ordinance. This motion was seconded by Councilman Horton and carried unanimously.

Councilman Morris moved to delay the discussion on heigth limitations instructing the Planning Staff to look into the possibility of inserting language that would compensate for topography relief in the area. This motion was seconded by Councilman Hoyle and carried unanimously.

Section Section 50-6-3(a) - Schedule of Sign Requirements

It was the consensus of Council to amend the maximum sign size on portable or mobile signs to 50 square feet per side.

Further discussion was given to maximum sign area of off-premises advertising and to amortization schedules.

Mayor Wood continued the public hearing until Thursday, November 6, 1975.

Adjournment.

Richard D. Wood
MAYOR

Herman S. Mercer
CITY CLERK

[illegible] DISTRICT	CLASS OF SIGN PERMITTED	TYPE OF SIGN PERMITTED	MAXIMUM SIGN AREA PERMITTED PER LOT	MAXIMUM AREA PER SIGN FACE	MAXIMUM NUMBER OF SIGNS PERMITTED	MAXIMUM HEIGHT OF FREE-STANDING SIGNS*
1. Commercial Service 2. Commercial General 3. Commercial Highway 4. Commercial Regional 5. Light Industrial 6. Heavy Industrial	Free-standing Marquee Projecting Suspended Vehicle-mounted Wall Wind Window	Identification Sign Bulletin Board	(a) The greater of: 30 sq.ft. or ~~1.5~~ 2.0 on lots having only one use, allow ~~1.5~~ square feet sign area for each linear foot of total street frontage for the first two hundred (200) feet, plus an additional one ~~half~~ square foot of sign area for each linear foot thereafter. (b) on lots having more than one use, allow 3.0 square feet of sign area for each linear foot of the total street frontage for the first two hundred (200) feet, plus an additional one ~~half~~ square foot of sign area for each linear foot of frontage thereafter. (See Sec. 50-6-4.10 for permitted increases in sign area on major streets)	See Sec. 50-6-4	See Sec. 50-6-4	25 ft.
		Business Sign				
		Joint Identification Sign	(Same as Subparagraph (b) above)	300 sq.ft.	See Sec. 50-6-4.9	25 ft.
		Political Sign	~~50 sq. ft.~~ 300 Sq. Ft.			8 ft.
		Real Estate Sign	32 sq. ft.	16 sq.ft.	1 per street frontage	8 ft.
		Time-Temperature-Date Sign	See Sec. 50-6-4.11		1 per street frontage	See Sec. 50-6-4.7
		Temporary Sign	See Sec. 50-5-10			8 ft.

*[illegible] Height of the sign shall be measured from the grade at the sign or the [illegible]

This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Council instructed the Planning Staff to confer with the Corporation Counsel on the question of the number of political and real estate signs permitted in residential and office institutional districts.

Section 50-5-10.5 (b) Other Temporary Signs.

Councilman Ochsenreiter moved to amend Section 50-5-10.5 (b) as follows:

(b) Such signs shall not remain in place for a period of more than sixty (60) days within a consecutive six (6) month period, except that the Building Inspector may for good cause, extend the time period for one additiona fifteen (15) day period upon application therefor.

This motion was seconded by Councilman Morris and on a voice vote the motion failed.

Mayor Wood advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Mr. Joe Bell, of 87 Woodland Road, spoke in favor of the rezoning request stating that the property does not pose any threat to the surrounding property due to its isolation.

Debra Austin, Route 2, Asheville, North Carolina also spoke in favor of the rezoning.

Wayne Kinser, developer of the Zealandia property and petitioner for the rezoning request, spoke in favor of the rezoning, stating that many objections has been presented against the rezoning and he cited his views to the reasons for these objections, saying that many of the foundations used for these oppositions had no foundation at all.

Mr. Mac Day, Grove Park Sunset Citizens Association, said they were still opposing the rezoning of the Zealandia property and requested that their letter of November 3, 1975 addressed to the Mayor be included in the minutes of the meeting.

The letter is as follows:

November 3, 1975

Asheville City Council
City of Asheville
Asheville, North Carolina 28807

Attention: Mayor Richard A. Wood

Dear Sirs:

By letter dated October 21, 1975, the Grove Park Sunset Citizens Association requested the Council to reject rezoning of the property commonly known as Zealandia. In its letter the Association referred to the area as presently being zoned R-1. The Association acknowledges that in fact the present zoning of the area is not R-1 and wishes to apologize to the Council for its inadvertent misrepresentation of fact.

However, the Association still feels that the reason for its objections to the rezoning remain valid and constitute issues which the Council should answer prior to approval of any rezoning. Specifically, referring to our letter of October 21, 1975, these issues concern parking facilities and the potential erosion resulting therefrom, and the question of access roads to the property.

Further, the proponents of the rezoning have made considerable issue of the open cut and the fact that it will be an "immense physical barrier" between the Zealandia property and the residential sections of Beaucatcher Mountain. As the Council is well aware, the tunnel versus open cut controversy is currently under challenge. Thus, it would seem that the more reasonable course of action would be for the Council to at least delay any rezoning of Zealandia pending resolution of the controversy by the courts. Certainly the interim blasting and dust which would be associated with the cut would not contribute to the success of a dinner theater in that area.

As our association has pointed out, we are not in any way opposed to the development of dinner theaters and similar entertainment complexes in the city of Asheville. Such facilities can complement the quality of life in our community. However, as we indicated earlier we do not believe the proposed location is suitable for such facility nor do we think the Council should authorize the change without a full analysis of the issues raised in this letter and our letter of October 21, 1975.

The Grove Park Sunset Citizens Association has taken a position on this rezoning due in part obviously because of our interest in the

Thursday - November 6, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Councilmen Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Eugene C. Ochsenreiter, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William P. Wolcott, Jr.

Absent: Vice-Mayor Calvin W. Marshall

1. Approval of minutes of October 30, 1975 meeting.

Councilman Morris moved for the approval of the minutes of the October 30, 1975 meeting. This motion was seconded by Councilman Colton and carried unanimously.

2. Approval of minutes of special meeting held on November 4, 1975.

Councilman Morris moved for the approval of the minutes of the special meeting held on November 4, 1975. This motion was seconded by Councilman Colton and carried unanimously.

PUBLIC HEARING - ZONING OF EXTRATERRITORIAL JURISDICTION INTO THE TOWN OF BILTMORE FORREST JURISDICTION

3. A public hearing was held to amend Asheville Zoning Ordinance No. 322, as amended by extending the City of Asheville's extraterritorial zoning jurisdiction into the Town of Biltmore Forest jurisdiction.

Mayor Wood opened the public hearing at 3:04 o'clock p. m.

The City Manager read the advertised notice to the public and affidavit of publication setting the time and date for the public hearing.

Verl Emrick, Planning Director, advised that in accordance with an agreement executed August 20, 1975 between the City of Asheville and the Town of Biltmore Forest it is now necessary for Council to zone the property located in the City of Asheville's extraterritorial zoning jurisdiction in the Town of Biltmore Forest. He reviewed the boundaries and the recommended zoning to be included in the extraterritorial zoning jurisdiction. He said all property owners affected by the zoning have been notified.

Mayor Wood closed the public hearing at 3:12 o'clock p. m. and instructed the City Manager to read the prepared ordinance zoning the property in question.

Councilman Ochsenreiter moved for the adoption of the ordinance. This motion was seconded by Councilman Hoyle.

On a roll call vote of 5-0, Ordinance No. 860 passed on its first reading.

ORDINANCE NO. 858 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Vance Gap Road)

4. Consideration was given to the third and final reading of Ordinance No. 858, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended.

Mayor Wood advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 859 passed on its second reading.

ORDINANCE NO. 861 - AN ORDINANCE ESTABLISHING THE ASHEVILLE GENERAL EMPLOYEES' RETIREMENT PLAN AND TRUST

6. Consideration was given to an ordinance establishing the Asheville General Employees' Retirement Plan and Trust.

The City Manager read the ordinance.

Mike Smith, Personnel Director, advised that the two documents referred to in the ordinance is a retirement trust and a retirement plan. The trust outlines an arrangement wherein a Board of Trustees is established to receive funds that will be appropriated by the City from time to time and contains rules and regulations in which they will operate. The retirement plan is an outline of rules and regulations regulating the enrollment and benefit structure for participants in the retirement plan.

Mayor Wood commented that this plan is a result of a study by consultants hired by the City, Hutchison and Associates of Raleigh, who has a great deal of experience dealing with pension plans with local governments across the state and the purpose of this plan is to replace the unfunded plan which the City has had in effect for a number of years for general employees, meaning those other than police and fire employees, who are under a separate plan. Under state law all municipalities are suppose to have only acutarial proper plans and it was because of this requirement which was passed in 1973 that the City has been studying this plan since that time and it is the recommendation of the consultant and the City staff that this ordinance be considered by the Council as a means of putting the pension plan of the City on a sound financial basis in the future.

Councilman Horton noted that at present the plan requires a 3% contribution on the part of the employees and the 5% salary increase budgeted for January 1, 1976 will more than offset the contribution to the retirement plan.

On a roll call vote of 5-0, Ordinance No. 861 passed on its first reading.

BIDS - ESTIMATED REQUIREMENTS OF 6 AND 8 INCH WATER MAIN PIPE FOR PERIOD ENDING JUNE 30, 1976

7. Consideration was given to bids received October 30, 1975 for estimated requirements of 6 and 8 inch water main pipe for period ending June 30, 1976.

The City Manager read a memorandum from the Purchasing Agent which stated that the quantities used in the bid are approximate, based on estimated requirements through June 30, 1976. Recommended unit prices, firm through current fiscal year, will apply to City of Asheville Purchase Orders to be issued on an as-needed basis. The Director of Water and Sewer Department and the Purchasing Agent recommended the acceptance of the low bid submitted by Lynchburg Foundry, Item 1 @ $3.83 per foot, and Item 2 @ $5.48 per foot.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bid to Lynchburg Foundry, Item 1 @ $3.83 per foot, and Item 2 @ $5.48 per foot. This motion was seconded by Councilman Colton and carried unanimously.

quality and character of our own residential area. It is the right and obligation of our citizens to speak out on these matters or they have no reason to complain about the results. However, the association is also motivated by a real concern for what uncontrolled development is doing to the mountains in our area. The mountains surrounding Asheville are its finest and most unique feature. We urge the Council to recognize its obligation to preserve the character of the mountains and allow for only sensible and well thought out development which will be of lasting benefit to our area.

Very truly yours,

GROVE PARK SUNSET CITIZENS ASSOCIATION

Margaret Avis
Mrs. Dwight Avis, President

J. K. MacKendree Day
J. K. MacKendree Day, Vice President

Mr. E. R. McCarthy said he could see no reason for anyone objecting the the rezoning of the Zealandia property for the proposed development.

Upon inquiry of Councilman Colton, Verl Emrick, Planning Director, described the zoning surrounding the property in question to establish that the rezoning would not constitute spot zoning. He said it was the Planning and Zoning Commission's policy not to recommend rezoning that could be considered "spot zoning".

On a roll call vote of 5-0, Ordinance No. 858 passed on its third and final reading.

Complete text of Ordinance No. 858 will be found in Ordinance Book No. 6 at page 313.

ORDINANCE NO.859 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (WARD 7, SHEET 52, LOT 80)

5. Consideration was given to the second reading of Ordinance No. 859, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Ward 7, Sheet 52, Lot 80).

BIDS - UTILITY TYPE TRUCKS AND BODIES FOR USE IN THE WATER AND SEWER DEPARTMENT

8. Consideration was given to bids received October 20, 1975 for utility type trucks and bodies for use in the Water and Sewer Department.

The City Manager read a memorandum from the Purchasing Agent which recommended acceptance of the following bids:

1. Accept the lowest responsible bid for all truck units, items 1, 2, 3, and truck body, item 4 as follows:

Item 1 - Dorato Motors	@ $3,558.97 per unit
Item 2 - Apple Tree Chevrolet	@ $3,879.78 per unit
Item 3 - Dorato Motors	@ $4,956.24 per unit
Item 4 - Cook Body Company	@ $1,654.00 per unit

2. Award Items 6 and 8 truck bodies, equipped with hydraulic power units as follows:

Item 6 - Baker Equipment Manufacturing Co.	@ $3,568.00
Item 8 - Baker Equipment Manufacturing Co.	@ $4,665.00

Bid Items 5 and 7, without hydraulic power units are alternates to items 6 and 8 respectively. The cost differential between these was used in evaluating the value of purchasing bodies with power units as opposed to purchasing separate air compressors.

Councilman Hoyle moved to accept the recommendation of the Purchasing Agent and award the bids as recommended. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Bid Summary

CITY OF ASHEVILLE — BIDS OPENED: MONDAY, OCTOBER 20, 1975 - 10:30 A.M.

BID SUMMARY

BID REQUEST NO. 306 — UTILITY TYPE TRUCKS AND BODIES FOR USE IN WATER AND SEWER DEPARTMENT

	DORATO MOTORS, INC. ASHEVILLE, N.C.	MATHEWS MOTORS, INC. ASHEVILLE, N.C.	APPLE TREE CHEV. ASHEVILLE, N.C.	HICKEY TRUCK BODIES HIGHPOINT, N.C.	BAKER EQUIPMENT CO. CHARLOTTE, N.C.	COOK BODY CO. CHARLOTTE, N.C.
ITEM #1 - 1 CONVEN. CAB & CHASSIS TRUCK w/140"-142" C.A. DIMENSION	$3,558.97 ✓ 1976 Dodge D - 100	NO BID	$3,594.46 1976 Chev. CC10703	$3,950.00 1976 Chev. CC10703	NO BID	NO BID
ITEM #2 - 2 CONVEN. CAB & CHASSIS TRUCKS w/56" C.A. DIMENSION	$3,980.17 1976 Dodge D - 200	$3,960.98 1976 Ford F-250	$3,879.78 ✓ 1976 Chev. CC30903	$4,464.00 1976 Chev. CC31003	NO BID	NO BID
ITEM #3 - 3 CONVEN. CAB & CHASSIS TRUCKS w/84" C.A. DIMENSION	$4,956.24 ✓ 1976 Dodge D-500	$5,062.40 1976 Ford F-500	$5,440.94 1976 Chev. CE51403	$5,624.00 1976 Chev. CE51403	NO BID	$1,654.00 ✓ 76V-STAHL
ITEM #4 - 1 76" LONG SERVICE BODY	NO BID	NO BID	NO BID	$1,735.00 KNAPHEIDE 680	$1,851.00 840 LAKONIG	$1,298.00 96C-STAHL
ITEM #5 - 96" LONG SERVICE BODY, QTY. UNSPECIFIED	NO BID	NO BID	NO BID	$1,638.00 796 KNAPHEIDE	$1,543.00 853 LAKONIG	NO BID
ITEM #6 - 96" LONG SERVICE BODY & HYDRAU. POWER UNIT QTY. UNSPECIFIED	NO BID	NO BID	NO BID	NO BID	$3,568.00 ✓ 853 LAKONIG	NO BID
ITEM #7 - 132" LONG SERVICE BODY, QTY. UNSPECIFIED	NO BID	NO BID	NO BID	$2,100.00 6132 KNAPHEIDE	$2,618.00 H820W-88 LAKONIG	$1,[illegible] 132 CO
ITEM #8 - 132" LONG SERVICE BODY & HYDRAU. POWER UNIT QTY. UNSPECIFIED	NO BID	NO BID	NO BID	NO BID	$4,665.00 ✓ H820W-SO LAKONIG	NO BID
DELIVERY:	60 - 90 DAYS	45 - 60 DAYS	60 Days Items 1 & 2 60 - 90 Days Item 3	45 Days ARO Chassis	30 - 45 DAYS	30 DAYS
BID DEPOSIT:	5% BID BOND	5% CERTIFIED CHECK	5% BID BOND	5% BID BOND	5% BID BOND	5% BID BOND

BID SUMMARY — CITY OF ASHEVILLE — BIDS OPENED: THURSDAY, OCTOBER 30, 1975 - 11:00 A.M.

BID REQUEST NO. 309 — ESTIMATED REQUIREMENTS OF 6 AND 8 INCH WATER MAIN PIPE FOR PERIOD ENDING JUNE 30, 1976

	AMERICAN CAST IRON & PIPE CO. ATLANTA, GA.	U.S. PIPE & FOUNDRY CO. BIRMINGHAM, ALA	LYNCHBURG FOUNDRY COMPANY LYNCHBURG, VA	GLAMORGAN PIPE & FOUNDRY CO. LYNCHBURG, VA	SUPPLY SPECIALTIES, INC. ASHEVILLE, NC	DAVIS METER COMPANY KNOXVILLE, TN	HAJOCA CORPORATION ASHEVILLE, NC	TIDEWATER SUPPLY CO. ASHEVILLE, NC	SOUTHERN METER GREENSBORO, NC
ITEM #1 - 6" cast iron pipe 16,902 l.f.	3.94 66,593.88	3.92 66,255.84	3.83 ✓ 64,734.66	3.95 66,762.90	NO BID	NO BID	NO BID	NO BID	NO BID
ITEM #2 - 8" cast iron pipe 4,500 l.f.	5.64 25,380.00	5.62 25,290.00	5.48 ✓ 24,660.00	5.66 25,470.00	" "	" "	" "	" "	" "
ITEM #3 - 6" PVC pipe DR 18 15,500 l.f.	NO BID	NO BID	NO BID	NO BID	" "	" "	" "	" "	" "
ITEM #4 - 6" PVC pipe DR 14 15,500 l.f.	" "	" "	" "	" "	" "	" "	" "	" "	" "
ITEM #5 - 8" PVC pipe DR 14 3,500 l.f.	" "	" "	" "	" "	" "	" "	" "	" "	" "
Total-based on Est. Quantities	$91,973.88	$91,545.84	$89,394.66 ✓	$92,232.90	" "	" "	" "	" "	" "
TERMS:	½ of 1%-10 Days Net 30	Net 30	½ of 1% 10 Days Net 30	Net 30	" "	" "	" "	" "	" "
DELIVERY:	30 Days ARO	21 Days ARO	1 Week ARO	14 Days ARO	" "	" "	" "	" "	" "
BID DEPOSIT:	5% Bid Bond	5% Bid Bond	5% Bid Bond	5% Certified Check	" "	" "	" "	" "	" "

Bid Summary

Councilman Morris moved to schedule a public hearing on the matter for December 4, 1975. This motion was seconded by Councilman Horton and carried unanimously.

CLAIM - MAGGIE C. TOBE

The City Manager presented a claim for injuries received from George W. Moore, attorney for Maggie C. Tobe.

Mayor Wood referred the claim to the Corporation Counsel for investigation and recommendation.

REPORT FROM CORPORATION COUNSEL - ASHEVILLE CIVIC CENTER

Corporation Counsel read the following letters received from Mr. John Cort, architect for the Asheville Civic Center and Mr. Howard W. Gleason, Jr., Vice-President of Ranger Construction Company:

baber, cort and wood, p.a. - architects
239 HAYWOOD STREET, ASHEVILLE, NORTH CAROLINA 28801
TELEPHONE (704) 254-7491

November 6, 1975

Mr. W. C. Moore
Gennett Building
Asheville, North Carolina 28801

Subject: Asheville Civic Center

Dear Mr. Moore:

There has been much public concern regarding owner occupancy of the existing auditorium. As we requested, Mr. Gleason has provided us with a completion schedule, a copy of which is enclosed. This schedule sets firm dates for completion and owner occupancy.

We have contacted Mr. Cannady, with W. B. Haynes, and he has stated that the Electrical Contract will be completed prior to the dates outlined in Mr. Gleason's letter, and his firm will allow owner occupancy on those dates.

We have contacted Mr. Moser, with Moser, Inc., and he has stated that the Plumbing and Mechanical Contracts will be completed prior to the dates outlined in Mr. Gleason's letter, and his firm will allow owner occupancy on those dates.

Our office feels this schedule can be met by all contractors involved and recommends that the City accept Mr. Gleason's offer.

Of course, necessary insurance should be taken out and approval of the sureties involved should be obtained by the City prior to occupancy.

Very truly yours,

BABER, CORT AND WOOD, P.A.

John E. Cort

John E. Cort, AIA
Secretary-Treasurer

JEC/jml

cc: Honorable Richard A. Wood, Jr.

RESOLUTION NO. 75-135 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR ENGINEERING SERVICES WITH HOFFMAN, BUTLER & ASSOCIATES, INC. TO PERFORM PHOTOGRAMMETRIC SURVEYING AND THE PREPARATION OF PLAN PROFILE SHEETS FOR PROPOSED MAJOR WATER LINE CAPITAL IMPROVEMENTS

9. Consideration was given to a resolution authorizing the City Manager to enter into a contract for engineering services with Hoffman, Butler & Associates, Inc. to perform photogrammetric surveying and the preparation of plan profile sheets for proposed major water line capital improvements.

The City Manager read the resolution.

Mr. Bill Edens, Water and Sewer Director explained that this was part of the engineering costs for the capital improvements projects - phase III.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Horton. Resolution No. 75-135 was unanimously adopted.

Complete text of Resolution No. 75-135 will be found in Resolution Book No. 8 at page 208.

ORDINANCE NO. 862 - AN ORDINANCE AMENDING SECTION 2-43 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE RELATIVE TO THE ASHEVILLE TRANSIT AUTHORITY MEETING

10. Consideration was given to an ordinance amending Seciton 2-43 of the Code of Ordinances of the City of Asheville relative to the Asheville Transit Authority's meetings.

The City Manager read the ordinance.

Councilman Morris moved for the adoption of the ordinance. This motion was seconded by Councilman Colton.

On a roll call vote of 5-0, Ordinance No. 862 passed on its first reading.

GROUP DEVELOPMENT - AMENDMENT TO K-MART SHOPPING CENTER

The City Manager read a letter from the Planning and Zoning Commission recommending approval of the amended site plan for K-Mart Shopping Center subject to retaining the curbing on the entire length of the northernmost drive as well as that shown at the front entrances to K-Mart and other retailing outlets as approved by City Council on June 5, 1975.

Councilman Morris moved to schedule a public hearing on the matter for December 4, 1975. This motion was seconded by Councilman Horton and carried unanimously.

REZONING REQUEST - ASHEVILLE HOUSING AUTHORITY - WARD 2, SHEET 2, LOTS 186 AND 187

The City Manager read a letter from the Planning and Zoning Commission recommending approval of the rezoning request of the Asheville Housing Authority that Ward 2, Sheet 2, Lots 186 and 187 be rezoned from CH Commercial Highway to CR Commercial Regional District.

Because of these contingent items, Ranger anticipates beneficial occupancy for the Museum area can occur on or about January 1, 1976.

3. Ranger will complete the remaining punch list work in the interior of the new arena structure by December 15, 1975, but subject to the following qualifications:

   (a) Interference from Public Events
   (b) Flat wall panels
   (c) Completion of lock cylinder change and keying

4. Ranger cannot predict completion of exterior punch list work on exterior of total Center Complex due to extent of listed items and unpredictability of weather.

5. Ranger agrees to allow Owner beneficial occupancy of the Symphony - Rehearsal Room by December 1, 1975.

Very truly yours,

RANGER CONSTRUCTION COMPANY

Howard W. Gleason, Jr.
Vice President

HWG:mlm

cc: Mr. John Henson
cc: Mr. James Holt
cc: Mr. Paul Christiansen
cc: VanHinkle, Buck, Wall, Starnes & Hyde

RANGER CONSTRUCTION COMPANY

REPLY TO BRANCH ONLY-
P. O. BOX 18675
ATLANTA, GA. 30328
404-325-3161

MAIN OFFICE
P. O. BOX 669
ATHENS, ALA. 35611

November 3, 1975

RECEIVED
NOV 6 1975

Baber, Cort & Wood
239 Haywood Street
Asheville, North Carolina 28801

Attention: Mr. John E. Cort

Reference: Civic Center
Asheville, N. C.

Dear Mr. Cort:

In accordance with the General Conditions and your letter of October 20, 1975, the following are schedules of completion of the various phases of construction remaining on this project.

Because of reasons beyond Ranger's immediate control, some qualifications to the completion dates are given. Items which may become deficient under warranty are also excluded.

1. Ranger will complete the punch list for the Auditorium portion of the renovated structure by December 1, 1975.

   In the event the punch list work for the Auditorium level is not complete by December 1, 1975, Ranger will nevertheless permit beneficial occupancy by the Owner.

2. Ranger will complete the punch list for the Museum area and adjacent rooms by December 1, 1975, but subject to the following qualifications (these items are either on order or may need replacement):

   (a) Wall carpet
   (b) Several locksets and other hardware
   (c) Museum cabinet glass
   (d) Movable partitions
   (e) Two kitchen cabinets

Section 50-6-4.2 (b) - Free-Standing Signs

Amended paragraph to read as follows:

"(b) Except as otherwise provided in Paragraph (f) of this subsection and in Sections 50-6-4.9 and 50-6-4.10, the maximum total surface area of any free-standing sign which identifies a business on premise shall be six hundred (600) feet, and the maximum area of any one face of a sign shall be three hundred (300) square feet."

Section 50-6-4.2(c) - Free-Standing Signs

Amended paragraph to read as follows:

"(c) Unless otherwise specified in Sec.50-6-3(a), no part of any free standing sign shall exceed forty (40) feet in height as measured from either the grade at the sign or the grade of the nearest roadway whichever is higher unless specifically authorized by the Board of Adjustment. The Board of Adjustment shall not approve an increase in height unless the owner has demonstrated that a severe hardship will be imposed by a strict interpretation of this subsection. In making its decision, the Board of Adjustment may request and consider recommendations from the Building Inspector and the Planning Director."

Section 50-6-4.6(a-d) Wall Signs

Amended paragraphs to read as follows:

"(a) The total area of all wall signs on any face of a building shall not exceed twenty-five percent (25%) of the area of that portion of the building facade, between ground level and the roof line upon which said signs are located, or three hundred (300) square feet whichever is less.

(b) A wall sign may project above the roof line or parapet wall of the building upon which said sign is located, provided, however, that the maximum vertical projection shall not be greater than one-third (1/3) the total height of the sign. No wall sign shall be attached to or displayed against any parapet wall which does not extend around the entire perimeter of the building.

(c) Any sign erected upon or against the side of a roof having an angle of forty-five (45) degrees or less from the vertical shall be subject to the provisions of paragraphs (a) and (b) above, and shall not project more than fifteen (15) inches horizontally (measured at the bottom of the sign) from the side of the roof upon which it is displayed.

(d) A wall sign which identifies principal buildings located within the Commercial Regional District and/or principal tenant located within the building shall be exempt from the height and size provisions of this Ordinance, provided that the total area of such signs does not exceed ten percent (10%) of the total wall area to which the sign is located; however, in the event a clear determination cannot be made relative to any part of this paragraph, the Building Inspector shall interpret these provisions.

Mr. Moore said it was his intention to write both Mr. Gleason and Mr. Cort advising them that the City of Asheville will receive this information and in reliance thereon make their bookings accordingly.

CONTINUATION OF PUBLIC HEARING - SIGN ORDINANCE

Mr. Emrick continued with his review of the draft of the ordinance page by page.

The following action was taken during the course of the public hearing.

Section 50-5-10.5(a) - Other Temporary Signs

Size limitations was adjusted to reflect 50 square feet per face as a maximum.

Section 50-5-10.5 (c) Other Temporary Signs

Amended to read as follows:

"(c) If said sign remains in place longer than the prescribed period, the total square footage will be charged toward the allowable sign area allocated for the premises upon which the sign is located."

Section 50-6-3 (a) Schedule of Sign Requirements

Added the following wording to the third column (Type of Sign Permitted)

"(This formula and its imposed restrictions shall not apply to locating off premise advertising signs.)"

Increased the size of political signs to 300 square feet.

Section 50-6-3 (a) Schedule of Sign Requirements

Under portable and Mobile signs increased square footage allowed to 50 square feet per face.

Added footnote 2 and 3 - 2. The Board of Adjustment shall approve the the location of all off-premise advertising signs which are three hundred (300) square feet or greater prior to the issuance of a building permit.

3. If a portable or mobile sign is used for on-premises advertising for more than thirty (30) days in a consecutive six (6) month period, the square footage shall be included in the total allowable sign area for the premises upon which the sign is located. If used for off-premise advertising, said signs shall be subject to the spacing requirements as provided in Sec. 50-6-4.2.

Further, in determining the commencement date for any period of time as set forth in Section 50-8-4 of this Ordinance, said time shall begin as of the date of the adoption of this Ordinance.

In exercising the power of eminent domain, a city may in its discretion use the procedures of Article 2 of Chapter 40 of the General Statutes, or the procedures of this Article, or the procedures of any other general law charter, or local act applicable to the city.

Mayor Wood then called a special meeting of the Asheville City Council for Tuesday, November 11, 1975 at 2:00 o'clock p. m. for the sole purpose of continuation of the public hearing on the proposed sign ordinance for the City of Asheville at which time Council will place such ordinance on its first reading after said public hearing.

PROCLAMATION - YOUTH APPRECIATION WEEK - NOVEMBER 10-16, 1975

Mayor Wood proclaimed the week of November 10-16, 1975 as Youth Appreciation Week.

PROCLAMATION - MARINE CORPS WEEK - NOVEMBER 10 - 16, 1975

Mayor Wood proclaimed the week of November 10-16, 1975 as Marine Corps Week.

Adjournment.

Leonard R. Wood, Jr.
MAYOR

Vivian H. Sprinkle
CITY CLERK

Section 50-7-4 - Free-Standing Sign

Added the following sentence:

"Where such signs are located in vehicular parking and circulation areas, proper precautions shall be taken to protect the base of the sign structure from possible damage by vehicles."

Section 50-8-4(d) (2) - Amortization Provisions

Amended to read as follows:

"(2) A period from three (3) to ten (10) years from the effective date of this Ordinance.

In determining the applicable period of amortization the Building Inspector shall use either the original cost of the sign, including installation cost, or the cost of the most recent renovation as reflected in the following table. However, in no case may an aggregate total of the original cost, plus the cost of the most recent renovation be used in determining the applicable period of amortization.

Sign Cost or Renovation Cost	Permitted Years from Installation or Renovation Date
$ 501 to $ 1,000	3 years
$ 1,001 to $ 3,000	5 years
$ 3,001 to $10,000	7 years
Over $10,000	10 years

Any owner of a sign who desires to rely upon the amortization schedule shall file with the Building Inspection, within thirty (30) days after being notified of nonconformity, a certified statement setting forth: (1) the true cost of the original sign or the cost of the most recent renovation; and (2) the date of installation or the date of the most recent renovation. If in the event the cost data is not furnished by the sign owner then the cost data reflected on existing building permits, if any, will be utilized to determine the period of amortization applicable to that sign."

Section 50-8-6 Removal of Nonconforming Signs

Added new page to read as follows:

"The City of Asheville is authorized to acquire by purchase, gift or condemnation all signs and all property rights pertaining thereto which are not in conformance with the provisions of this Ordinance.

In any acquisition, purchase or condemnation, just compensation to the owner of the sign shall be limited to the fair market value at the time of acquisition whether by gift, purchase, or condemnation. However, in the event that condemnation of any sign is deemed advisable, the date of the taking shall be no earlier than the last day of the period applicable for removal of said sign as set forth in Section 50-8-4 herein.

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AMENDMENT

Amend Section 50-6-3(a), page 46, Fourth Column, lines 1 and 2, Fifth Column, lines 1 and 2, Sixth Column, lines 1 thru 6 by deleting said lines in said columns and substituting in lieu thereof the following narrative description, to wit:

"SIZE OF STANDARD OUTDOOR ADVERTISING SIGNS

(a) The maximum area for any one outdoor advertising sign shall be 672 square feet with a maximum height of 14' and a maximum length of 48', inclusive of any border and trim but excluding the base or apron, supports and other structural members.

(b) The maximum size limitations shall apply to one side of a sign structure and signs may be placed back to back, side by side or in V-type construction with not more than two displays to each facing and such sign structure shall be considered as one sign.

(c) For a single panel the maximum number of signs permitted shall be one (1) per client and for two (2) panels, two (2) per client or two (2) clients."

Tuesday, November 11, 1975 - 2:00 o'clock p. m.

Special Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Eugene C. Ochsenreiter, Jr., Corporation Counsel William C. Moore, Assistant City Manager/City Clerk William P. Wolcott, Jr.

Absent: City Manager Ernest J. Ward, Jr.

The Assistant City Manager read the advertised notice to the public giving notice that a special meeting of the City Council of the City of Asheville had been called and scheduled by Mayor Richard A. Wood, Jr., to be held in the Council Chambers on Tuesday, November 11, 1975 at 2:00 o'clock p. m. for the sole purpose of continuation of the public hearing on the proposed sign ordinance for the City of Asheville at which time and place Council would place on its first reading said proposed ordinance after said public hearing.

The following proposed amendments were presented:

VAN WINKLE, BUCK, WALL, STARNES, HYDE AND DAVIS, P. A.
ATTORNEYS AND COUNSELLORS AT LAW
30 CHURCH STREET
POST OFFICE BOX 7376
ASHEVILLE, NORTH CAROLINA 28807
704-255-3804

November 7, 1975

Mr. William C. Moore
Patla, Straus, Robinson & Moore, P. A.
Gennett Building
Asheville, North Carolina

In re: Proposed Ordinance Known as "The City of Asheville Sign and Outdoor Advertising Ordinance"

Dear Mr. Moore:

I have been informed by an agent of my client, Lamar Dean Outdoor Advertising Company that oral permission was granted by the Mayor for us to present to you, the City Planner, and each member of the City Council any proposed amendment to the proposed sign ordinance so that the matter could be considered by Council next Tuesday. I enclose ten copies of a proposed amendment. Either I or some agent of my client will be present on Tuesday, at 2:00 P. M. with another ten copies of the proposed amendment should these be necessary.

I trust that you will present to the City Planner and each member of Council a copy of the proposed amendment as included herein.

Sincerely yours,

Herbert L. Hyde

HERBERT L. HYDE

these stations, since without a sign our estimated volume of business would not justify the investment that we have made. Therefore, we feel now that without these high rise signs that are located at these eight (8) stations, the operation could be damaged to the point of closing. Since the majority of our stations are operated by independent dealers, if these stations close not only would Exxon lose, the dealer would lose, and this would definitely have some adverse effect on the economy within this area. It is requested that the proposed ordinance of sign height be revised to protect our existing high rise signs, to allow these signs to remain at their present height without having to be removed, it is suggested that after the new ordinance is placed into effect in order to install a high rise sign, that exceeds the maximum height, it will be necessary to secure a special variance.

In the past several years Exxon Company has invested a sizeable amount of money constructing new stations and rebuilding and up-grading some of the old stations in the City of Asheville. We have tried to create a good image by having modern improvements and attractive beautification that attract not only the local motoring public but the tourist as well. To give the customers the type service that would attract them back, and which will attract the tourist back to Asheville year after year. In order to attract the motoring public to our stations, proper signing is needed. The service station has always been an excellent information center. Approximately 90 percent of the motorist who are seeking information for directions, or concerning the city, stop at service stations. Without proper signs, it would be difficult to locate a station.

We will appreciate your not restricting us with sign laws that are costly and that will make us lose substantially. We hope you will give this your realistic consideration.

Yours very truly,

H. D. Moore
Senior Marketing Representative
Real Estate

HDM/fn

cc: City Council
City of Asheville

EXXON COMPANY, U.S.A.
POST OFFICE BOX 420 - CHARLOTTE, NORTH CAROLINA 28201

MARKETING DEPARTMENT
SOUTHEASTERN REGION

November 10, 1975

Mr. Verl Emrick
Planning Director
City of Asheville
P. O. Box 7148
Asheville, N. C. 28807

The City of Asheville
Sign and Outdoor
Advertising Ordinance

Dear Mr. Emrick:

Reference is made to the City of Asheville sign and outdoor advertising ordinance. Members of our Legal and Engineer Staff along with Management have reviewed this ordinance very carefully, and we have also had someone to represent Exxon Company at each meeting that you have held. We have been very concerned, since in some areas of the ordinance if approved as written, will adversely affect the operation of our stations, plus being very expensive to our company.

The required setbacks of free standing signs that are shown under Section 50-5-5, Page 32, in our opinion, as written would place most of our two major signs in a non-conforming category. It of course would be very costly to comply with the new proposed sign ordinance. As a rule when we install new signs, these are installed as close as possible to the street or highway right-of-way so it will be effective. This has allowed us to keep the signs at a minimum height and size. We have approximately 28 major signs in the City of Asheville that could be non-conforming. Our estimated expense to relocate or remove these signs could cost as much as $135,000. If these signs were relocated or reduced in height, chances are they would lose their effectiveness. It is requested that a change in the ordinance be made to protect our existing signs by allowing these signs to remain without having to relocate. It is suggested that the new ordinance read that all new signs installed after the new ordinance is placed in effect, to have a setback minimum of 10 feet from the present street, or highway right-of-way.

The other area that would adversely affect our service station operation is the proposed height limits of the high rise signs. We have approximately eight (8) of these signs in the City of Asheville that we feel will be effected. As mentioned, if these signs were lowered in height to conform, they would lose their affectiveness and would have to be removed. The price of these signs vary from $12,000 to $16,000 each. Due to the price of these signs, a careful study is made to only install the height that is absolutely necessary. I also would like to add that without this sign we could not have made the investment in purchasing the land and building

H. In Planned Unit Developments and group development projects a lesser setback may be permitted where deemed necessary and desirable, as a part of the site plan approval.

I. Encroachment into Right-of-Way. No part of a sign shall be in or extend into a public right-of-way except as provided for in Article 6.

This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Section 50-6-4.2 Free-Standing Signs

Councilman Colton moved to amend Section 50-6-4.2 (a) to read as follows:

"(a) (1) Where a lot has more than one (1) free-standing business, identification, or joint identification sign the minimum horizontal distance between such signs on the same lot shall be seventy-five (75) feet.

(2) Shopping centers which are part of a group development shall be permitted two (2) free-standing signs for each street frontage except as provided for in Section 50-6-4.9 of this Ordinance. "

This motion was seconded by Councilman Morris and carried unanimously.

Section 50-6-4.3 Signs on Canopies, Awnings, and Architectural Projections

Councilman Hoyle moved to amend Section 50-6-4.3 (a) (3) to read as follows:

"(3) Such signs may project horizontally beyond the face of a canopy or architectural projection the distance necessary to accommodate the letter thickness and required electrical equipment, but not more than eighteen (18) inches (measured from the bottom of the sign). Signs displayed on awnings shall not project beyond the surfact of the awning.

This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Section 50-6-4.9 Joint Indentification Signs

Councilman Horton moved to substitute the words "shopping centers" in lieu of"business"in Section 50-6-4.9(b). This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Section 50-7-1.2 Wind Loads and Section 50-7-1.3 Seismic Loads

Councilman Horton moved to stike the words "Vol. I, 1967 Edition"from these sections. This motion was seconded by Councilman Colton and carried unanimously.

Corporation Counsel William C. Moore proceeded to read the ordinance and the following amendments were made during the first reading.

Section 50-5-5 Required Setbacks, Free-Standing Signs

Councilman Morris moved to amend Section 50-5-5 to read as follows:

Free-standing signs in any zoning district shall be set back the following distances and no point on any such sign shall extend beyond the required setback line:

A. Business, identification or joint identification signs of seventy-five (75) square feet per face or less shall be allowed to abut, but not encroach upon the right-of-way except as provided for in this Ordinance.

B. Business, identification, or joint identification signs greater than seventy-five (75) square feet per face, the setback shall be measured ten (10) feet from the edge of the established right-of-way of the nearest public street or highway.

C. For wall signs utilzed as business, identification or joint identification signs as permitted by Ordinance, no setback shall be required as long as the sign is mounted on the building the sign is appurtenant to.

D. Off-Premise advertising signs three hundred (300) square feet per face or less, the setback shall be measured twenty (20) feet from the edge of the existing right-of-way of the nearest public street or highway.

E. Off-premise advertising signs over three hundred (300) square feet per face shall be measured thirty (30) feet from the edge of the existing right-of-way of the nearest public street or highway.

F. Portable and Mobile Signs . All primary use or off-premise advertising signs not permanently affixed and which have an overall area of fifty (50) square feet per face or less shall set back at least ten (10) feet as measured from the edge of the existing right-of-way of the nearest public street or highway. Provided, however, that if the Building Inspector determines that the sign poses a traffic hazard that he (the Building Inspector) shall determine the required setback.

G. In addition, no sign shall be erected within six hundred (600) feet of the right-of-way of any limited access highway within the jurisdiction of the City of Asheville until permit is submitted to and approved by the Asheville City Council.

Section 50-9-1. Intent

Councilman Ochsenreiter moved to delete the word "design" in the last paragraph of this section. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Section 50-9-2 Scope - Signs Requiring Special Exception

Councilman Morris moved to delete the word "design" in subsection (e) of Section 50-9-2 . This motion was seconded by Councilman Horton and carried unanimously.

Section 50-9-6. Existing Signs

Councilman Colton moved to amend Section 50-9-6 (a) to read as follows:

"(a) Within one hundred and eighty (180) days prior to the expiration date of the appropriate amortization period as provided for in Article 8, the owner of the sign may make application for a special exception according to the requirements of Sect. 50-9-3."

This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Section 50-9-6. Existing Signs

Vice-Mayor Marshall moved to amend Section 50-9-6 (c) to read as follows:

"(c) If the owner of the sign shall fail to make application for a special exception within the specified time period, or if the Commission denies the application, the sign shall be considered as a nonconforming sign, and shall be subject to the requirements for compliance or removal under the provisions of this Ordinance."

This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Section 50-10-8 Judicial Review of Decisions of Zoning Board of Adjustment

It was the consensus of Council to amend Section 50-10-8 to read as follows:

"Any person aggrieved by a final decision of the Board, and the City of Asheville, may seek relief therefrom in a court of competent jurisdiction within thirty (30) days of the date of such decision."

Councilman Ochsenreiter moved for the adoption of Ordinance No. 863, City of Asheville Sign and Outdoor Advertising Ordinance. This motion was seconded by Councilman Colton.

Section 50-7-1.5 Allowable Stresses.

Councilman Hoyle moved to strike the words "Vol. I, 1967 Edition" from Section 50-7-1.5. This motion was seconded by Councilman Morris and carried unanimously.

Section 50-7-8 Maintenance

Councilman Morris moved to amend Section 50-7-8 to read as follows:

"A. Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the Building Inspector, the owner thereof, or the person or firm maintaining the same, shall upon written notice from the Building Inspector, forthwith in the case of immediate danger and in any case within ten (10) days, secure the same in a manner to be approved by the Building Inspector, in conformity with the provisions of the State Building Code, or remove such sign. If such order is not complied with in ten (10) days, the Building Inspector shall remove such sign at the expense of the owner or lessee thereof.

B. It shall be the duty of the Building Inspector to inspect every free standing sign, roof sign, wall sign, and projecting sign at least once annually in order to determine that the same meet the requirements set forth in this chapter.

C. No sign shall for a period of more than thirty (30) successive days be allowed to exist with its surface area in a damaged condition or in a condition of disrepair.

A damaged condition shall mean rusted metal work, bent or broken sign facing, broken supports, or loose appendages or struts.

A condition of disrepair shall mean unpainted, cracked, chipped or peeling paint, unposted, covered or uncovered with ripped or peeling poster paper, or have weeds, trees, or vines or any other plant affixed or growing on the sign. However, the Building Inspector shall upon good reason extend the time period for not more than one sixty (60) day time period after which the Builing Inspector may order the removal of any such sign that is not brought into conformance with this section or issue a citation in accordance with the procedures prescribed by the applicable codes of the City of Asheville in an amount no less than Fifty Dollars ($50.00). In the case of a continuing violation, each twenty-four (24) hour period in which the violation exists shall constitute a separate violation.

D. On ten (10) days notice the Building Inspector may order the removal of any sign that is not brought into accordance with the provisions of this section. Such removal shall be at the expense of the owner or lessee.

This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Eugene C. Ochsenreiter, Jr., Henry R. Colton, Corporation Counsel William C. Moore, Assistant City Manager William F. Wolcott, Jr., Acting City Clerk Carol Hensley

Absent: City Manager Ernest J. Ward, Jr.

1. Approval of the minutes of the regular meeting held on November 6, 1975 and the special meeting held on November 11, 1975.

Councilman Horton requested that the minutes be amended, relative to his statement made regarding the Employees' Retirement Plan and Trust, as follows:

"That at present the plan requires a 3% contribution on the part of the employees and the 5% salary increase budgeted for January 1, 1976 will more than offset the contribution to the retirement plan."

The City Clerk noted that this amendment would be made.

Upon motion of Councilman Morris, seconded by Councilman Horton the minutes of the November 6, 1975 and November 11, 1975 meetings were unanimously approved, as amended.

PUBLIC HEARING - DEMOLITION AND REMOVAL OF 22 CLUB STREET, 40 CURVE STREET, 29 GRAY STREET, 23 TRADE STREET, 71 WHITE FAWN DRIVE, AND 77 WHITE FAWN DRIVE

ORDINANCE NO. 864 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 22 CLUB STREET, 40 CURVE STREET, 29 GRAY STREET, 23 TRADE STREET, 71 WHITE FAWN DRIVE AND 77 WHITE FAWN DRIVE

2. A public hearing was held concerning the adoption of an ordinance directing the Housing Officer to proceed with the demolition and removal of 22 Club Street, 40 Curve Street, 29 Gray Street, 23 Trade Street, 71 White Fawn Drive and 77 White Fawn Drive.

Mayor Wood opened the public hearing at 3:12 o'clock p. m.

The Assistant City Manager read the advertised notice to the public and affidavit of publication setting the time and date for the public hearing.

Mr. J. E. Johnson, Building Inspector, advised that he had personally examined said properties this date and found no evidence or indication that there are any improvements whatsoever under way or being made upon the properties at this time and found no evidence of compliance with said Orders issued by the Housing Division. He presented photographs of each dwelling showing the dilapidated condition of each.

At the request of Mayor Wood, Mr. Johnson read the names and addresses of the owners of each of the properties in question.

Mayor Wood closed the public hearing at 3:18 o'clock p. m.

The Corporation Counsel read the ordinance.

Councilman Colton moved for the adoption of the ordinance. This motion was

After discussion, Vice-Mayor Marshall moved to increase single face signs to 672 square feet and double face signs to 1344 square feet. This motion was seconded by Councilman Hoyle. On a voice vote the motion failed.

Councilman Morris and Horton suggested that some thought be given to specific locations for larger signs before considering the second reading.

Several requests were made by small sign dealers to eliminate the permit fee for signs $0 - $50.

Councilman Ochsenreiter moved to amend the permit fee schedule to read five (5%) per cent of certified cost up to $100.00 but not less than $1.00. This motion was seconded by Councilman Colton and carried unanimously.

On a roll call vote of 4-2, Ordinance No. 863 carried on its first reading with Vice-Mayor Marshall and Councilman Hoyle voting "no".

Adjournment.

Richard D. Wood
MAYOR

William F. McCarthy
CITY CLERK

After discussion, Councilman Morris moved to postpone the second reading of Ordinance No. 860 until December 4, 1975 and to instruct the Planning and Zoning Commission to study the requested change and contact the Town of Biltmore Forest to obtain their views on the change. This motion was seconded by Councilman Hoyle and carried unanimously.

ORDINANCE NO. 861 - AN ORDINANCE ESTABLISHING THE ASHEVILLE GENERAL EMPLOYEES' RETIREMENT PLAN AND TRUST

5. Consideration was given to the second reading of Ordinance No. 861, an ordinance establishing the Asheville General Employees' Retirement Plan and Trust.

Mayor Wood advised that members of Council had previously been furnished with copies of the Ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Councilman Horton noted that, at his request, the City staff had furnished members of Council a "fact sheet" outlining the basic details of the retirement plan and trust. He said he felt this information would give members of Council a better understanding of the plan.

On a roll call vote of 6-0, Ordinance No. 861 passed on its second reading.

ORDINANCE NO. 862 - AN ORDINANCE AMENDING SECTION 2-43 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE RELATIVE TO THE ASHEVILLE TRANSIT AUTHORITY

6. Consideration was given to the second reading of Ordinance No. 862, an ordinance amending Section 2-43 of the Code of Ordinances of the City of Asheville relative to the Asheville Transit Authority.

Mayor Wood advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 862 passed on its second reading.

BIDS - ALUMINUM SEATING FOR MEMORIAL STADIUM

7. Consideration was given to bids received November 10, 1975 for aluminum seating for the Memorial Stadium.

The Assistant City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid sumbitted by Kane and Associates, in the amount of $5,649.00.

Vice-Mayor Marshall moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Kane and Associates in the amount of $5,649.00. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

Bidder	Bid
Stadiums Unlimited, Inc.	$7,423.13
Kane and Associates	$5,640.00
Service Supply, Ltd.	No Bid

seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 864 passed on its first reading.

Councilman Horton moved to dispense with the rules and proceed to the second reading of Ordinance No. 864. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 864 passed on its second reading.

ORDINANCE NO. 859 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Hendersonville Road)

3. Consideration was given to the third and final reading of Ordinance No. 859, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED.

Mayor Wood advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 859 passed on its third and final reading.

Complete text of Ordinance No. 859 will be found in Ordinance Book No. 6 at page 114.

ORDINANCE NO. 860 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED. (Biltmore Forest extraterritorial zoning jurisdiction)

4. Consideration was given to the second reading of Ordinance No. 860, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED.

Mayor Wood advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Mr. Joe Swicegood, owner of 1572-1578 Hendersonville Road, said his property was to be included in this extraterritorial zoning jurisdiction and requested that his property, Ward 19, Sheet 16, Lots 8, 9, 10, 11, 12, 13 and 14-1/4, be zoned Commercial instead of the proposed R-2 Residential District. He said this property contains about 4 acres and it was his opinion that this property would never be used for residential purposes and the Commercial zone would be an asset to the community.

Mayor Wood explained that the agreement between the Town of Biltmore Forest and the City of Asheville was conditional upon the City Council zoning the property as originally proposed. He further advised that if the property was zoned Commercial, this would constitute "spot zoning" as the property on both sides of the property in question is proposed to be zoned R-2 Residential District. He also stated that approval would have to be obtained from the Town of Biltmore Forest to change the proposed zoning.

Mr. Mike Summey, Summey Sign Company, made a lengthy presentation in opposition to the proposed ordinance. He said he felt there was a need for a sign ordinance but not one as restricted as the proposed ordinance. He presented a petition with approximately 2,400 signatures in opposition to the ordinance.

Mrs. Price, Mrs. Louise George, Mrs. Sam Bingham, and Ernest Hamle all spoke in favor of the sign ordinance as originally presented.

Mr. Mike Freeman, President of the Asheville Council of Architects also spoke in favor of the ordinance.

Russell Brannon, attorney for Lamar Dean Outdoor Advertising Company, asked for an explanation of the intent of Alternate No. 3 proposed by the Planning and Zoning Commission, relative to off-premises advertising signs.

After discussion, Councilman Horton moved to delete footnote #2 on page 46 and insert in lieu thereof the following:

"The Board of Adjustments shall approve the location of, the maximum sign area allowable per sign face, and the maximum number of sign faces permitted on a single sign structure for all off-premises advertising signs which are 300 square feet or greater prior to the issuance of a building permit. If the owner of such an off-premises advertising sign erected prior to the effective date of this ordinance desires relief from the amortization provisions of this ordinance, such owner may make application to the Board of Adjustments for relief under the provisions of this section.

To assist the Board of Adjustment in making a determination as to the desirability of such off-premise signs the applicant shall clearly demonstrate to the Board's satisfaction that:

1) That the proposed sign will not be contrary to the intent of this Ordinance as declared in Section 50-1-2;
2) The proposed sign will comply with all applicable provisions of this Ordinance other than size;
3) The proposed sign is reasonably necessary; and
4) The proposed sign will not result in adverse effects upon neighboring properties, or the health, safety, and general welfare of the public in the opinion of the Council.

Further the applicant, the Building Inspector, and the Planning Director shall submit any and all data deemed necessary by the Council pertaining to each individual case."

This motion was seconded by Councilman Ochsenreiter.

Mr. George Gontero, of the Lamar Dean Outdoor Advertising Company, opposed the motion.

On a voice vote of 2-4, the motion failed.

CONTINUATION OF PUBLIC HEARING - SIGN ORDINANCE

8. Verl Emrick, Planning Director, advised that, at the request of Council, he had prepared the following proposed amendments relative to the maximum sign area for off-premise advertising signs shown on page 46 of the proposed ordinance.

Proposed Amendments to Maximum Sign Area For Off-Premise Advertising Signs

Alternative #1: Acceptance of proposal indicated in Draft #3 as read on November 11, 1975.

Alternative #2: Leave table on page 46 as written, but adding one of the following footnotes:

(1) The Asheville City Council shall approve the location of all off-premise advertising signs which are 300 square feet per face or greater prior to issurance of a building permit.

(2) The Asheville City Council shall approve the maximum size and location of all off-premise advertising signs which are 200 square feet per face or greater prior to the issuance of a building permit, provided that the applicant can demonstrate to Council satisfaction that a clear hardship is present and that the sign is absolutely necessary in the proposed location.

Alternative #3: Delete page 46 as written and substitute the following:

Section 50-6-3 (b) Approval of Off-Premise Advertising Signs

The Asheville City Council shall approve the location of, the maximum sign area allowable per sign face, and the maximum number of sign faces permitted on a single sign structure for all off-premise advertising signs which are 300 square per feet or greater prior to the issurance of a building permit. If the owner of such an off-premises advertising sign erected prior to the effective date of this ordinance desires relief from the amortization provisions of this ordinance, such owner may make application to the City Council for relief under the provisions of this section.

To assist the Council in making a determination as to the desirability of such off-premise signs the applicant shall clearly demonstrate to Council's satisfaction that:

(1) That the proposed sign will not be contrary to the intent of this Ordinance as declared in Section 50-1-2;
(2) The proposed sign will comply with all applicable provisions of this Ordinance other than size;
(3) The proposed sign is reasonably necessary; and
(4) The proposed sign will not result in adverse effects upon neighboring properties, or the health, safety and general welfare of the public in the opinion of the Council.

Further the applicant, the Building Inspector, and the Planning Director shall submit any and all data deemed necessary by the Council pertaining to each individual case.

In all cases the decision of the Council shall be final.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Ochsenreiter, Resolution No. 75-137 was unanimously adopted.

Complete text of Resolution No. 75-137 will be found in Resolution Book No. 8 at page 210.

RESOLUTION NO. 75-138 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE LIBRARY BOARD

Consideration was given to a resolution reappointing Mr. Walter McGuire and Mrs. Charles M. Frank as members to the Asheville Library Board.

The Assistant City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, Resolution No. 75-138 was unanimously adopted.

Complete text of Resolution No. 75-138 will be found in Resolution Book No. 8 at page 211.

Mayor Wood was excused from the meeting at 5:55 o'clock p. m., Vice-Mayor Marshall presided over the remainder of the meeting.

RESOLUTION NO. 75-139 - RESOLUTION APPOINTING DR. JAMES B. TENNEY, M.D., DR. P.H. TO THE DRUG AND ALCOHOL ABUSE ADVISORY COMMISSION

Consideration was given to a resolution appointing Dr. James B. Tenney, M. D. Dr. P. H. to the Drug and Alcohol Abuse Advisory Commission.

The Assistant City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Morris, Resolution No. 75-139 was unanimously adopted.

Complete text of Resolution No. 75-139 will be found in Resolution Book No. 8 at page 212.

RESOLUTION NO. 75-140 - RESOLUTION APPOINTING MEMBERS TO THE RECREATION BOARD FOR ASHEVILLE

Consideration was given to a resolution appointing Mr. Frank T. Leppert, Mrs. James Westall, Mr. Lonnie Gilliam and Mr. William Phiffer members of the Recreation Board for Asheville.

The Assistant City Manager read the resolution.

Upon motion of Councilman Horton, seconded by Councilman Hoyle, Resolution No. 75-140 was unanimously adopted.

Complete text of Resolution No. 75-140 will be found in Resolution Book No. 8 at page 213.

Mr. Albert Sneed, attorney for Summey Sign Company, spoke in opposition to the ordinance stating that the ordinance violated Constitutional amendments.

Mr. Larry Blue and Mr. Thomas Reese, of 944 Highway 70, also spoke in opposition to the ordinance.

Mr. E. R. McCarthy spoke in opposition to the ordinance.

John Stevens, 4 Oak Forest Court, and manager of Lum's, also spoke in opposition to the ordinance.

Councilman Ochsenreiter commented that he felt the ordinance would have an economic hardship on the sign owners and businesses and that the capability of the City Council to enforce such an ordinance would be difficult. He said he wanted to make that comment before the second roll call vote in order that his vote might be better understood.

On a roll call vote of 4-2, Ordinance No. 863 failed on its second reading, with Councilman Ochsenreiter, Vice-Mayor Marshall, Councilmen Hoyle and Horton voting "no" and Councilmen Colton and Morris voting "aye".

Mayor Wood suggested that Council reconsider the ordinance with the elimination of all the provisions concerning non-conforming uses and the amortization of non-conforming uses and make the ordinance prospective only.

Councilman Horton commented that he felt the ordinance was not a good ordinance in that it was too unwieldly, unmanageable, complicated and unfair in many respects. He said Council should find a better way to accomplish the regulating of signs.

Mayor Wood announced that in the absence of any further motions, the Sign Ordinance was defeated on second reading.

RESOLUTION NO. 75-136 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE SALES CONTRACT FOR PURCHASE OF 29-35 SOUTH MARKET STREET AND 34 EAGLE STREET

Consideration was given to a resolution authorizing the Mayor to execute sales contract for purchase of 29-35 South Market Street and 34 Eagle Street, property adjacent to the City Municipal Building.

The Assistant City Manager read the resolution and explained that this property would be used for parking and other municipal uses.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 75-136 was unanimously adopted.

Complete text of Resolution No. 75-136 will be found in Resolution Book No. 8 at page 209.

RESOLUTION NO. 75-137 - RESOLUTION APPOINTING MEMBER OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL

Consideration was given to a resolution reappointing Osborner M. Hart a member of the City of Asheville Board of Alcoholic Control.

The Assistant City Manager read the resolution.

CLAIM - LARRY E. RICE

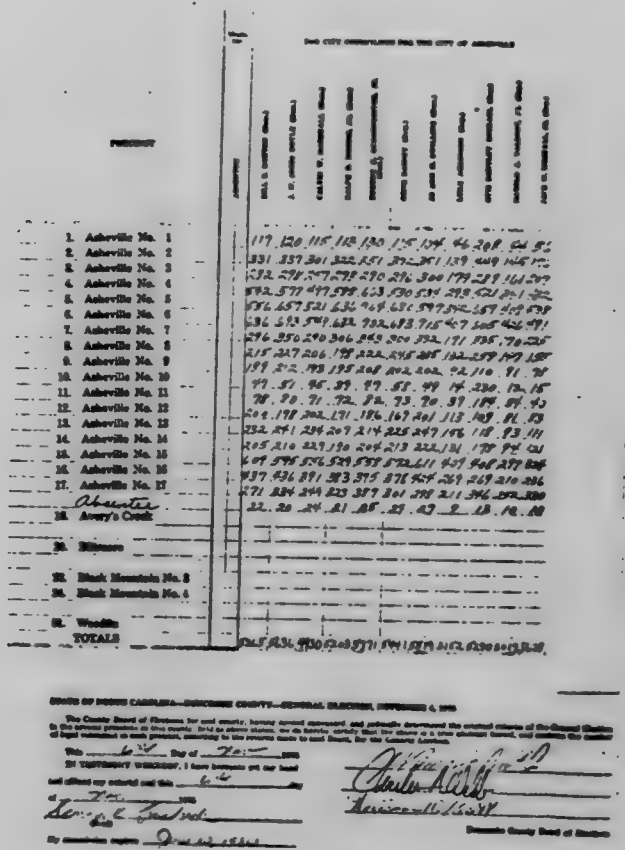
The Assistant City Manager presented a claim received from Lentz and Ball, attorneys for Larry E. Rice for injuries sustained at the Asheville Civic Center.

Vice-Mayor Marshall referred the claim to the Corporation Counsel for investigation and recommendation.

ABSTRACT OF VOTES CAST IN THE GENERAL ELECTION OF THE ASHEVILLE CITY COUNCIL ON NOVEMBER 4, 1975

The Assistant City Manager presented the abstract of votes cast in the General Election of the Asheville City Council on November 4, 1975, received from the Buncombe County Board of Elections.

Vice-Mayor Marshall instructed that the abstract of votes be included in the minutes:



1. Asheville No. 1
2. Asheville No. 2
3. Asheville No. 3
4. Asheville No. 4
5. Asheville No. 5
6. Asheville No. 6
7. Asheville No. 7
8. Asheville No. 8
9. Asheville No. 9
10. Asheville No. 10
11. Asheville No. 11
12. Asheville No. 12
13. Asheville No. 13
14. Asheville No. 14
15. Asheville No. 15
16. Asheville No. 16
17. Asheville No. 17
18. Avery's Creek
19. Bilmore
20. Black Mountain No. 3
21. Black Mountain No. 4
22. Woodfin
TOTALS

RESOLUTION NO. 75-141 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUPPLEMENTAL AGREEMENT CONCERNING A 12-INCH WATER LINE AS EXECUTED IN THE AGREEMENT DATED AUGUST 15, 1975 BETWEEN THE CITY OF ASHEVILLE AND THE SOUTHERN RAILWAY COMPANY

Consideration was given to a resolution authorizing the Mayor to execute a supplemental agreement concerning a 12-inch water line as executed in the agreement dated August 15, 1975 between the City of Asheville and the Southern Railway Company, property in Skyland, North Carolina.

The Assistant City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 75-141 was unanimously adopted.

Complete text of Resolution No. 75-141 will be found in Resolution Book No. 8 at page 214.

RESOLUTION NO. 75-142- RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA BOARD OF TRANSPORTATION FOR A WATER LINE EXTENDING NORTHERLY ALONG STATE ROAD 3503 AT SKYLAND, NORTH CAROLINA FOR A DISTANCE OF 1,325 FEET.

Consideration was given to a resolution authorizing the Mayor to execute right-of-way encroachment agreement with the North Carolina Board of Transportation for a water line extending northerly along State Road 3503 at Skyland, North Carolina for a distance of 1,325 feet to serve the Clark Equipment Company.

The Assistant City Manager read the resolution.

Upon motion of Councilman Hoyle, seconded by Councilman Horton, Resolution No. 75-142 was unanimously adopted.

Complete text of Resolution No. 75-142 will be found in Resolution Book No. 8 at page 215.

BIDS - TWO (2) ELECTRONIC CASH REGISTERS FOR USE AT CIVIC CENTER

Consideration was given to bids received November 10, 1975 for two (2) electronic cash registers for use at the Civic Center.

The Assistant City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Edward's Equipment Company in the amount of $7,110.00.

Councilman Hoyle moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Edward's Equipment Company in the amount of $7,110.00. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Bid Summary

Bidder	Bid
Check-Out Systems, Inc.	$8,860.00
Edward's Equipment Company	7,110.00
NCR Corporation	9,091.50

I still have concerns in two areas:

(1) There has still been no specific and responsive answer to the questions raised in my letter to Council of September 11, 1975. The "reply" tendered by City Attorney Bill Moore on September 16, 1975 did not adequately address the questions raised. This point was stressed in my second communication to you on October 9, 1975; and

(2) Although I hope that meaningful efforts at quality control and adherence to plans and specifications are being actively pursued, the quality of the work performed (as reflected in the Architect's May 22, 1975 96-page "punch list" reflecting some 1,636 items for correction on new construction interior alone) reflects a standard so low and a corrective workload so high that I am concerned that not all those discrepancies can be corrected within the timetable announced last week. I hope no "deal" or unwarranted forgiveness or relief from contract requirements is in prospect.

These concerns prompt two requests to City Council:

(1) I respectfully petition City Council to take whatever action is necessary to meet the requests directed to Council in my correspondence to you of September 11, 1975 and October 9, 1975; and

(2) I respectfully request that the Executive Committee of the Asheville Building & Construction Trades Council, both as concerned citizen-taxpayers and as expert journeyman mechanics in the crafts they represent, be afforded an opportunity to tour the entire facility with the Architect and/or his resident engineer for an independent assessment of its quality and state of completion prior to any sign-off or acceptance of the job by the City.

Please be assured that the motivation behind these requests is totally positive, reflecting only our desire to see that the controversy surrounding this construction is resolved, and the finished product reflects the maximum possible return on the taxpayers' investment.

I have discussed both these areas of concern with Architect John Cort, who serves as agent for the City on this construction.

He indicates that he is amenable to complete cooperation in fulfillment of both requests, requiring only positive direction to that end from the City Council as his employer.

I would appreciate positive action, whether by Council vote or administrative direction, at today's Council session to accomplish these ends.

If you wish further discussion of these issues or this request, please communicate with me.

Sincerely,

William D. Fox

William D. Fox, President
Asheville Building & Construction Trades Council

cc: Dr. Gene Rainey
Mrs. Jo Ann Swilling
Dr. Otis Michael

COUNCILMAN HORTON - ROCK CONCERTS IN THE ASHEVILLE CIVIC CENTER

Councilman Horton brought to Council's attention that he had received several complaints from concerned citizens in regard to the handling of "hard rock concerts" at the Asheville Civic Center. He said that he was referring to the concert put on by the Doobie Brothers on October 15, 1975. He said the complaints were in the nature of poor crowd control, excessive noise and the prevalent use of drugs. He suggested that the sound level be measured and if found to be above the safe limit that some restrictions be imposed by the management for future concerts. He also suggested that the form seating be eliminated and that a reserve seating plan be used. This he felt would help in the control of the crowd. The abusive use of drugs was discussed with Chief Hall, Sgt. K. D. Ingle, of the INS Squad, and Tom Budd, Chairman of the Asheville-Buncombe Drug and Alcohol Abuse Commission, who advised Council that they were aware of the problem and were now in the process of compiling a report on how other cities in the area are approaching the matter. Mr. Budd said the report should be completed about the end of November.

Councilman Horton requested that sound level measurements be taken during the next concert.

ASHEVILLE CIVIC CENTER - LETTER FROM ASHEVILLE BUILDING AND CONSTRUCTION TRADES COUNCIL

Mr. Jim Grey, representing the Asheville Building and Construction Trades Council on behalf of Mr. Don Fox, President, read the following letter to members of Council:

Asheville

BUILDING AND CONSTRUCTION TRADES COUNCIL

AFL-CIO

11 South French Broad Avenue

ASHEVILLE, NORTH CAROLINA 28801

Area Code 704 :: *Telephones:* 253-4610 - 253-3091

November 13, 1975

The Honorable Richard A. Wood, Jr.
Mayor, City of Asheville
Municipal Building
Asheville, N. C. 28801

Dear Mayor Wood:

Needless to say, I was delighted at the prospect of progress towards completion of the Asheville Civic Center reflected in the Architect's report to City Council last week. I am sure you and your colleagues on the Council share the public concern about completion of this facility, which has now stretched more than a year beyond the contracted date.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Eugene C. Ochsenreiter, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the November 13, 1975 meeting.

Vice-Mayor Marshall moved for the approval of the minutes of the November 13, 1975 meeting. This motion was seconded by Councilman Hoyle and carried unanimously.

ORDINANCE NO. 861 - AN ORDINANCE ESTABLISHING THE ASHEVILLE GENERAL EMPLOYEES' RETIREMENT PLAN AND TRUST

2. Consideration was given to the third reading of Ordinance No. 861, an ordinance establishing the Asheville General Employee's Retirement Plan and Trust.

Mayor Wood advised that members of Council had previously been furnished with copies of the Ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Mr. Hutchison, of H. Gray Hutchison and Associates, city's consultant, told Council that the possibility of the city participating in the Local Governmental Employees' Retirement System had been studied but that the private plan adopted would save about $200,000 per year. Half of that savings would be realized by employees. He said under the new pension system, a trust would be established funded by employee contributions of three per cent of their individual salaries, a city match to those contributions, an annual lump sum city contribution and interest on trust fund investments. He said the plan meets all state requirements for actuarial soundness and meets most provisions of a 1974 federal law governing pensions even though the city is not subject to its regulations.

On a roll call vote of 6-0, Ordinance No. 861 passed on its third and final reading.

Complete text of Ordinance No. 861 will be found in Ordinance Book No. 6 at page 117.

ORDINANCE NO. 862 - AN ORDINANCE AMENDING SECTION 2-43 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE RELATIVE TO THE ASHEVILLE TRANSIT AUTHORITY

3. Consideration was given to the third reading of Ordinance No. 862, an ordinance amending Section 2-43 of the Code of Ordinances of the City of Asheville relative to the Asheville Transit Authority.

Mayor Wood advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

After discussion, Vice-Mayor Marshall instructed the Corporation Counsel to contact Mr. John Cort, Architect, and make a report at next week's Council meeting on the matter.

Adjournment.

Richard A Wood, Jr.
MAYOR

Duncan G. Metcalf
CITY CLERK

(3) Ability to underwrite the Long-Term Disability benefits without also requiring additional Group Life Insurance benefits that would duplicate present benefits provided by the City.

(4) Ability to provide needed service functions on a local basis.

He said it was their opinion that Crown Life Insurance Company has submitted a competitive bid which reflects contract provisions and underwriting requirements that are consistent with the characteristics of the risk involved.

He briefly outlined the benefits available from this plan.

(1) All the active full time general employees on January 1, 1976, who have thirty (30) days of employment will be eligible to participate in the program.

(2) The benefits will provide in the event of disability which last for 180 days, a payment of 50% of the basic earnings of the employee with a maximum of $1,000 per month and a minimum of $20.00 per month. He said this would be offset by any other employer paid-for benefit such as workmens compensation, social security, or sick leave. He said this benefit will continue until age 65, for either sickness or accident, or until recovery from disability.

He said the Crown Life Insurance Company was offering this plan for an annual permimum of $15,273.96.

Councilman Horton moved to accept the proposal offered by the Crown Life Insurance Company for the Long-Term Disability plan in the amount of $15,273.96 annually. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

BIDS - RENOVATION OF VANCE MONUMENT

6. Consideration was given to bids received November 17, 1975 for the renovation of the Vance Monument.

Mr. John Cort, with Baber, Cort, and Wood Architects, advised that four (4) bids were received on November 17, 1975 for the renovation of the Vance Monument. The following four bids were received:

Brisk Waterproofing Company	$4,200
Holbrook Waterproofing Company	3,840
Skyland Waterproofing Company	3,700
Western Waterproofing Company	2,997

He said after examination by the architects it would be their recommendation for City Council to accept the low bid submitted by Western Waterproofing Company in the amount of $2,997.00.

Upon inquiry of Councilman Horton, Mr. Cort advised that the project should be completed within 30 days however the contract specifies payment to be 100% after completion. He said the contractor has requested that the City allow them to begin the work on March 15 to allow for bad weather conditions.

Vice-Mayor Marshall moved to accept the recommendation of the architect and award the bid to the low bidder, Western Waterproofing Company in the amount of $2,997. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 862 passed on its third and final reading.

Complete text of Ordinance No. 862 will be found in Ordinance Book No. 6 at page 118.

ORDINANCE NO. 864 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 22 CLUB STREET, 40 CURVE STREET, 29 GRAY STREET, 23 TRADE STREET, 71 WHITE FAWN DRIVE AND 77 WHITE FAWN DRIVE

4. Consideration was given to an ordinance directing the Housing Officer to demolish those dwelling houses known as 22 Club Street, 40 Curve Street, 29 Gray Street, 23 Trade Street, 71 White Fawn Drive, and 77 White Fawn Drive.

Mayor Wood advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Mayor Wood instructed the City Manager to read the names and addresses of the owners of the properties in question.

On a roll call vote of 6-0, Ordinance No. 864 passed on its third and final reading.

Complete text of Ordinance No. 864 will be found in Ordinance Book No. 6 at Page 120.

BIDS - LONG-TERM DISABILITY INSURANCE PLAN- PART OF THE OVERALL GENERAL EMPLOYEES' RETIREMENT PLAN

5. Consideration was given to bids received November 3, 1975 for a long-term disability insurance plan to be a part of the overall General Employees' Retirement Plan.

Mr. Hutchison, of H. Gray Hutchison and Associates, Inc., advised that their firm had completed a study and analysis of Group Long-Term Disability Insurance quotations which were obtained from bidding insurance carriers who responded to a public advertisement for bids. Each bidding company was provided with a uniform set of Group Insurance Specifications which outlined the basis on which bids were to be submitted. He said only two insurance carriers, Crown Life Insurance Company and Home Security Life Insurance Company, responded to the advertisement for bids. Crown Life stated in its proposal that it could underwrite the Long-Term Disability benefits as a separate coverage, whereas the Home Security Life stated that it would require a minimum of $2,000 of Group Life Insurance coverage to be underwritten in conjunction with the Long-term Disability Plan. He said, after careful consideration of the most feasible combination of factors to permit the City of Asheville to best achieve its objectives in effectively establishing and maintaining the proposed program of Long-Term Disability benefits on a reasonable cost basis, the consultants recommend that the coverage be placed with the Crown Life Insurance Company for the following reasons:

(1) Competitiveness of bid rates.

(2) Competitive position of bid contract provisions in accordance with the specifications.

RESOLUTION NO. 75-143 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE LEASE ON BEHALF OF THE CITY OF ASHEVILLE WITH THE UNITED STATES OF AMERICA FOR SPACE IN THE ASHEVILLE AIRPORT TERMINAL BUILDING FOR THE NATIONAL WEATHER SERVICE

8. Consideration was given to a resolution authorizing the Mayor to execute lease on behalf of the City of Asheville with the United States of America for space in the Asheville Airport Terminal Building for the National Weather Service.

The City Manager read the advertised notice to the public and affidavit of publication of notification of intention of the City Council to execute such lease at the November 20, 1975 meeting. The City Manager also read the resolution.

Upon motion of Councilman Colton, seconded by Vice-Mayor Marshall, Resolution No. 75-143 was unanimously adopted.

Complete text of Resolution No. 75-143 will be found in Resolution Book No. 8 at page 216.

RESOLUTION NO. 75-144 - RESOLUTION APPROVING FAIR MARKET VALUE OF REAL PROPERTY TO BE PURCHASED FOR THE DEVELOPMENT OF THE MONTFORD RECREATION COMPLEX

9. Consideration was given to a resolution approving fair market value of real property to be purchased for the development of the Montford Recreation Complex.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 75-144 was unanimously adopted.

Complete text of Resolution No. 75-144 will be found in Resolution Book No. 8 at page 217.

RESOLUTION NO. 75-145 - RESOLUTION AUTHORIZING CANCELLATION OF LEASE AGREEMENT WITH UNION OIL COMPANY

10. Consideration was given to a resolution authorizing cancellation of lease agreement with Union Oil Company.

The City Manager read the resolution and explained that the rent being received by the City of Asheville is not commensurate with the appraised value of said property.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Morris, Resolution No. 75-145 was unanimously adopted.

Complete text of Resolution No. 75-145 will be found in Resolution Book No. 8 at page 218.

ORDINANCE NO. 866 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FISCAL YEAR 1975-76 (Appropriation of Funds for Pay increases)

11. Consideration was given to an ordinance amending the operating budget of the City of Asheville for fiscal year 1975-76 transferring $83,912 from the General Fund Contingency Account and $13,552 from the Water and Sewer Operations Fund Contingency Account to the various salaries and wages accounts necessary to implement Council's action to implement one-half of the total amount of recommended pay adjustments to be effective January 1, 1976.

The City Manager advised that funds to pay for the exterior renovation of the Vance Monument would be from surplus funds appropriated for the renovation and restoration of the exterior of the City Hall Building. He said he was prepared to read an ordinance amending the operating budget to appropriate the funds for the purpose of cleaning and restoring the Vance Monument.

ORDINANCE NO. 865 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1975-76. (Vance Monument Restoration)

The City Manager read the ordinance.

Councilman Colton moved for the adoption of the ordinance. This motion was seconded by Councilman Horton.

On a roll call vote of 5-0, Ordinance No. 865 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 865. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 865 passed on its second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 865. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 865 passed on its third and final reading.

Complete text of Ordinance No. 865 will be found in Ordinance Book No. 6 at page 123.

BIDS - TWO (2) 5-YARD DUMP TRUCKS FOR STREET DEPARTMENT

7. Consideration was given to bids received November 17, 1975 for two (2) 5-yard dump trucks for Street Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Dorato Motors, Inc. totaling $19,103.88.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Dorator Motors, Inc. in the amount of $19,103.88. This motion was seconded by Councilman Horton and carried unanimously.

Bid Summary

Bidder	Bid
Apple Tree Chevrolet	$20,500.52
Dorato Motors, Inc.	19,103.38
Arrowhead International	19,338.20
Matthews Motors, Inc.	19,570.02

REQUEST OF MID-CITY MERCHANTS COUNCIL - FREE ON-STREET PARKING ON FRIDAY-NOVEMBER 28, 197

The City Manager read a letter from J. Pressley,Ltd., on behalf of the Mid-City Merchants Council, requesting free on-street parking on Friday, November 28, 1975. The City Manager recommended that the request be approved for free on-street parking in metered areas beginning at 10 a. m. on Friday, November 28, 1975.

Councilman Morris moved to grant the request of free on-street parking in metered areas beginning at 10 a. m. on Friday, November 28, 1975. This motion was seconded by Councilman Hoyle and carried unanimously.

AUDITORIUM OF CIVIC CENTER - NAMED IN HONOR OF THOMAS WOLFE

Mayor Wood reported that the Auditorium of the Asheville Civic Center has scheduled the following opening concert events:

December 11 - N. C. Symphony
December 13 - Asheville Symphony
December 14 - Kinder Koncert sponsored by the Asheville Symphony
December 15 and 16 - "Up with the People"

He said, a number of these groups wished to present these concerts as a series of opening events and plans are under way to include in the activities of the Asheville Symphony Concert on December 13 appropriate opening ceremonies in recognition of the fact that this will be the first series of events held in the auditorium.

He said several months ago it was suggested and discussed the possiblity of designating the auditorium portion of the Civic Center in honor of Thomas Wolfe, whose 75th birthday was observed some weeks ago. He said in light of the opening events he felt it would be appropriate for Council to take action on these suggestions at this time.

Councilman Colton moved to name the auditorium portion of the Asheville Civic Center "The Thomas Wolfe Auditorium". This motion was seconded by Councilman Morris and carried unanimously.

ROCK CONCERTS - ASHEVILLE CIVIC CENTER

Ms. Nancy Arthur spoke in favor of retaining the free-form seating at the Asheville Civic Center during rock concerts.

MRS. ROY ROGERS - REQUESTED EXTENDED HOURS FOR REDUCED RATES ON BUSES FOR SENIOR CITIZENS

Mrs. Rogers asked that consideration be given to extending the hours for reduced bus rates for Senior Citizens.

Councilman Morris advised Mrs. Rogers that this request was now under study by the Asheville Transit Authority.

JIM GRAY - MR. DON FOX - ASHEVILLE CIVIC CENTER - REQUESTED INSPECTION TOUR OF AUDITORIUM PORTION OF ASHEVILLE CIVIC CENTER

Mr. Jim Gray, speaking on behalf of Mr. Don Fox with the Asheville Building and Construction Trades Council, asked Council if they had any objections to an inspection tour being conducted in the auditorium portion of the Asheville Civic Center.

The City Manager read the ordinance.

Councilman Horton moved for the adoption of the ordinance. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 866 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 866. This motion was seconded by Councilman Colton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 866 passed on its second reading.

Councilman Colton moved to suspend the rules and proceed to the third and final reading of Ordinance No. 866. This motion was seconded by Councilman Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 866 passed on its third and final reading.

Complete text of Ordinance No. 866 will be found in Ordinance Book No. 6 at page 124.

SALE OF PARCEL 16 AND 17 - EAST RIVERSIDE RENEWAL PROJECT - N. C. R-48

Consideration was given to the approval of the sale of Parcel 16 and 17 in the East Riverside Renewal Project N.C. R-48.

Mayor Wood suggested that since this item was not scheduled on the published agenda, that consideration be given to the approval of the sale of these parcels after it was scheduled on a published agenda.

AMENDMENT OF ASHEVILLE ZONING ORDINANCE - GREENHOUSES IN RESIDENTIAL AREAS

The City Manager read a letter from the Planning and Zoning Commission requesting that the Asheville Zoning Ordinance be amended to permit greenhouses in residential areas.

Councilman Morris moved to schedule a public hearing on the matter for December 11, 1975. This motion was seconded by Councilman Horton and carried unanimously.

REZONING REQUEST - PROPOSED R-5 ZONE (RESIDENTIAL INCLUDING INDIVIDUAL MOBILE HOMES)

The City Manager read a letter from the Planning and Zoning Commission requesting the rezoning of four areas in the mile boundary from R-2 and R-3 (Residential) to the proposed R-5 (Residential including individual mobile homes).

Mayor Wood suggested that item be considered by the new City Council taking office on December 4, 1975.

Organizational Meeting

The members of the Council took the oath of office individually, which oath was administered by retiring Mayor Richard A. Wood, Jr., as follows:

Bill B. Horton
J. W. Hoyle
Otis B. Michael, M. D.
Ralph D. Morris, Jr.
Eugene C. Ochsenreiter, Jr.
Gene Rainey
Jo Ann M. Swilling

Councilman Morris moved to elect Councilman Rainey as temporary chairman for the election of the Mayor and Vice-Mayor. This motion was seconded by Councilman Michael.

Councilman Rainey questioned whether a temporary chairman could nominate or vote in the election of these offices.

It was determined under the Roberts Rules of Order that the temporary chairman could relinquish the chair for the purpose of making a nomination for such offices.

Councilman Rainey said, with this understanding, he would accept the position of temporary chairman.

On a voice vote, Councilman Rainey was elected temporary chairman.

ELECTION OF MAYOR

Councilman Rainey announced that the next order of business was the election of the Mayor of the City of Asheville.

Councilman Horton nominated Councilman Ochsenreiter as Mayor of the City of Asheville.

Councilwoman Swilling nominated Councilman Rainey as Mayor of the City of Asheville.

Councilman Rainey relinquished the position of temporary chairman and turned the chair over to Councilman Morris.

Councilman Rainey nominated Councilman Hoyle as Mayor of the City of Asheville.

Councilman Michael moved that the nominations be closed. This motion was seconded by Councilman Horton and carried unanimously.

Councilman Rainey then reassumed the chair of temporary chairman.

The City Clerk then called the roll to register each Council member's vote for Mayor of the City of Asheville. The vote was as follows: Councilmen Horton, Michael, Morris and Ochsenreiter voted for Councilman Ochsenreiter; Councilmen Rainey and Hoyle voted for Councilman Hoyle; and Councilwoman Swilling voted for Councilman Rainey.

Corporation Counsel William C. Moore advised that he would object to a tour or an inspection at any time prior to the completion of the punch list, but would not object to an inspection after the completion of the punch list but prior to the acceptance by the City.

Mayor Wood commented that he felt it was the consensus of Council to agree with Corporation Counsel William C. Moore's statement.

COUNCILMAN HORTON - REQUESTED ITEM FOR AGENDA - SOUND MEASUREMENTS DURING CONCERTS

Councilman Horton requested that the following item be placed on the scheduled agenda for the December 4, 1975 meeting.

"Report on readings of sound level measurements during the rock concert held on November 28, 1975 and a report of any problems encountered."

Adjournment.

Richard D. Wood, Jr.
MAYOR

Marian J. Malarkey
CITY CLERK

RESOLUTION NO. 75-148 - RESOLUTION PRESCRIBING THE TIME AND DAY OF THE WEEKLY MEETING OF THE CITY COUNCIL

5. Consideration was given to a resolution prescribing the time and day of the weekly meeting of the City Council.

The City Manager read the resolution which set Thursday at 3:00 o'clock p. m. as the regular day and time of the City Council meetings.

Councilman Michael moved to amend the resolution setting the time of the meeting for Thursday at 5:00 o'clock p. m. This motion was seconded by Councilman Hoyle.

During the discussion, Councilman Rainey asked if Councilman Michael would accept an amendment to his motion to start the meeting at 7:00 o'clock p. m.

Councilman Michael said he felt a 7:00 o'clock meeting would make it unsafe for people attending the meeting to return home. He said some would not have adequate transportation at such a late hour.

Vice-Mayor Horton moved, by substitute motion, to adopt the resolution as presented continuing the meeting time at 3:00 o'clock p. m. on Thursday and give consideration, in the near future, to a different time after receiving comments from the public on the matter. This motion was seconded by Councilman Morris.

On a roll call vote of 4-3, Vice-Mayor Horton's motion carried, with Councilmen Morris, Horton, Councilwoman Swilling and Mayor Ochsenreiter voting "aye" and Councilmen Rainey, Hoyle and Michael voting "no".

Complete text of Resolution No. 75-148 will be found in Resolution Book No. 8 at page 222.

MR. GEORGE M. STEPHENS - ASHEVILLE SYMPHONY ORCHESTRA

Mr. George M. Stephens read the following letter:

December 4, 1975

Mr. Richard A. Wood
First Union National Bank
Asheville, N. C. 28801

On behalf of all those who will use the Thomas Wolfe Auditorium, I want to extend to you our warm congratulations for the splendid efforts you made as Mayor to bring this project to completion. We trust that it will stand as a prime example of our community's best ideals for many years to come. Its full usefulness is just beginning. As you return to private life, our good wishes for every success go with you.

Very truly yours,

/s/ Larry
Lawrence D. Ford, President
Board of Directors
Asheville Symphoney

Councilman Rainey moved to elect Councilman Ochsenreiter as Mayor of the City of Asheville by acclamation. This motion was seconded by Councilman Hoyle and carried unanimously.

ELECTION OF VICE-MAYOR

Councilman Morris nominated Councilman Horton as Vice-Mayor for the City of Asheville.

Councilman Hoyle nominated Councilwoman Swilling as Vice-Mayor for the City of Asheville.

Councilman Ochsenreiter moved that the nominations for Vice-Mayor be closed. This motion was seconded by Councilman Michael and carried unanimously.

The City Clerk then called the roll to register each Council member's vote for Vice-Mayor of the City of Asheville. The vote was as follows: Councilmen Horton, Michael, Morris, Ochsenreiter, and Councilwoman Swilling voted for Councilman Horton; Councilmen Hoyle and Rainey voted for Councilwoman Swilling.

Councilman Horton was elected Vice-Mayor of the City of Asheville by acclamation.

Mayor Ochsenreiter expressed his appreciation to members of Council for electing him Mayor.

Vice-Mayor Horton also expressed his appreciation to members of Council for electing him Vice-Mayor.

RESOLUTION NO. 75-146 - RESOLUTION DESIGNATING BANKING DEPOSITORIES FOR CITY FUNDS

3. Consideration was given to a resolution designating banking depositories for city funds.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Vice-Mayor Horton, Resolution No. 75-146 was unanimously adopted.

Complete text of Resolution No. 75-146 will be found in Resolution Book No. 8 at page 220.

RESOLUTION NO. 75-147 - RESOLUTION DESIGNATING THE OFFICERS AND EMPLOYEES WHO SHALL GIVE BONDS FOR PERFORMANCE OF THEIR DUTIES AND SETTING AMOUNTS THEREOF

4. Consideration was given to a resolution designating the officers and employees who shall give bonds for performance of their duties and setting amounts thereof.

The City Manager read the resolution.

Upon motion of Councilman Michael, seconded by Councilman Hoyle, Resolution No. 75-147 was unanimously adopted.

Complete text of Resolution No. 75-147 will be found in Resolution Book No. 8 at page 221.

2) The bank shown on the Group Development Plan is to be eliminated;

3) There is to be a cut for cross-access between the Shopping Center and Sambo's property in order that cross parking may be utilized."

Mr. Emrick advised that the Planning and Zoning Commission had recommended approval of the amended site plan subject to retaining the curbing on the entire length of the northernmost drive as well as that shown at the front entrances to K-Mart and other retailing outlets as approved by City Council on June 5, 1975.

After discussion, Mayor Ochsenreiter closed the public hearing at 4:06 o'clock p. m.

Councilman Morris moved for the approval of the amended site plan of the K-Mart Shopping Center as recommended by the Planning and Zoning Commission, provided the remainder of the structures are built in accordance with the original approved site plan. This motion was seconded by Councilman Rainey and carried unanimously.

ORDINANCE NO. 860 - AN ORDINANCE AMENDING ORDINANCE NO. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Zoning of extra-territorial jurisdiction in Biltmore Forest)

3. Consideration was given to the second reading of Ordinance No. 860, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended to zone the extraterritorial jurisdiction in Biltmore Forest.

Mr. Emrick, Director of Planning, reviewed for the benefit of the newly elected members of Council the background of the ordinance. He said on August 20, 1975 the City of Asheville entered into an agreement with the Town of Biltmore Forest to extend extraterritorial zoning jurisdiction to the South to incorporate the area that the Town of Biltmore Forest actually controls into the City of Asheville's zoning jurisdiction.

He said the proposed zoning for this area had been approved by the Town of Biltmore Forest and is now before Council for their consideration. He explained that on November 20, 1975, Mr. Joe Swicegood, owner of Ward 19, Sheet 6, Lots 8, 9, 10, 11, 12, 13, and 14, appeared before Council and requested that his lots be zoned Commercial Highway instead of R-2 Residential and Council had instructed that the Planning and Zoning Staff review Mr. Swicegood's request and to contact the Town of Biltmore Forest for their comments on his request. He said the Town of Biltmore Forest had been contacted and has no objections to zoning the lots Commercial Highway as requested by Mr. Swicegood.

Mr. Emrick said it would be his recommendation to zone the property as originally proposed, R-2 Residential.

Mr. Joe Swicegood, again appealed to Council to zone his property Commerical Highway.

Mr. Emrick said in his opinion Council had the alternatives of either zoning the property as originally proposed or to impose a Commercial Highway strip zone extending from Mr. Swicegood's property to the Turtle Creek property.

RESOLUTION NO. 75-149 - RESOLUTION OF APPRECIATION TO RICHARD AUSTIN WOOD, JR., MAYOR OF THE CITY OF ASHEVILLE FROM MAY 17, 1971 TO DECEMBER 4, 1975

Consideration was given to a resolution of appreciation to Richard Austin Wood, Jr., Mayor of the City of Asheville from May 17, 1971 to December 4, 1975.

Mayor Ochsenreiter read the resolution of appreciation.

Upon motion of Councilman Morris, seconded by Councilman Rainey, Resolution No. 75-149 was unanimously adopted.

Complete text of Resolution No. 75-149 will be found in Resolution Book No. 8 at page 223.

Vice-Mayor Horton presented the resolution to retiring Mayor Richard A. Wood, Jr.

RECESS

Mayor Ochsenreiter recessed the meeting at 3:40 o'clock p. m. for a five (5) minute recess.

The meeting reconvened at 3:55 o'clock p. m.

Council then went into the regular session.

1. Approval of minutes of November 20, 1975 meeting.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Horton, the minutes of the November 20, 1975 meeting were approved as submitted.

PUBLIC HEARING - AMENDED SITE PLAN OF THE K-MART SHOPPING CENTER

2. A public hearing was held to consider the amended site plan of the K-Mart Shopping Center.

Mayor Ochsenreiter opened the public hearing at 3:57 o'clock p. m.

The City Manager read the advertised notice to the public and affidavit of publication setting the time and day for the public hearing.

At the request of Mayor Ochsenreiter, Mr. Emrick reported that under the Zoning Ordinance in Article 6 this development required review under the group development standards. He advised that the Planning and Zoning Commission had reviewed this development plan on several different occasions and the latest amendment submitted by Harold K. Bennett, attorney for Edward I. Greene, developer, is as follows:

" 1) There is to be a driveway cut shown on the Burger King common line with that of Edward I. Greene at the northeast corner of the Burger King property, said cut to be made in the shopping center South drive curbing;

SALE OF PARCEL 16 AND 17 - EAST RIVERSIDE RENEWAL PROJECT N. C. R-48

5. The City Manager read a letter from the Asheville Housing Authority requesting consideration of the sale of Parcel 16 and 17 in the East Riverside Renewal Project N. C. R-48. He said the established price and bid for the Parcels totaled $3,459.00. Parcels 16 and 17 are located at the Northeast corner of Phifer Street and South French Broad Avenue. The South Atlantic Conference of Seventh Day Adventist submitted the bid to purchase these parcels which are contiguous with their property on South French Broad Avenue in order to have off-street parking.

Councilman Hoyle moved to approve the sale of Parcel 16 and 17 in the East Riverside Renewal Project N. C. R-48 to the South Atlantic Conference of Seventh Day Adventist for the amount of $3,459.00. This motion was seconded by Councilman Morris and carried unanimously.

RESOLUTION NO. 75-150 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE N. C. STATE BOARD OF TRANSPORTATION FOR AN EIGHT INCH WATER LINE CROSSING UNDER U. S. 70 AT SWANNANOA, NORTH CAROLINA

6. Consideration was given to a resolution authorizing the Mayor to execute right-of-way encroachment agreement with the N. C. State Board of Transportation for an eight-inch water line crossing under U. S. 70 at Swannanoa, N.C.

The City Manager read the resolution and explained that this resolution would provide for the installation of an eight-inch water line to serve the Wometco Food Vending Company in the Swannanoa area.

Mr. Edens, Water and Sewer Director, said that the cost of the line would be paid for out of the Water System Improvements Funds and part of the cost will be shared by the developer of the land who requires a two-inch service across the road. He said the Water Department must make the connection on the existing eight-inch main on the north side of U. S. 70, since no city water main exist on the south side of U. S. 70 at the Wometco property. He said the installation of this eight-inch water main under U. S. 70 would be justified in making available for the City a needed supply of water for future development of the water system on the South side of U. S 70 in this area.

Upon motion of Councilman Rainey, seconded by Councilman Morris, Resolution No. 75-150 was unanimously adopted.

Complete text of Resolution No. 75-150 will be found in Resolution Book No. 8 at page 224.

SOUND MEASUREMENTS - ROCK CONCERTS

The Assistant City Manager William F. Wolcott advised that several weeks ago Vice-Mayor Horton had requested that at the next rock concert sound level measurements be made to determine if the sound was in danger of hearing impairment for those attending the concerts. He reported that on November 28, 1975 a concert known as "Kiss" was held in the Civic Center and Mr. Sam Blalock of Audio Service Company was employed to make sound level measurements during the concert.

After discussion, Councilman Morris moved to table Ordinance No. 860 until such time as the strip zone could be considered and the additional property owners re-notified that their property would be subject to being zoned Commercial Highway instead of R-2 Residential. This motion was seconded by Councilman Rainey and carried unanimously.

PUBLIC HEARING - REZONING PROPERTY OF ASHEVILLE HOUSING AUTHORITY - WARD 2, SHEET 2, LOTS 186 AND 187

4. A public hearing was held relative to rezoning property of Asheville Housing Authority from CH Commercial Highway to CR Commercial Regional District. (Ward 2, Sheet 2, Lots 186 and 187).

Mayor Ochsenreiter opened the public hearing at 4:28 o'clock p. m.

The City Manager read the advertised notice to the public and affidavit of publication setting the time and day for the public hearing.

Mr. Emrick, Director of Planning, reported that the Planning and Zoning Commission had recommended approval of the rezoning as petitioned for the following reasons:

1. The property is presently zoned CH Commercial Highway; therefore, a new district with a different character would not be introduced;

2. The property can be tied in with the existing CH District which primarily serves the downtown business district and includes all of the N. C. R-13 area; and

3. The CR District is designed to serve business and professional services which, in this case, is the proposed use for this property.

Mr. Larry Holt, of the Asheville Housing Authority, said it was the request of the Housing Authority that this property be rezoned to conform with the remainder of the property in the Civic Redevelopment Project. He said by rezoning this parcel the potential owners will be allowed to develop it in conformance with the rest of the project. He said it was proposed that the property would be used for office buildings.

Mayor Ochsenreiter closed the public hearing at 4:37 o'clock p. m.

The City Manager then read the prepared ordinance zoning the property as petitioned.

Vice-Mayor Horton moved for the adoption of the ordinance. This motion was seconded by Councilman Michael.

On a roll call vote of 6-0, Ordinance No. 867 passed on its first reading.

4) Guidelines drawn up for the patroling of concerts. We realize the difficulty in enforcing these rules and regulations in the large crowd and under the unique conditions of a concert. We feel that policemen working the concerts should have guidelines under which to operate that would be specifically designed for the efficient regulations of the concerts.

Again we would like to stress that these are not recommendations for the controlling of rock concerts, but recommendations for the controling of any concert held in the Civic Center. We do not feel the fault lies in rock concerts, but that similar problems exist in all gatherings of large crowds.

Tom DeVesto, owner of the Bridge Sound Company, told Council that the tests Vice-Mayor Horton referred to were made in industrial environments, at given frequencies rather than a variety of frequencies of sound. He said bass frequencies push the decibel level up but have not been shown to impair hearing. He also said most of the audience at the rock concerts hears music at less than 100 decibels because of the distance between the audience and the speaker equipment. He gave his interpretations on the sound levels taken during the "Kiss" concert.

Vice-Mayor Horton requested that Mr. DeVesto put his interpretations in writing and asked that he furnish Council with a bibliography supporting his statements.

REZONING REQUEST - MR. AND MRS. DAN WORLEY, MS. JANET ROSS, MR. AND MRS. GUDGER CHANDLER - WARD 17, SHEET 11, LOTS 74, 75, AND 76 BE REZONED FROM R-3 RESIDENTIAL DISTRICT TO CS COMMERCIAL SERVICE DISTRICT

The City Manager read a letter from the Planning and Zoning Commission recommending approval of the request of Mr. and Mrs. Dan Worley, Ms. Janet Ross, and Mr. and Mrs. Gudger Chandler to rezone Ward 17, Sheet 11, Lots 74, 75 and 76 from R-3 Residential District to CS Commercial Service District.

Councilman Morris moved to schedule a public hearing on the matter for January 8, 1976. This motion was seconded by Vice-Mayor Horton and carried unanimously.

CLAIMS - GREGORY JOHNSON AND JOHN M. YOUNG

The City Manager presented claims from Gudger and McLean, attorneys for Gregory Johnson and John M. Young due to water damage.

Mayor Ochsenreiter referred the claims to the Corporation Counsel for investigation and recommendation.

CORRESPONDENCE FROM ASHEVILLE BUILDING AND CONSTRUCTION TRADES COUNCIL - RE: CIVIC CENTER

The City Manager presented Council with a letter received from Mr. W. Don Fox, President of the Asheville Building and Construction Trades Council.

Mayor Ochsenreiter instructed that the letter be made a part of the minutes.

The letter is as follows:

Mr. Blalock reported his findings of sound level measurements made during the concert, which are as follows:

Group One: First Song averaged 108 DB Peaked 112 DB from upstairs in Rear. Second Song averaged 110 DB with Peaks at 116 DB. Their Last Song averaged 112 DB with peaks to 116 DB on Main floor in Rear.

Group Two: First Song averaged 110 DB with peaks to 115 DB from upstairs in rear. Third Song averaged 114 DB with peaks to 120 DB. The Fourth and Fifth Songs exceeded peak limit of 120 DB with averages in rear balcony of 114 DB.

Group Three: First Song averaged 110 DB peaked 116 DB from upstairs rear balcony, Last two songs averaged 114 DB with peaks to 120 DB both on main floor and rear balcony.

Mr. Blalock said he was not qualified to interpret the readings to determine whether any danger to hearing was present.

Vice-Mayor Horton said that, according to tests made under the Occupational Health and Safety Act (OSHA), 110 decibels can be tolerated without hearing damage for a half hour every 24 hours. Anything more than that volume can be heard for only 15 minutes during a 24 hour period without damaging hearing. He suggested that the findings be interpreted by someone qualified to determine whether any danger to hearing was present.

It was the consensus of Council to authorize further tests conducted on the sound level at musical events in the Civic Center and the Thomas Wolfe auditorium, on a variety of performances and to have the findings interpreted by someone qualified to determine whether any danger to hearing was present.

Councilman Rainey commented that the rock concerts has its own subculture and Council should not single out this type of subculture music and these rules, if any, should apply to all events.

Jim Evans, Civic Center Manager, said most groups were not going to come to the Civic Center if restrictions were placed on the level of music. He said the average rock concert grosses the City $3,000 in rent and $2,500 in concessions, with the City's own expense being approximately $800.

Eddie Mullis, with the Asheville Buncombe County Youth Council, presented the following recommendations for dealing with the problems during the rock concerts:

1) Limited Ticket Sales - We are aware that the Civic Center management realizes the over-capacity crowd at the Doobie Brothers Concert. However, we felt we could not overstress the difference the crowd made in the unusually unruly appearance of the concert.

2) In Johnson City, tickets are stamped with warnings that the purchaser is subject to search at any time when attending the concert. We feel this would be helpful in Asheville, because it would discourage illegal drugs and liquor from being carried into the concerts.

3) Enforcement of present rules and regulations. We believe that most of the complaints about concerts would be quietened if the present regulations could be enforced.

that each of you review the entire file on this matter at your first opportunity, and then make your own judgements as to whether the Architect (as your agent) has made a good faith effort to provide the information requested.

I maintain that he has NOT -- and that this is easily documented FROM THE RECORD!

For instance: What fee was paid by the City for the performance bond under this contract? What company provided that bond, and through what agent or agency? How much (a specific sum, rendered in dollars and cents) is due under the contract to the Archtect for his services on the Civic Center? What portion of that sum has been paid, and how much remains to be paid? What additional charges (if any) has the Architect made for other services (such as change orders) under this contract?

The office of the Attorney General for North Carolina has clearly ruled that the public has a right to the information requested under the "Freedom of Information" Act. That communication was read into the record on September 11th. Moreover, the prior Mayor and Council have assured me on several occasions that "No one is trying to hide anything", and the information requested would be immediately forthcoming.

While I hesitate to impugn either their word or their motives, I am left with the fact that the information requested has NOT been deliver

Frankly, the performance of the prior Mayor, the Council he headed, and the attorney and the Architect he directed on this subject has been such to date that I am reluctantly being forced to the conclusion that SOMEBODY must be trying to hide SOMETHING!

I respectfully request of this Council and our new Mayor that it take immediate affirmative action to resolve any doubts of suspicions which might be raised by the dilatory and unacceptable handling of our September 11th request by the preceding Council over the last 84 days.

As a start, I would suggest a meeting early next week involving myself and one or more members of this new Council. Such a meeting would provide a private forum for reviewing this matter with the City Manager, the City Finance Director, the City Attorney, the Architect (as the City's agent on this job), the Civic Center Manager, or anyone else who might bear some responsibility in this area. Such a forum might (hopefully) elicit the information we have been seeking for so long!

I also call to the attention of this new Council the request for a tour of the Civic Center by the skilled craftsmen on the Executive Committee of the Asheville Building & Construction Trades Council. That request, and the supporting rationale, was tendered to Council in my letter of Novermber 13th.

Asheville

BUILDING AND CONSTRUCTION TRADES COUNCIL

AFL-CIO

11 South French Broad Avenue

ASHEVILLE, NORTH CAROLINA 28801

Area Code 704 :: Telephones: 253-4610 - 253-3091

4 December, 1975

CITY COUNCIL
City of Asheville
Municipal Building
Asheville, N.C. 28801

Gentlemen (and Mrs. Swilling):

I congratulate you upon your recent election, and your assumption today of the offices you hold. The leadership and direction you provide over the next two years will have impact on the lives of every citizen, and help shape the future course of our community. You bear a heavy responsibility, and I wish you well.

With a new Mayor, and with three new members on the Council, I hope that this Council will prove more open and democratic in its operations, more responsive to legitimate community interests, and more responsible in its actions than the preceding Council.

Prior to today, the Asheville City Council had met on ten occasions since I addressed a formal communication to City Council on September 11th voicing community concerns and raising specific questions regarding the Asheville Civic Center.

Since that time, I have had frequent contact with Architect John Cort and City Attorney Bill Moore on this subject. In addition, I have communicated with Council by letter on two further occasions (October 9th and November 13th), expressing my concern that detailed and specific answers, authoritative in their source and directly responsive to the questions raised, have not been forthcoming.

The latest response to my continuing efforts to adduce this information was delivered to me late last week (although dated November 17th). It was in the form of a letter from the Architect to the City Attorney, and was delivered to me tardily, and only after repeated contacts with members of Council, municipal staff, the City Attorney, and Architect John Cort.

Copies of this most recent letter are available from municipal files. While it contains some information not contained in the initial response tendered by Mr. Moore after consultation with the Architect on September 16th, it still does not specifically and directly address many of the questions raised.

Unless you desire it, I will not take up your time reading that entire communication into the record at this time. I do, however, suggest

(more)

Mr. Moore said the City of Asheville has employed an insurance expert, Attorney Harold Bennett, who does trial work specifically in this field and in this case and that Mr. Bennett objects from a legal standpoint to any inspection prior to the time that the punch list is completed but would not object to an inspection before it it accepted by the City.

Councilman Rainey suggested that a meeting be scheduled with the individuals requested by Mr. Fox.

Mr. Moore suggested that Council meet with Mr. Bennett and review the complete background of the project prior to meeting with any outside individuals.

Mayor Ochsenreiter requested that the Corporation Counsel schedule a meeting with Mr. Harold Bennett to review for Council members the background of the project.

Councilwoman Swilling suggested that Mr. Fox be informed of Council's action on the matter.

Mayor Ochsenreiter advised that he would communicate with Mr. Fox.

PROCLAMATION - "UP WITH THE PEOPLE WEEK" - DECEMBER 8 - 16

Mayor Ochsenreiter proclaimed the week of December 8 - 16, 1975 as "Up with the People Week" in the City of Asheville.

ELDRIDGE FOX - CIVIC CENTER

Eldridge Fox, promoter of gospel and religious music performances in the area, complained to Council that he had been told by ex-Mayor Richard A. Wood, Jr. that his performances would not be allowed in the renovated city auditorium. He critized that lack of guidelines for use of the auditorium.

The City Manager said recommendations for permitted uses in the facility would be before Council within the next two weeks.

Mayor Ochsenreiter advised Mr. Fox that he would be given an answer to his question after the recommendations on guidelines were accepted by Council.

COUNCILMAN MICHAEL - REPORT ON MINORITY EMPLOYMENT

Councilman Michael requested the City Manager to furnish, by next week's meeting, a report on the number of minorities that are in salaried supervisory positions in the City of Asheville, particularly in the Police and Fire Department to see if the City could promote the hiring and promote the promotions of minority groups in order that Asheville could be an equal opportunity employer. He said the City could be faced with loosing federal funds if it does not start hiring and promoting minority groups.

Adjournment.

MAYOR

CITY CLERK

To date, I have received no official response to that request, although the City Attorney advised me today via telephone that Architect John Cort has written to him REFUSING TO HONOR that request or cooperate in such a tour. I would point out to you that such a tour would have little efficacy or positive effect if it comes after the City accepts and "signs off" on the job.

I believe that positive action dealing with the requests I have tendered to Council regarding the Civic Center is both desireable and necessary under the law.

I respectfully request of this new Council that you initiate that action, whether by formal vote or administrative action, at today's session. In doing so, you will be true to the oath just administered, and to the trust of the people who elected you.

I will undertake to answer any questions you may have, and appreciate your attention.

Sincerely,

Asheville Building & Construction Trades Council

W. Don Fox

W. DON FOX,
President

Corporation Counsel Moore, reviewed for the newly elected members of Council, the background of Mr. Fox's correspondence. He explained that originally Mr. Fox wrote a letter requesting certain information from Baber, Cort and Wood, Architects for the Civic Center. He said the architect contacted him requesting that he answer Mr. Fox's questions, which he attempted to do; however, Mr. Fox was not satisfied with his answers and came back to Council. At the November 20, 1975 meeting Vice-Mayor Marshall instructed that Mr. Cort be contacted in an effort to get this information to Mr. Fox. On November 28, 1975 he wrote a letter to Mr. Cort requesting that this information be furnished to Mr. Fox. He said he had received a hand delivered letter from Mr. Cort prior to the meeting which he read to Council. In the letter Mr. Cort advised that he felt it would be inappropriate for him to communicate with anyone other than his client, which is the City of Asheville.

Councilman Michael said he was also interested as to why the Civic Center had not been completed and how long it will take to finish it; whether the penalties are being paid; and whether the architect is satisfied with the progress. He said he felt an inspection tour was needed by the Asheville Building and Construction Trades Council or by an independent person who is qualified to make such an inspection.

Corporation Counsel Moore advised that there had been correspondence with Ranger Construction Company and they strongly objected to any inspection by outside groups until they had been given an opportunity to correct the punch list which the architect had presented.

Mayor Ochsenreiter opened the public hearing at 3:20 o'clock p. m.

The City Manager read the advertised notice to the public and affidavit of publication setting the time and date for the public hearing.

Verl Emrick, Planning Director, reported that at the Planning and Zoning Commission meeting held on November 5, 1975 the Commission recommended to City Council that greenhouses, used as an accessory building to the primary residence, be permitted in Residential areas.

During the discussion, it was determined that no retail or wholesale sales would be made from such greenhouses.

Mayor Ochsenreiter closed the public hearing at 3:27 o'clock p. m.

Councilman Rainey moved for the adoption of the ordinance. This motion was seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 868 passed on its first reading.

ORDINANCE NO. 867 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Ward 2, Sheet 2, Lots 186 and 187)

4. Consideration was given to the second reading of Ordinance No. 867, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, as amended.

Mayor Ochsenreiter advised that copies of the ordinance had previously been furnished to members of Council and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 867 passed on its second reading.

PRESENTATION BY THE BUNCOMBE COUNTY CHILD DEVELOPMENT COUNCIL

Mr. Tom Muncey, Personnel Manager, Highland Hospital, Charlotte Bridgman, LINC Children's 100, and Becky Williams, Buncombe County Child Development Council, presented a slide presentation regarding Child Care in Buncombe County. They also reviewed a study of existing services and an assessment of present and future needs of child care in Buncombe County.

Councilman Rainey requested the City Manager to check to see if there were any federal funds available to assist in Child Care Programs.

RESOLUTION NO. 75-151 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE FOR RELOCATION SERVICES

5. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with the Housing Authority of the City of Asheville for Relocation Services.

The City Manager read the resolution.

Thursday, December 11, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn Swilling, Councilmen J. W. Hoyle, Ralph D. Morris, Jr., Gene Rainey, Otis B. Michael, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the December 4, 1975 meeting.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, the minutes of the December 4, 1975 meeting were approved as submitted.

PUBLIC HEARING - APPLICATION FOR GRANT THROUGH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE URBAN MASS TRANSPORTATION ADMINISTRATION

2. A public hearing was held to receive public comments and opinions on an application for a grant through the North Carolina Department of Transportation and the Urban Mass Transportation Administration.

Mayor Ochsenreiter opened the public hearing at 3:05 o'clock p. m.

The City Manager read the advertised notice to the public and affidavit of publication setting the time and date for the public hearing.

Verl Emrick, Planning Director, explained that on October 23, 1975 Council authorized the filing of this application with the North Carolina Department of Transportation and the Urban Mass Transportation Administration. He said this grant was filed for the purpose of off setting operating expenses of the Asheville Transit Authority for Fiscal Year 1975-76 and would be approximately $255,910.00. He explained the eligibility requirements for the approval of the grant. He said one of the requirements was to hold a public hearing on the matter to obtain public comments and opinions on the matter.

Councilman Michael said he felt more people would ride the bus if the bus stops and stop times were adequately marked.

Mr. Emrick advised that his staff was in the process of a Transportation Study which would be presented to Council and this was one of the items being studied.

Mayor Ochsenreiter asked if there were any comments or opinions from the public on the matter.

Receiving no comments, Mayor Ochsenreiter closed the public hearing at 3:20 o'clock p. m.

PUBLIC HEARING - GREENHOUSES IN RESIDENTIAL AREAS

ORDINANCE NO. 868 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

3. A public hearing was held relative to permitting greenhouses in residential areas.

BIDS - TWO (2) AUTOMATED RETRIEVAL UNITS/WORK STATIONS TO MAINTAIN FILES IN THE ASHEVILLE POLICE DEPARTMENT RECORDS DIVISION

8. Consideration was given to bids received December 2, 1975 for two (2) automated retrieval units/work stations to house card records for use in the Asheville Police Department Records Division.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Acme Visible Records, Inc., in the amount of $7,081.08. He advised that funding would be through an LEAA grant from the State of North Carolina, Department of Natural and Economic Resources, Division of Law and Order.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Acme Visible Records, Inc. in the amount of $7,081.08. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Bid Summary

Bidder	Bid
Add-Rite Business Machines, Inc.	$8,035.00
Acme Visible Records, Inc.	7,081.08

BIDS - OFFICE FURNITURE FOR USE IN THE ASHEVILLE POLICE DEPARTMENT RECORDS DIVISION

9. Consideration was given to bids received December 2, 1975 for office furniture for use in the Asheville Police Department Records Division.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Talman's Office Supplies, in the amount of $3,390.00. He advised that this also would be funded through an LEAA grant from the State of North Carolina, Department of Natural and Economic Resources, Division of Law and Order.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Talman's Office Supplies in the amount of $3,390.00. This motion was seconded by Councilman Morris and carried unanimously.

Bid Summary

Bidder	Bid
Talman's Office Supplies, Inc.	$3,390.80
Wight's Business Machines	4,327.49
Add-Rite Business Machines	4,010.00

Mr. Larry Holt, of the Asheville Housing Authority, explained that the resolution and agreement would enable the City to refer all relocation services to the Asheville Housing Authority and they would provide assistance to all relocatees under the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. He said the Housing Authority would perform all the necessary relocation services provided under the Agreement relative to families, individuals and businesses, displaced as a result of City projects, the enforcement of the laws of the City, the acquisition of rights-of-way for highways or other rights-of-way within the City, if such are acquired by the City and other City official activity within the Community Development Area actually requiring removal of dwellings or structures occupied by a family, individuals, businesses, institutions or non-profit organizations.

Upon motion of Councilman Morris, seconded by Councilman Michael, Resolution No. 75-151 was unanimously adopted.

Complete text of Resolution No. 75-151 will be found in Resolution Book No. 8 at page 225.

RESOLUTION NO. 75-152 - RESOLUTION APPOINTING BILL B. HORTON AS A CITY OF ASHEVILLE MEMBER TO THE ASHEVILLE-BUNCOMBE LOCAL GOVERNMENT STUDY COMMISSION

6. Consideration was given to a resolution appointing Bill B. Horton as a City of Asheville member to the Asheville-Buncombe Local Government Study Commission.

The City Manager read the resolution.

Upon motion of Councilman Michael, seconded by Councilman Morris, Resolution No. 75-152 was unanimously adopted.

Complete text of Resolution No. 75-152 will be found in Resolution Book No. 8 at page 226.

BIDS - FIFTY (50) DRY TOP TRAFFIC MODEL, MECHANICAL JOINT FIRE HYDRANTS

7. Consideration was given to bids received December 4, 1975 for fifty (50) dry top traffic model, mechanical joint fire hydrants.

The City Manager read a memorandum from the Purchasing Agent which recommended the low bid submitted by Silverman Company in the amount of $11,877.60.

Councilman Rainey moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Silverman Company in the amount of $11,877.00. This motion was seconded by Councilman Hoyle and carried unanimously.

BID SUMMARY

Bidder	Bid
U. S. Pipe and Foundry	$16,738.80
ITT Grinnell	12,545.80
Supply Specialties, Inc.	12,313.40
American-Darling Mfgd. Company, Inc.	11,906.00
Silverman Company	11,877.60
Tidewater Supply Company	12,815.88
Davis Meter and Supply	12,542.90

Corporation Counsel William C. Moore presented each member of Council copies of the correspondence received from the North Carolina Attorney General's office. He said the information provided in the documents in the application for an increase was such information that Mr. Cogburn and hisself felt Council might want to have before making such a decision. He said according to the Attorney General's opinion a public hearing would be required to be held on such matters before Council takes any action. He said after the public hearing Council has the right to amend the ordinance.

After considerable discussion, Vice-Mayor Horton moved to schedule a public hearing on the matter for January 8, 1976. This motion was seconded by Councilman Rainey and carried unanimously.

Councilman Morris suggested that before the public hearing the Corporate Counsel and Attorney Max Cogburn prepare a draft ordinance, jointly, for Council's consideration and that such ordinance be forwarded to members of Council at least one week prior to the public hearing in order that Council members may have an opportunity to review the language of the ordinance.

REPORT ON MINORITY EMPLOYMENT STATISTICS

Michael Smith, Personnel Director, read the following memorandum and outlined the summary statement of conditions relative to minority employment statistics:

MEMORANDUM TO: Ernest J. Ward
City Manager

FROM: W. Michael Smith
Personnel Director WMS

SUBJECT: Minority Employment Statistics

The purpose of this memorandum is to respond to your request of December 5, 1975 concerning a report to the Asheville City Council on December 11, 1975 regarding minority participation in the City of Asheville's work force.

Attached to this cover memorandum is a summary statement of conditions that were found during the course of an employment construct study done by the staff of the Personnel Division. This study was done in conjunction with the development of an Affirmative Action Program for the City of Asheville. This AAP was passed as an addition to the City of Asheville Civil Service Commission Rules and Regulations on August 6, 1975, and is now pending final ratification by the Asheville City Council.

The statistics contained in the attached summary statement are self-explanatory. If more detailed statistical information is needed by the City Council, it is available through the Personnel Division and will be provided upon request.

WMS:llh

Attachment

BIDS - ONE (1) AUTOMATIC (PUSH-BUTTON) READER-PRINTER FOR CARTRIDGE MICROFILM FOR THE ASHEVILLE POLICE DEPARTMENT, RECORDS DIVISION

10. Consideration was given to bids received December 2, 1975 for one (1) automatic (push-button) reader-printer for cartridge microfilm, for use in the Asheville Police Department, Records Division.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the only bid received from Cavin's Business Products, Inc. in the amount of $3,490.00.

Councilman Michael moved to accept the recommendation of the Purchasing Agent and to award the bid to the only bidder, Cavin's Business Products, Inc., in the amount of $3,490.00. This motion was seconded by Vice-Mayor Horton and carried unanimously.

BIDS - ONE (1) 600 LINE PER MINUTE CHAIN TRAIN PRINTER FOR DATA PROCESSING DIVISION

11. Consideration was given to bids received December 1, 1975 for one (1) 600 line per minute chain train printer for Data Processing Division.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the only bid received from Digital Associates, Inc. in the amount of $12,500.00.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bid to the only bidder, Digital Associates, Inc. in the amount of $12,500.00 . This motion was seconded by Vice-Mayor Horton and carried unanimously.

PRESENTATION BY THOMS CABLEVISION, INC. FOR A RATE INCREASE

Mr. Max Cogburn, attorney for Thoms Cablevision, advised that this matter was last before the Council in October, 1975 and at that time some questions were raised by members of Council and as a result of those questions a suggestion was made that the Corporate Counsel obtain an opinion from the Office of the Attorney General of North Carolina. Pursuant to that direction, the Corporation Counsel has received an opinion from the Attorney General's office on those questions. One of the questions raised was whether the Council of the City of Asheville could make an amendment in the franchise for the rates since the franchise was granted pursuant to a vote of the people. He said the present proposal has been modified in light of the opinion of the Attorney General to deal with the questions of rates on a nationwide average of cities and towns having approximately the same population as the City of Asheville and also undertakes to provide for raising the rates to the national average and to eliminate the provision within the present franchise ordinance that any rates established shall be for periods of three years. He presented for Council a booklet showing the nationwide averages with other exhibits supporting the service problems, franchise fees paid to the City of Asheville from 1968 to June 30, 1975, showing where cable has been made available, supporting affidavits as to the financial information, and income, expenses, and net losses accuring to the company during the years from 1968 through 1974.

Councilman Michael requested that he be furnished with a quarterly report on the minority employment statistics. He also requested that the establishment of a Civil Rights Commission be investigated for possible inclusion in the Asheville City Charter.

Council requested that the proposed Affirmative Action Program, adopted by the Civil Service Commission, be presented to Council as soon as possible for Council's consideration.

REPORT ON CONCERNED CITIZENS COMMITTEE MEETINGS

Mr. Sam Graves, Central Services Division, presented the following report relative to meetings held with the Concerned Citizens Group in regard to police department matters:

GENERAL STATUS REPORT OF ACTIVITIES
TO IMPROVE
THE ASHEVILLE POLICE DEPARTMENT

The purpose of this report is to provide a summary of progress made to date by representatives of the Concerned Citizens and City staff in developing solutions which will effectively address identified problem areas in the Asheville Police Department. The following is a summation of discussed areas of concern, solutions, programs and related recommendations to improve existing conditions contributing to charges of police brutality.

1. Area of Concern: Psychological Screening

The general concensus was that all law enforcement personnel to be employed in the Asheville Police Department be psychologically screened to determine if they have the ability to discharge their duties and responsibilities under a wide range of human circumstances and conditions especially those involving minorities.

Recommendations: Psychological Screening

A. That all law enforcement personnel being considered for appointment be psychologically screened.

B. The Minnesota Multiphasic Personality Inventory Examination be used in the psychological screening process.

C. The services of a psychologist and/or psychiatrist be obtained to develop and administer the psychological screening program in coordination with the City's personnel system.

D. Information obtained from the psychological screening of applicants should be evaluated with other data obtained in the selection process through physical examinations, personal history checks, G.A.T.B., Civil Service Examination and interviews. Employment selection data should be reviewed by the Chief of Police, psychologist or psychiatrist and Civil Service Board member before final action is made regarding appointment of law enforcement personnel in the Asheville Police Department.

That the Civil Service Board [illegible] adoption and approving at its November 5, 1975 [illegible] psychological screening of all law enforcement [illegible] employed in the Asheville Police Department

SUMMARY STATEMENT OF CONDITIONS

The City of Asheville has a population of approximately 57,571 individuals, whites comprised 81.6 percent, minorities comprised 18.3 percent and the remaining 3.3 percent are persons of other races. The Asheville labor force numbered 24,505 in 1970 or 57.8 percent of the population 16 years and older. The labor force is comprised of the unemployed as well as the employed. Females constitute 45.0 percent of the City's civilian labor force and minorities constitute 17.0 percent of the City's total labor force.

In assessing the City of Asheville existing labor force the following was determined:

1. The City has a total of 863 full-time employees which consist of 629 or 73 percent whites (male and female), 118 or 13.6 percent minorities (male and female) and 116 or 13.4 percent females (black, white, other).

2. There are thirty-four (34) City departments and divisions; minorities are not represented in the work force in fourteen (14) of the departments and divisions, and females are not represented in five (5). There are several departments and divisions where the under-utilization of minorities and females exist, but not to the extent of those perviously indicated.

3. Over 55 percent of the City's total minority work force is in the Service Maintenance job category, 15 percent in skilled craft positions, 10 percent in paraprofessional positions, 10 percent in protective service, less than 1 percent official and administrative positions and the remaining 9 percent clerical, technical and professional job category.

4. Over 45 percent of the City's total female work force is in the Office/Clerical job category, 10 percent in service maintenance positions, 10 percent in technical, 10 percent in paraprofessional, 24 percent in protective service (the majority being School Crossing Guards) and the remaining 1 percent professional, official and administrative positions.

f. How to effect arrest without the use of physical force

B. That representatives of the Concerned Citizens Committee sit in on the 160 hours training course given to all law enforcement personnel and participate in the training program to be given by the State Human Relations Commission.

IV. Area of Concern: Community Relations

Improved relations between the Community and the Asheville Police Department is badly needed in order to have an effective and efficient law enforcement operation.

Recommendations: Community Relations

A. That arrangements be made for law enforcement personnel to attend meetings held in the communities, churches, schools and other public functions.

B. Develop through the assistance of the Asheville Housing Authority staff, tenants organizations and residents a program to improve relations between the community and the Asheville Police Department.

C. Encourage law enforcement officers to participate more in youth-oriented activities held in various communities throughout the City.

D. Establish a program of planning which will promote safety, security and better relations.

V. Area of Concern: Employment and Promotional Opportunities for Minorities

The work force of the Asheville Police Department is not representative of the minority labor force in the City of Asheville. Also, promotional opportunities for minorities in the Asheville Police Department need to be improved in order to increase the rank of minority officers presently employed in the department.

Recommendations: Employment and Promotional Opportunities for Minorities

A. Improve the recruitment program and efforts to increase the number of minority applicants seeking employment with the Asheville Police Department.

B. Encourage minorities to take promotional examinations.

F. That an in-service training program related to the psychological aspects of law enforcement be established through the assistance of a psychologist or psychiatrist.

II. Area of Concern: Records of Work Activities

The types of data presently kept on the work activities of all law enforcement personnel in the Asheville Police Department does not provide on an individualized basis, information regarding the number of arrests made involving charges of assault on an officer, resisting arrest, and similar ones.

Recommendations: Records of Work Activities

A. Arrest records involving charges of assault on an officer, resisting arrest and similar charges be kept in the personnel file of the officer(s) who made the arrest.

B. That the Chief of Police continue to evaluate all cases involving charges of assault on an officer, resisting arrest and similar ones to determine if any officer is using them too frequently of unjustly.

C. That a report be developed monthly by the Chief of Police of all cases involving charges previously stated.

D. That immediate disciplinary action be taken against any officer found in violation of B.

E. That the Chief of Police evaluate each law enforcement officer's personnel file to determine adequacy of job performance. This work performance evaluation should be on-going.

III. Area of Concern: Additional Training for Law Enforcement Personnel

Further training is needed for all law enforcement personnel in addition to the 160 hours of basic training presently given. The existing training program should be expanded to more adequately cover the following areas.

Recommendations: Additional Training for Law Enforcement Personnel

A. The additional training should include but should not be limited to:

a. Police rules and regulations
b. First Aid
c. Certain amount of law
d. Social psychology and human behavior
e. Judo/wrestling
f. Weaponry

General Recommendations:

A. Closer supervision of law enforcement officers in the field.

B. Investigate the availability of funds through various funding sources to support recommended program activities.

C. All law enforcement personnel should be required to wear the appropriate identification (badge, name plate, etc.) at all times while on duty.

Other:

The Civil Service Rules and Regulations, Civil Service Act and related information was discussed, distributed and explained.

To date, four (4) meetings have been held. The following is a list of individuals who have participated in the meeting activities:

Attendance Record	Name
1,2,3,4	Kenneth Michalove - Asst. City Mgr. Planning/Dev.
1,2,3	Rose Hawking - Representative of C.C.C.
1,2,3,4	William C. Moore - City Attorney
1	James Smith - Representative of C.C.C.
1,2,3,4	Drew Walker - Police Attorney
1,2,3	Jerry Brown - Representative of C.C.C.
1,2,3,4	Samuel Graves - Personnel Analyst
1,2,3	Jerry Lindsey - Representative of C.C.C.
1,2,3	J. C. Hall - Chief of Asheville Police Department
4	Rev. Fred Taylor - S.C.L.C.
1,2,3,4	James Harrison - Representative of C.C.C.
4	Ronald McElrath - Executive Director Asheville Buncombe Community Relations Council
1,2,3	Mike Smith - Director of Personnel
2	William Plummer - Representative of C.C.C.

C. Establish a pre-test orientation program for police candidates which will improve their performance on the G.A.T.B.

D. Investigate and/or establish alternatives to the G.A.T.B.

E. Evaluate the Affirmative Action Program to identify areas of needed improvements.

F. Investigate the feasibility of establishing a Police Cadet Program to improve the employment status of minorities in the Asheville Police Department.

VI. Area of Concern: Complaint Procedures and System

The present procedures and system for filing a complaint need to be improved to permit the easier filing of a complaint against any officer. Additional sources in which complaint forms can be obtained or submitted need to be established.

Recommendations: Complaint Procedures and System

A. Increase the number of offices in which complaint forms can be obtained and submitted.

B. That all complaints and a record of their disposition involving personnel in the Asheville Police Department be kept in the personnel file of the officer against whom the complaint is made.

C. That the procedures for filing a complaint be further developed and publicized in the Community.

D. That all complaints made be acknowledged and/or acted on in a reasonable period of time.

E. All complaints should be in writing and should include the following information:

1. A statement of the problem or incident
2. The date, time and place the incident occurred.
3. The Officer involved (badge number, car number or name).
4. Names of individual(s) who witnessed the incident.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 75-155 was unanimously adopted.

Complete text of Resolution No. 75-155 will be found in Resolution Book 8 at page 229.

PRITCHARD PARK FOUNTAIN

The City Manager advised that the fountain at Pritchard Park would be turned on at 10:00 a. m. on December 12, 1975.

RESOLUTION NO. 75-156 - RESOLUTION OF APPRECIATION TO HENRY E. COLTON, COUNCILMAN OF THE CITY OF ASHEVILLE FROM MAY 19, 1969 THROUGH DECEMBER 4, 1975

Consideration was given to a resolution of appreciation to Henry E. Colton, Councilman of the City of Asheville from May 19, 1969 through December 4, 1975.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilman Michael, Resolution No. 75-156 was unanimously adopted.

Complete text of Resolution No. 75-156 will be found in Resolution Book No. 8 at page 230.

RESOLUTION NO. 75-157 - RESOLUTION OF APPRECIATION TO CALVIN W. MARSHALL, VICE-MAYOR OF THE CITY OF ASHEVILLE FROM MAY 17, 1971 THROUGH DECEMBER 4, 1975

Consideration was given to a resolution of appreciation to Calvin W. Marshall, Vice-Mayor of the City of Asheville from May 17, 1971 through December 4, 1975.

The City Manager read the resolution.

Upon motion of Councilman Rainey, seconded by Councilman Hoyle, Resolution No. 75-157 was unanimously adopted.

Complete text of Resolution No. 75-157 will be found in Resolution Book No. 8 at page 231.

MONTFORD COMMUNITY CLUB - INVITATION TO ANNUAL CHRISTMAS SIND DECEMBER 14, 1975 AT 3: P. M.

Councilwoman Swilling read a letter from the Montford Community Club inviting each of the Council members to the annual Christmas Sing December 14, 1975 at 3: 00 p. m. at Montford Park.

MID-TOWN MERCHANTS COUNCIL - FREE ON-STREET PARKING - DECEMBER 26, 1975

Vice-Mayor Horton read a request from the Mid-Town Merchants Council requesting permission to have free on-street metered parking on Friday, December 26, 1975.

Councilman Morris moved to grant the request of the Mid-Town Merchants Council to permit free on-street metered parking on Friday, December 26, 1975 beginning at 10:00 a. m. This motion was seconded by Councilman Michael and carried unanimously.

Meeting Dates/Time: 1. October 14, 1975 - 2:00 - 4:45 p.m.
2. October 21, 1975 - 10:00 - 12:45 p.m.
3. November 4, 1975 - 3:00 - 4:45 p.m.
4. November 18, 1975 - 3:00 - 4:30 p.m.

The next meeting is scheduled for December 16, 1975 at 3:00 p.m.

Abbreviations: C.C.C. = Concerned Citizens Committee
S.C.L.C. = Southern Christian Leadership Conference

Mr. Graves advised that after finalization of the proposed recommendations Council would be presented the recommendations for action by Council, if action is necessary.

RESOLUTION NO. 75-153 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CAROLINA POWER AND LIGHT COMPANY FOR THE SUPPLY OF ELECTRICITY TO THE CITY CENTER PARKING GARAGE

Consideration was given to a resolution authorizing the Mayor to enter into an agreement with the Carolina Power and Light Company for the supply of electricity to the City Center Parking Garage.

The City Manager read the resolution and explained that this would provide for an agreement with the Carolina Power and Light Company for the supply of all purchased electricity needed for the operation of the City Center Parking Garage.

Upon motion of Councilman Michael, seconded by Councilman Rainey, Resolution No. 75-153 was unanimously adopted.

Complete text of Resolution No. 75-153 will be found in Resolution Book No. 8 at page 227.

RESOLUTION NO. 75-154 - RESOLUTION OF APPRECIATION TO CITY OF ASHEVILLE EMPLOYEES FOR THEIR OUTSTANDING CONTRIBUTION TO THE 1976 UNITED WAY CAMPAIGN

Consideration was given to a resolution of appreciation to City of Asheville employees for their outstanding contribution to the 1976 United Way campaign.

The City Manager read the resolution and expressed his personal appreciation for the contributions made by the City employees.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Swilling, Resolution No. 75-154 was unanimously adopted.

Complete text of Resolution No. 75-154 will be found in Resolution Book No. 8 at page 228.

RESOLUTION NO. 75-155 - RESOLUTION COMMEMORATING LIEUTENANT K. D. INGLE OF THE ASHEVILLE POLICE DEPARTMENT

Consideration was given to a resolution commemorating Lieutenant K. D. Ingle of the Asheville Police Department.

The City Manager read the resolution.

Thursday - December 18, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn Swilling, Councilmen J. W. Hoyle, Ralph D. Morris, Jr., Gene Rainey, Otis B. Michael, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the December 11, 1975 meeting.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, the minutes of the December 11, 1975 meeting were approved as submitted.

ORDINANCE NO. 867 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (WARD 2, SHEET 2, LOTS 186 AND 187)

2. Consideration was given to the third reading of Ordinance No. 867, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, rezoning Ward 2, Sheet 2, Lots 186 and 187.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 867 passed on its third and final reading.

Complete text of Ordinance No. 867 will be found in Ordinance Book No. 6 at page 326.

ORDINANCE NO. 868 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, TO PERMIT GREENHOUSES IN RESIDENTIAL AREAS

3. Consideration was given to the second reading of Ordinance No. 868, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, to permit greenhouses in residential areas.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 868 passed on its second reading.

ORDINANCE NO. 869 - AN ORDINANCE INCLUDING AUXILIARY POLICE OFFICERS IN WORKMEN'S COMPENSATION PLAN

4. Consideration was given to an ordinance including auxiliary police officers in workmen's compensation plan.

The City Manager read the ordinance and explained that this ordinance would entitle auxiliary law enforcement personnel to benefits under the North Carolina Workmen's Compensation Act as provided for in Section 160A-282. He said the auxiliary

ASHEVILLE HIGH SCHOOL DISTURBANCES

Councilman Michael said he was disturbed at the lack of publicity relative to the disturbances at the Asheville High School. He said he felt the public should be made aware of what is going on and what is being done at the school through the news media. He said he also feels that he should be informed of what is taking place and involved in the meetings being held in order that he might help them.

33 CLOYES STREET - COMPLAINT OF PIGEONS

Vice-Mayor Horton said he had received a complaint from a resident at 33 Cloyes Street relative to the large number of pigeons in the neighborhood.

Mayor Ochsenreiter referred the complaint to the Buncombe County Health Department.

Adjournment.

Eugene S. Ochsenreiter Jr.
MAYOR

Frances D. Holcomb
CITY CLERK

Councilman Hoyle moved for the adoption of the resolution setting the public hearing date for January 22, 1976. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Complete text of Resolution No. 75-160 will be found in Resolution Book No. 8 at page 235.

BIDS - EQUIPMENT FOR CIVIC CENTER CONCESSION STANDS

8. Consideration was given to bids received December 12, 1975 for equipment for Civic Center Concession Stands.

The City Manager read a memorandum from the Purchasing Agent recommending acceptance of the only bid submitted from Asheville Showcase and Fixture Company in the amount of $5,364.00. Invitations to bid were mailed to seven (7) prospective bidders.

Jim Evans, Civic Center Manager, explained that this equipment would be used for the new concession stand to be constructed in the exhibition level.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to the only bidder, Asheville Showcase and Fixture Company in the amount of $5,364.00. This motion was seconded by Councilman Hoyle and carried unanimously.

RESOLUTION NO. 75-161 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE ALONG US 70 EAST OF SWANNANOA, N. C.

9. Consideration was given to a resolution authorizing Mayor to execute right-of-way encroachment agreement with the North Carolina State Board of Transportation for water line along U. S. 70 East of Swannanoa, N. C.

The City Manager read the resolution.

Bill Edens, Water and Sewer Director, explained that this right-of-way encroachment was necessary from the State to extend a 12-inch main to accomodate Ingles Markets, Inc. which is developing a 55 acre site on U. S. Highway 70 about two miles west of Black Mountain for a distribution warehouse. He said the cost of the new lines would be borne by Ingles Markets, Inc.

Upon motion of Councilman Morris, seconded by Councilman Rainey, Resolution No. 75-161 was unanimously adopted.

Complete text of Resolution No. 75-161 will be found in Resolution Book No. 8 at page 237.

RESOLUTION NO. 75-162 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR A WATER LINE ON STATE ROAD 2750 (JIMS BRANCH ROAD) AND ON FRONTAGE ROAD NUMBER 2 IN BUNCOMBE COUNTY

10. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina State Board of Transportation for a water line on State Road 2750 (Jims Branch Road) and on frontage road Number 2 in Buncombe County.

police officers of the Asheville Police Department serve the City of Asheville from time to time, pursuant to instructions from the Chief of Police and have completed the same state-required basic training course as full-time police officers.

On a roll call vote of 6-0, Ordinance No. 869 passed on its first reading.

RESOLUTION NO. 75-158 - RESOLUTION CALLING FOR A SERIES OF PUBLIC HEARINGS TO OBTAIN THE VIEWS OF CITIZENS ON COMMUNITY DEVELOPMENT HOUSING NEEDS

5. Consideration was given to a resolution calling for a series of public hearings to obtain the views of citizens on Community Development Housing needs.

The City Manager read the resolution.

Logan Delany, Community Development Coordinator, explained that the City of Asheville is eligible for Community Development Block Grant funds when funds are appropriated for Fiscal Year 1976-77 and the City intends to apply for such funds upon compliance with HUD requirements set forth in Title I of the Housing and Community Development Act of 1974 and it is further a requirement of the grant process that public hearings be held to obtain the views of citizens of Community Development and housing needs.

Upon motion of Councilman Rainey, seconded by Councilman Hoyle, Resolution No. 75-158 was unanimously adopted.

Complete text of Resolution No. 75-158 will be found in Resolution Book No. 8 at page 232.

RESOLUTION NO. 75-159 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE ESTABLISHING ELECTRICAL INSTALLATION STANDARDS

6. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance establishing electrical installation standards.

The City Manager read the resolution.

Councilman Morris moved for the adoption of the resolution setting the public hearing date for January 15, 1976. This motion was seconded by Councilman Michael and carried unanimously.

Complete text of Resolution No. 75-159 will be found in Resolution Book No. 8 at page 234.

PETITION TO CLOSE PORTION OF FAGG STREET, TIERNAN STREET, TENIE STREET, AND ALL OF HORSE SHOE CURVE AND MURRAY HILL ROAD FROM THE ASHEVILLE HOUSING AUTHORITY

RESOLUTION NO. 75-160 - RESOLUTION TO CLOSE A PORTION OF FAGG STREET, TIERNAN STREET, TENIE STREET, AND ALL OF HORSE SHOE CURVE AND MURRAY HILL ROAD

7. The City Manager presented a petition from the Asheville Housing Authority requesting that a portion of Fagg Street, Tiernan Street, Tenie Street, and all of Horse Shoe Curve and Murray Hill Road be permanently closed. He then read a resolution calling for a public hearing on the matter.

He said if anything should happen to this water line requiring a maintenance operation it would be practically impossible to make repairs. As a solution to this problem it is proposed to install a new 8-inch water line directly above the existing 6-inch water line which will make it accessible should maintenance be necessary and will include an encasement under Ramp B. He said this work will be done in close coordination with the Contractor's work on this project and most likely will be installed sometime next summer.

Upon motion of Vice-Mayor Horton, seconded by Councilman Morris, Resolution No. 75-164 was unanimously adopted.

Complete text of Resolution No. 75-164 will be found in Resolution Book No. 8 at page 240.

RESOLUTION NO. 75-165 - RESOLUTION AUTHORIZING CITY MANAGER TO SIGN APPLICATION FOR APPROVAL OF PLANS AND SPECIFICATIONS FOR WATER SUPPLY SYSTEMS

13. Consideration was given to a resolution authorizing City Manager to sign application for approval of plans and specifications for water supply systems.

The City Manager read the resolution.

Bill Edens, Water and Sewer Director, advised that this resolution concerns the relocation of several of the City's large water mains that conflict with the new highway from the Beaucatcher cut to the I-40 Interchange, mostly in the Tunnel Road area near U. S. 70 and U. S. 74. He said the North Carolina Department of Human Resources Division of Health Services requires that plans and specifications for such work be submitted to the Division for approval.

Councilman Hoyle moved for the adoption of the resolution. This motion was seconded by Councilman Morris and carried unanimously.

Complete text of Resolution No. 75-165 will be found in Resolution Book No. 8 at page 241.

AUDITORIUM BOOKING POLICY

The City Manager presented members of Council with a memorandum from Mr. Jim Evans, Civic Center Manager, relative to the proposed auditorium booking policy. He said, in addition, Council members would be receiving,in the mail, copies of the recommended policies on the Civic Center for study and consideration in the near future.

REZONING REQUEST - MR. CHARLES E. CLOUSE

The City Manager read a letter from the Planning and Zoning Commission advising that at the Commission's meeting held on November 5, 1975, the request of Mr. Charles E. Clouse by Attorney William Anderson that Ward 12, Sheet 17, portion of Lot 19, be rezoned from R-2 Residential District to CS Commercial Service District,was considered and it was the recommendation of the Commission to recommend to City Council that the request be denied and the property remain as it is now zoned.

The City Manager advised that a request for a public hearing on the matter had not been received.

Mayor Ochsenreiter accepted the recommendation of the Planning and Zoning Commission.

The City Manager read the resolution.

Bill Edens, Water and Sewer Director, explained that the right-of-way encroachment was necessary for the installation of an eight inch water line which will supply a subdivision being built by Mr. Clifton Chapman. He said Mr. Chapman will install and build this eight inch water line entirely at his expense, according to the City's specifications and inspection and will be turned over to the City for ownership after the approval of the installation by the City Engineer.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 75-162 was unanimously adopted.

Complete text of Resolution No. 75-162 will be found in Resolution Book No. 8 at page 238.

RESOLUTION NO. 75-163 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE ALONG OAKLEY SCHOOL ROAD (SR 3052)

11. Consideration was given to a resolution authorizing Mayor to execute right-of-way encroachment agreement with the North Carolina State Board of Transportation for water line along Oakley School Road (SR 3052).

The City Manager read the resolution.

Bill Edens, Water and Sewer Director, explained that this right-of-way agreement between the City of Asheville and the North Carolina Department of Transportation is for a proposed 6-inch water line extending south on Oakley School Road from Porter Road to Onteora Road. He said this would in effect "loop" the water system in this area and provide better water service to the Oakley Area and fire protection to the residents on this section of Oakley School Road. He said this was one of the budgeted WSIF projects for this fiscal year.

Upon motion of Councilwoman Swilling, seconded by Councilman Michael, Resolution No. 75-163 was unanimously adopted.

Complete text of Resolution No. 75-163 will be found in Resolution Book No. 8 at page 239.

RESOLUTION NO. 75-164 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE UNDER RAMP B ON THE U. S. 74-I-40 INTERCHANGE PROJECT

12. Consideration was given to a resolution authorizing Mayor to execute right-of-way encroachment agreement with the North Carolina State Board of Transportation for water line under Ramp B on the U. S. 74-I-40 Interchange Project.

The City Manager read the resolution.

Bill Edens, Water and Sewer Director, explained that in 1969 during the first phase of the construction of the U. S. 74-I-40 Interchange, a 6-inch water line was installed along Fairview Road from near Asheville Electric Company down to U. S. 74 (Charlotte Highway) where it ties into an existing 8-inch line feeding the Fairview section. Phase II of the subject interchange is now under construction and due to the necessary filling and grading operations presently taking place on the site the subject 6-inch water line that was installed in 1969 is now approximately 32 feet below the ground surface.

date. However, if the City's proposal is accepted by the federal government Council would take the appropriate action at that time.

COUNCIL MEETINGS - DECEMBER 25 AND JANUARY 1

Mayor Ochsenreiter advised that there would be no City Council meetings on December 25 and January 1.

Adjournment.

Eugene C. Ochsenreiter
MAYOR

Marianne J. Malecha
CITY CLERK

ASHEVILLE AA BASEBALL, INC. - LEASE OF McCORMICK FIELD

Mr. George L. Chumbley, Jr., President of the Asheville AA Baseball, Inc. ask Council's consideration in authorizing the Mayor to enter into an agreement with the Asheville AA Baseball, Inc. to assure professional baseball in Asheville for 1976 with an option to renew in 1977. He said Mr. Fred Nichols, president of the Anderson Rangers had offered to lease, through the Asheville AA Baseball, Inc, the McCormick Field for $2,000 a year plus all water expense and electrical bills up to $700 a month. He said he would recommend serious consideration of this offer.

Ray Kisiah, Parks and Recreation Director, said it would be his recommendation to accept the offer presented by the Asheville AA Baseball Inc. if Asheville wants professional baseball.

Councilman Morris suggested that the Buncombe County Commissioners be contacted relative to participating in the cost of a new lighting system at the McCormick Field.

After discussion, Councilman Rainey moved to instruct the Corporation Counsel to prepare a lease on the matter, to be presented to Council in the form of a resolution. This motion was seconded by Councilman Hoyle and carried unanimously.

AFFIRMATIVE ACTION PROGRAM

The City Manager presented members of Council with a draft of the City's Affirmative Action Program for study.

In addition, he said, the City has received a request for information from the Secretary of Treasury , Revenue Sharing Division, relative to the City's Affirmative Action Program and minority employment. He said the staff is now preparing the information to be submitted to the Secretary of Treasury.

OTEEN FIRE DEPARTMENT

The City Manager read the following letter to members of Council:

"All veterans organizations of Western North Carolina solicit your full cooperation in stopping the transfer of Oteen Fire Department to the City of Asheville. All veterans feel this is the responsibility of the federal government, and is absolutely necessary to the safety of the hospitalized veterans."

Calvin Jones
Commander - Buncombe
County Veterans Council

cc: Congressman Taylor
Senator Helms
Senator Morgan
Herb Johnson - Director of Reg. VA- Winston-Salem

The City Manager said in September or October, Mr. Chandler of the Oteen VA Hospital contacted the City of Asheville and asked the possibility of negoiating a contract with the City to provide fire service to the Hospital. He said the City has investigated this possibility and has advised that they could provide this service with its present personnel, equipment and present station facilities. He said the City would not acquire the Oteen Fire Department in any way. He said the City has not received notification from the federal government on the proposal as of this

Mr. John Jerose, Manager of Thoms Cablevision, Inc. presented Council with copies of the company's proposed business plan for 1976 showing the minimum projected cash needed to implement the plan. He answered general financial questions from members of Council.

Corporation Counsel Moore said in his opinion, Council could not adopt Mr. Cogburn's proposed ordinance and deviate from the language of the notice to the public regarding the hearing which stated that Council would consider an increase in rates equal to the nationwide average of rates as charged by CATV systems in cities and towns having approximately the same population as the City of Asheville. He said the proposed ordinance calls for an increase above the national average and that the notice to the public would have to be re-advertised to this effect before adoption of such an ordinance.

Mayor Ochsenreiter closed the public hearing at 4:03 o'clock p. m.

After discussion, Councilman Morris moved to re-advertise for another public hearing on the matter, to be held January 29, 1976. This motion was seconded by Councilwoman Swilling and carried unanimously.

Mayor Ochsenreiter appointed Vice-Mayor Horton and Councilwoman Swilling to work with Mr. Moore and Mr. Cogburn in drafting an ordinance for Council's consideration on January 29, 1976.

PUBLIC HEARING - REZONING WARD 17 - SHEET 11 - LOTS 74, 75, AND 76 - NEW LEICESTER HIGHWAY

3. A public hearing was held relative to rezoning Ward 17, Sheet 11, Lots 74, 75, and 76 from R-3 Residential District to CS Commercial Service District, property located on New Leicester Highway and owned by Dan and Dorothy Worley, Janet R. Ross, and Gudger and Maude Chandler.

Mayor Ochsenreiter opened the public hearing at 4:06 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, reported that the petitioners were requesting the rezoning due to the property was purchased in 1963 for use as commercial property and has been used in this manner since that time. As the property is located in the one-mile boundary, it was not subject to zoning until March of 1975 and the owners desire the Commercial classification for the property in order to lease it for a mobile home sales lot. He said the Asheville Planning and Zoning Commission has recommended to Council that the property be rezoned as petitioned for the following reasons:

1) The property is contiguous with the existing Commercial Service District;

2) Adjacent land uses are primarily commercial; and

3) Residential areas will not be adversely affected by the zoning change.

Mayor Ochsenreiter closed the public hearing at 4:18 o'clock p. m.

Councilman Rainey said he would like to see a change in policy in the manner adjacent property owners were notified of proposed zoning changes.

Mr. Emrick advised Councilman Rainey that this was being done at this time.

Thursday - January 8, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn Swilling, Councilmen J. W. Hoyle, Ralph D. Morris, Jr., Gene Rainey, Otis B. Michael, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William P. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the December 18, 1975 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilman Morris, the minutes of the December 18, 1975 meeting were approved as submitted.

PUBLIC HEARING - APPLICATION OF THOMS CABLEVISION COMPANY, INC. REQUESTING AN INCREASE IN RATES

2. A public hearing was held to receive public comment and opinion on the request of Thoms Cablevision Company, Inc. for an increase in rates and/or franchise fees to equal the nationwide average of rates as charged by CATV systems in cities and towns having approximately the same population as the City of Asheville.

Mayor Ochsenreiter opened the public hearing at 3:03 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Harold Thoms, President of Thoms Cablevision Company, Inc., made a statement to Council regarding the requested increase. He said this was a small business with a small market and the services were generated from the capital received. He also said his company had operated at a loss from the beginning.

Mr. Max Cogburn, attorney for Thoms Cablevision Company, Inc., said that at the last meeting he was directed to confer with William C. Moore, Corporation Counsel, for the purpose of drafting an ordinance which would be satisfactory to both parties. He said that he had drafted such an ordinance but that he and Mr. Moore could not agree on all points. He then passed out copies of the proposed ordinance for Council's consideration. In the ordinance he proposed that the new rate for CATV services be $7.00 monthly; he retained the clause for Council to set rates at the standard nationwide average; and changed the three (3) year time limitation on changing of rates to one (1) year.

Mr. James Doolittle, Regional Manager of American Television Communications, and Mr. Wally Briscoe, Senior Vice-President of the National Cablevision Company, were introduced to Council by Mr. Cogburn and they spoke briefly about the growth and financial problems being experienced by other cablevision operations throughout the country. To overcome this other companies had also requested rate changes from time to time.

On a roll call vote of 6-0, Ordinance No. 871 passed on its first reading.

Due to the safety of children, Councilman Morris moved to suspend the rules and proceed to the second reading of the ordinance. This motion was seconded by Councilman Hoyle and carried unanimously.

Councilman Morris again moved to suspend the rules and proceed to the third reading of the ordinance. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 871 passed on its third and final reading.

Complete text of Ordinance No. 871 will be found in Ordinance Book No. 6 at page 330.

RESOLUTION NO. 76-1 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE EASEMENT IN FAVOR OF THE CAROLINA POWER AND LIGHT COMPANY

7. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute easement in favor of the Carolina Power and Light Company.

The City Manager read the resolution and explained that this easement would allow the Carolina Power and Light Company to relocate an electric power line on property owned by the City located on Gaston Street on the East, Livingston Street on the South, and Herman Avenue on the West.

Upon motion of Vice-Mayor Horton, seconded by Councilman Morris, Resolution No. 76-1 was unanimously adopted.

Complete text of Resolution No. 76-1 will be found in Resolution Book No. 8 at page 242.

RESOLUTION NO. 76- 2 - RESOLUTION AUTHORIZING MAYOR TO ENTER INTO AGREEMENT WITH VETERANS ADMINISTRATION HOSPITAL FOR FIRE PROTECTION

8. Consideration was given to a resolution authorizing Mayor to enter into agreement with Veterans Administration Hospital for fire protection.

The City Manager read the resolution.

Larry Fisher, Director of Finance, outlined the features of the proposed agreement stating that under the contract, which becomes effective upon notification from the VA, the City will conduct annual pre-planning inspections, semi-annual fire hazard inspections with follow ups and conduct training seminars for hospital personnel. He said VA will pay an annual fee of $65,000 until July 1, 1977 when the rate will increase to $75,000 for the next 12 months and the annual fee will be re-negotiated each year thereafter.

Upon inquiry of Council, Fire Chief Powell Ball said the City's first response to a hospital fire would be with two pumper companies and a ladder company which could be at the hospital within 90 seconds of an alarm from the Beverly Hills Station. He said the City would need no new personnel or equipment to provide adequate fire protection to the hospital.

Calvin Jones, Chairman of the Buncombe County Veterans Council, asked Council to delay approval of the contract until a report on the job futures of the present firemen is forwarded to him from the Veterans Administation in Washington

At the request of Mayor Ochsenreiter, the City Manager read the proposed ordinance which would rezone the property as petitioned.

Councilman Hoyle moved for the adoption of the ordinance. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 6-0, Ordinance No. 870 passed on its first reading.

ORDINANCE NO. 868 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (to permit greenhouses in residential areas)

4. Consideration was given to the third reading of Ordinance No. 868, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, to permit greenhouses in residential areas.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 868 passed on its third and final reading.

Complete text of Ordinance No. 868 will be found in Ordinance Book No. 6 at page 327 .

ORDINANCE NO. 869 - AN ORDINANCE INCLUDING AUXILIARY POLICE OFFICERS OF THE ASHEVILLE POLICE DEPARTMENT IN THE WORKMEN'S COMPENSATION PLAN OF THE CITY OF ASHEVILLE

5. Consideration was given to the second reading of Ordinance No. 869, an ordinance including auxiliary police officers of the Asheville Police Department in the Workmen's Compensation Plan of the City of Asheville.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 869 passed on its second reading.

ORDINANCE NO. 871 - AN ORDINANCE AMENDING SECTION 28-63 SUBSECTION (C) (1) OF THE CODE OF THE CITY OF ASHEVILLE (TRAFFIC LIGHTS)

6. Consideration was given to an ordinance amending Section 28-63 subsection (c) (1) of the Code of the City of Asheville relative to traffic lights.

The City Manager read the ordinance and explained that due to the limited vehicle storage space and also the large volume of school children having to cross the streets at the intersections of Cedar Street and Fairview Road and Liberty Street and Fairview Road it is recommended that this ordinance be adopted to prohibit right turns on red at these intersections. He also advised that this ordinance would delete the prohibition of right turn on red at College Street and Market Street which is no longer needed.

Councilman Morris moved for the adoption of the ordinance. This motion was seconded by Councilman Hoyle.

RESOLUTION NO. 76-3 - RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT WITH THE COUNTY OF BUNCOMBE AS PART OF THE BUNCOMBE COUNTY MANPOWER TRAINING PROGRAM

11. Consideration was given to a resolution authorizing execution of agreement with the County of Buncombe as part of the Buncombe County Manpower Training Program.

The City Manager read the resolution.

Ken Michalove, Assistant City Manager, explained that in essence this agreement would provide for the reimbursement of one-half of the salary of an employee hired under the Buncombe County Manpower Training Program to prepare the City's Affirmative Action Program.

Upon motion of Councilman Michael, seconded by Councilman Morris, Resolution No. 76-3 was unanimously adopted.

Complete text of Resolution No. 76-3 will be found in Resolution Book No. 8 at page 244.

BIDS - PLAYGROUND EQUIPMENT FOR PARKS AND RECREATION DEPARTMENT FOR USE IN VARIOUS NEW PARK AREAS UNDER THE COMMUNITY DEVELOPMENT PROGRAM

12. Consideration was given to bids received December 30, 1975 for playground equipment for the Parks and Recreation Department for use in Various New Park Areas under the Community Development Program.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bids meeting specifications, which are as follows:

Items No. 1, 5, 6, 7, and 10 - award to low bid meeting specifications in each instance to Play Systems, Inc., Columbia, S. C. - Item No. 1 @ $390.00, Item No. 5 @ $109.00, Items No. 6 and 7 combined @ $240.00 and Item No. 10 @ $91.00. Total recommended $8,388.00

Items No. 2, 3, 4, and 9 - award to low bid meeting specifications in each instance to Miracle Playground Equipment Company, High Point, N.C. Item No. 2 @ $714.00, Item No. 3 @ $363.00, Item No. 4 @ $651.40, and Item No. 9 @ $327.00. Total recommended $8,221.60.

Item No. 8- award to low bid meeting specifications to Cunningham Associates Inc., Charlotte, N. C. @ $399.00. Total recommended $1,596.00

Councilman Rainey moved to accept the recommendation of the Purchasing Agent and award the bids as recommended. This motion was seconded by Vice-Mayor Horton and carried unanimously.

by Congressman Roy Taylor. He said the Buncombe County Veterans Council had voted last month to oppose the proposed contract.

Ray Sorrells, a member of the present VA Hospital Fire Department, told Council that there are presently nine (9) men on the fire department staff and they had been advised by their supervisor that their jobs would not terminate but they would be assigned as security guards. He said the new assignments would cost the firemen their hazardous duty pay amounting to a 15 per cent addition to their base salaries. He said retirement benefits would also be lost.

After discussion, Councilman Morris moved for the adoption of the resolution. This motion was seconded by Councilman Hoyle and Resolution No. 76-2 was unanimously adopted.

Complete text of Resolution No. 76-2 will be found in Resolution Book No. 8 at page 243.

RESOLUTION NO. _____ - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE BETWEEN THE CITY OF ASHEVILLE AND THE ASHEVILLE AA BASEBALL, INC.

9. Consideration was given to a resolution authorizing the Mayor to execute a lease between the City of Asheville and the Asheville AA Baseball, Inc.

The City Manager read the resolution.

Ray Kisiah, Parks and Recreation Director, outlined the terms and conditions of the proposed lease agreement with the Asheville AA Baseball, Inc.

Mr. George Chumbley, President of the Asheville AA Baseball, Inc. encouraged Council to execute the lease agreement.

After discussion, Council agreed to postpone action on the execution of such lease agreement until such time as Council members could study the lease further and until proper legal notice of the intent of Council to execute such lease is given.

Council agreed to give consideration to the resolution at the February 12, 1976 meeting.

ORDINANCE NO. 872 - AN ORDINANCE RESCINDING ORDINANCE NO. 675 WHICH CREATED AND ESTABLISHED A MODEL CITIES COMMISSION AND A MODEL CITIES AGENCY WITHIN THE OFFICE OF THE CITY MANAGER OF THE CITY OF ASHEVILLE, NORTH CAROLINA

10. Consideration was given to an ordinance rescinding Ordinance No. 675, which created and established a Model Cities Commission and a Model Cities Agency within the Office of the City Manager of the City of Asheville, North Carolina.

The City Manager read the resolution.

Logan Delany, Director of Model Cities, commented on the success of the Five (5) Year Model Cities Program in the City of Asheville. He said the adoption of this ordinance is required by HUD in closing out the program.

Councilman Rainey moved for the adoption of the ordinance. This motion was seconded by Councilman Michael.

On a roll call vote of 6-0, Ordinance No. 872 passed on its first reading.

BIDS - One (1) PARK PICNIC SHELTER FOR ASTON PARK FOR PARKS AND RECREATION DEPARTMENT

13. Consideration was given to bids received December 30, 1975 for one (1) park picnic shelter for Aston Park for Parks and Recreation Department.

The City Manager read a memorandum from the Purchasing Agent which recommended acceptance of the only bid received from Koppers Company, Inc. in the amount of $5,260.00.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to the only bidder, Koppers Company, Inc. in the amount of $5,260.00. This motion was seconded by Councilman Michael and carried unanimously.

BIDS - NINETEEN (19) AUTOMOBILES AND ONE (1) PICK UP TRUCK FOR POLICE DEPARTMENT

14. Consideration was given to bids received December 12, 1975 for nineteen (19) automobiles and one (1) Pick Up Truck for Police Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Dorato Motors, Inc. for all bid items, 1 through 4, totaling $71,523.92. He explained that due to the mark down in trade-in allowances and the rise in cost of the vehicles there was a deficit balance of $14,710.21 over the budgeted amount of $56,813.71. He said if Council wishes to accept the bids he was prepared to present a budget amendment to allow for the deficit.

Vice-Mayor Horton moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Dorator Motors, Inc., for all bid items, totaling $71,523.92. This motion was seconded by Councilman Rainey and carried unanimously.

Bid Summary

Bidder	Bid on All Items
Dorato Motors, Inc.	$71,523.92
Apple Tree Chevrolet	$77,316.88
Matthews Motors	$76,417.13
Roberts Auto Sales	$70,756.58 for Items 1, 2, and 3 No Bid on Item 4

ORDINANCE NO. 873 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1975-76

The City Manager read an ordinance amending the operating budget to allow for the deficit of $14,710.21 over the budgeted amount of $56,813.71 to purchase nineteen (19) automobiles and one (1) pick-up truck for the Police Department.

Vice-Mayor Horton moved for the adoption of the ordinance. Councilwoman Swilling seconded the motion.

On a roll call vote of 6-0, Ordinance No. 873 passed on its first reading.

Councilman Michael moved to suspend the rules and proceed to the second reading of the ordinance. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 873 passed on its second reading.

Bid Summary -

BID SUMMARY — CITY OF ASHEVILLE — BIDS OPENED: TUESDAY, DECEMBER 30, 1975 - 11:00 A.M.

BID REQUEST NO. 326 — PLAYGROUND EQUIPMENT FOR PARK & RECREATION DEPARTMENT

	MIRACLE EQUIPMENT COMPANY HIGH POINT, N.C.	CUNNINGHAM ASSOCIATES CHARLOTTE, N.C.	AMERICAN PLAYGROUND DEVICE COMPANY ANDERSON, IND.	PLAY SYSTEMS, INC. COLUMBIA, S.C.
ITEM #1 - 8 84-8 Swing Sets MODEL: MFGD. BY:	NO BID	NO BID	$476.70 GS-134A American Playground	$390.00 ✓ 84-8 Energilda
ITEM #2 - 4 #107 TB-16 Slides MODEL: MFGD. BY:	$714.00 ✓ #107 Miracle	NO BID	$658.85 (does not meet VPS-16 specifications) American	$510.00 716-000 (does not meet specs.) Mexico Forge
ITEM #3 - 4 #303 Merry Flyer MODEL: MFGD. BY:	$363.00 ✓ #303 Miracle	NO BID	NO BID	$330.00 (does not meet specs.) 400-220 Mexico Forge
ITEM #4 - 4 #2042 Flying Pony Swing Sets MODEL: MFGD. BY:	$651.40 ✓ #2042 Miracle	NO BID	NO BID	$539.00 (does not meet specs.) 804-300 Mexico Forge
ITEM #5 - 4 #711 Permanent Bike Rack MODEL: MFGD. BY:	$129.00 #710 Miracle	$129.00 #711 Gametime	$125.15 #R10 American Playground	$109.00 ✓ 110-000 Mexico Forge
ITEM #6 - 8 #233, 2 7/8" O.D. Basketball Support Posts MODEL: MFGD. BY:	$243.00 360742 Miracle	$149.00 233 Gametime	$146.30 B-26X American Playground	$240.00 ✓ 901000 Mexico Forge
ITEM #7 - 8 #641 Steel Fan Backboards with Super Goals MODEL: MFGD. BY:	Included in Item #6	$129.00 #641 Gametime	$105.70 FSBOR-F American Playground	✓ Included in Item #6
ITEM #8 - 4 #201 Buck-A-Bout MODEL MFGD. BY:	$472.00 610-S Miracle	$399.00 ✓ 200 Gametime	NO BID	$330.00 (does not meet specifications) 400-220 Mexico Forge
ITEM #9 - 4 #554 Bunker Hill Climber MODEL: MFGD. BY:	$327.00 ✓ 410 Miracle	$329.00 554 Gametime	$384.35 ACU-2 American Playground	$310.00 (does not meet specifications) 640-100 Mexico Forge
ITEM #10 - 32 Saddlemates MODEL: MFGD. BY:	$109.00 ME184 Series Miracle	$109.00 Assorted Gametime	$ 96.25 MCC American Playground	$ 91.00 ✓ 401-000 Mexico Forge
DELIVERY:	30 Days	30 Days	14 - 17 Days	25 Days
BID DEPOSIT:	5% Certified Check	5% Bid Bond	5% Bid Bond	5% Bid Bond

a right-of-way encroachment agreement with the North Carolina State Board of Transportation for a water line on State Road 2038 (Mann Drive).

The City Manager read the resolution.

Bill Edens, Water and Sewer Director, said the installation of a 6-inch water line on Mann Drive is to replace the existing 2-inch line which is now inadequate. This will give customers on Mann Road more water pressure and also provide needed fire protection. He said the cost of this line will be shared equally by the County of Buncombe.

Upon motion of Vice-Mayor Horton, seconded by Councilman Michael Resolution No. 76-6 was unanimously adopted.

Complete text of Resolution No. 76-6 will be found in Resolution Book No. 8 at page 247.

RESOLUTION NO. 76-7 - RESOLUTION CONCERNING REVISION OF SEWER EASEMENT FROM ASHEVILLE JAYCEE HOUSING, INC.

18. Consideration was given to a resolution concerning revision of sewer easement from Asheville Jaycee Housing, Inc.

The City Manager read the resolution and explained that this was a minor property description change on a previously authorized easement.

Upon motion of Councilman Rainey, seconded by Councilman Michael, Resolution No. 76-7 was unanimously adopted.

Complete text of Resolution No. 76-7 will be found in Resolution Book No. 8 at page 248.

CITY MANGER'S APPOINTMENTS TO ASHEVILLE GENERAL EMPLOYEES' RETIREMENT PLAN

The City Manager read the following letter to members of Council for informational purposes:

January 8, 1976

Mr. Eugene C. Ochsenreiter
Mayor
City of Asheville
P. O. Box 7148
Asheville, North Carolina 28807

Dear Mayor Ochsenreiter:

In accordance with the provisions of Section 8 of the Asheville General Employees' Retirement Plan which is made a part of Ordinance 861 passed November 20, 1975 by the Asheville City Council, I have appointed the following City employees to serve on the Pension Board of this Plan:

1. Thomas C. Brown, Assistant Street Superintendent
2. Logan D. Delany, Community Development Director
3. W. Michael Smith, Central Services Director

These employees have been appointed and will serve in compliance with the provisions of Section 8.01 of the Asheville General Employees' Retirement Plan. As you know,

Councilman Michael again moved to suspend the rules and proceed to the third and final reading of the ordinance. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 873 passed on its third and final reading.

Complete text of Ordinance No. 873 will be found in Ordinance Book No. 6 at page 332.

RESOLUTION NO. 76-4 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR A WATER LINE ON STATE ROAD 2816 (CHURCH ROAD) IN FAIRVIEW, N. C.

15. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina State Board of Transportation for a water line on State Road 2816 (Church Road) in Fairview, N. C.

The City Manager read the resolution.

Bill Edens, Water and Sewer Director, explained that the County of Buncombe had requested this line and will be paid for by them and turned over for ownership to the City upon completion of the installation.

Upon motion of Councilman Michael, seconded by Councilman Morris, Resolution No. 76-4 was unanimously adopted.

Complete text of Resolution No. 76-4 will be found in Resolution Book No. 8 at page 245.

RESOLUTION NO. 76-5 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR A WATER LINE ON STATE ROAD 2407 (UPPER GRASSY BRANCH ROAD)

16. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina State Board of Transportation for a water line on State Road 2407 (Upper Grassy Branch Road).

The City Manager read the resolution.

Bill Edens, Water and Sewer Director, advised that the installation of 1,566 feet of 2-inch water line on Upper Grassy Branch Road is for the purpose of circulating the existing water line in Upper Grassy Branch Road. This will serve customers with an adequate water supply and more pressure and will eliminate dead ends on this existing water line. He said the cost for this line would be shared equally with the County of Buncombe.

Upon motion of Councilman Hoyle, seconded by Councilman Rainey, Resolution No. 76-5 was unanimously adopted.

Complete text of Resolution No. 76-5 will be found in Resolution Book No. 8 at page 246.

RESOLUTION NO. 76-6 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR A WATER LINE ON STATE ROAD 2038 (MANN DRIVE)

17. Consideration was given to a resolution authorizing the Mayor to execute

The present uniform is purchased at the lowest bid and are made of the poorest quality of material. Departmental arm patches, which are part of most uniforms, do not come with the present uniforms and most officers purchase these on their own.

We would also request a study be made into a new badge for police officers. The present badge, worn on the shirt, is of the same type worn by all small departments in North Carolina. This badge has no markings, other than the name of the city, to distinguish us from private patrol agencies that wear the same type badge.

The badge presently worn on our caps has only a number and the state shield. On several occasions officers have been mistaken for taxi drivers, bus drivers, and on one occasion for an ice cream man.

The only type identification card an officer is given is small and plain white with his name, date of issue of card, city seal, and signed by the Chief of Police. There is no badge or carrying case issued with this card. Smaller departments and private security patrols issue more official identification for their employees.

We are all proud to be members of the Asheville Police Department and want our citizens to be proud of us. We only ask that our police be dressed and equipped in a manner that will show the pride of our city across the state.

Respectfully yours,

Uniform Division of the
Asheville Police Department

this section further designates the Mayor and the City Manager of the City of Asheville to serve on the Pension Board. An organizational meeting of the Pension Board will be held at 9:00 A. M. in the Conference Room on the 1st Floor of the City Building on Monday, January 12, 1976.

Very truly yours,

/s/ Ernest J. Ward

Ernest J. Ward
City Manager

RESOLUTION NO. 76-8 - RESOLUTION REGARDING THE CONSTRUCTION OF FIRE STATIONS 2 AND 5

Consideration was given to a resolution regarding the construction of Fire Stations 2 and 5.

The City Manager read the resolution and explained that this resolution would authorize the Mayor to approve change orders on these contracts up to the amount heretofore appropriated for the construction of these fire stations.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 76-8 was unanimously adopted.

Complete text of Resolution No. 76-8 will be found in Resolution Book No. 8 at page 249.

CLAIM - WEAVER W. MATHIS

The City Manager presented a claim received from Michael Edward Vaughn, attorney for Weaver W. Mathis, regarding a claim against the City.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

PETITION - ASHEVILLE POLICE DEPARTMENT - REQUEST FOR BETTER UNIFORMS

Corporation Counsel William C. Moore advised that he was requested by the Uniform Division of the Asheville Police Department to read the following petition to members of Council:

TO: Members of Asheville City Council

FROM: Uniform Division of Asheville Police Department

We, the undersigned police officers of the Asheville Police Department, request the members of City Council to consider changes in the present police uniform or in some way update this uniform.

C. R. Wilson			
W U Doherty			
E H M. Mahan			
L. L. McGaud			
J. E. Simmons			
R. C. Flat			

Roger M. Watson	Miles Trantham	J. Clark	H.C. Matthews
John Mann	W.D. McNeill	D.M. Hall	Jack Gibson
Jesse Sargent	T.L. Mills	J.E. Upshaw	N. Simmons
W. Lesley	M.O. Harris	John Best	C.M. Calloway
J.L. Kelly	J.J. Medlock	R.L. Dunn Jr.	A.B. Foster
B.E. Simmons	J.K. Beheler	W.H. Dayton Jr.	R.L. Lockett
Jack Elder	Dan W. Pabst	J.T. Moore	W.H. Talley
M.D. Alexander	[illegible]	Perry Williams	Lane Evans
M. Crandell	J.A. Davis	C. Dixon	Herbert Watts
W.B. Bumpus	C.R. Horton	P.I. Fincher	N.L. Masters
A.R. Robinson	[illegible]	Vern Smith	F.R. Tyndall
M. Curlee	L.E. Rafuse	Mitchell	H.E. Simmons
Henry Simpson	[illegible]	Cecil Burnette	[illegible]
G.H. Lambert	H. Hutchins	T.R. Scott	George Kerr
D.A. Shook	C.A. Fuller	W.A. Stafford	C.D. Beavers
R.L. Carver	T.E. Reaves	M.W. Berry	Jim Higgins
W.R. Cummings	[illegible]	R.A. Gracey	Ray Barham
J.M. Bizzy	L.C. Hatch Jr.	Ron Garwood	[illegible]
Bud Crumbley	C.E. Weeks	B. Brannon	Tommy Green
N.D. Worley	R.A. Riddle	J.H. Riggs	O.J. Church
Butch Billings	K.C. Edwards	H.E. Simmons	H.S. Haneycutt

12/12/75

Thursday - January 15, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn Swilling, Councilmen J. W. Hoyle, Ralph D. Morris, Jr., Gene Rainey, Otis B. Michael, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the January 8, 1976 meeting.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Horton, the minutes of the January 8, 1976 meeting were approved as submitted.

PUBLIC HEARING - ADOPTION OF AMENDMENTS RELATING TO ELECTRICAL INSTALLATION STANDARDS ORDINANCE NO. 874 - AN ORDINANCE ESTABLISHING ELECTRICAL INSTALLATION STANDARDS

2. A public hearing was held to concerning the adoption of amendments relating to electrical installation standards approved by the State Building Code Council.

Mayor Ochsenreiter opened the public hearing at 3:10 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

J. E. Johnson, Building Inspector, advised that the purpose of this ordinance was to update the Asheville City Code with the North Carolina State Electrical Code. He said seven amendments were made to this code which was approved by the State Building Code Council and no significant changes were being made from the 1971 code adopted by the City Council.

Mayor Ochsenreiter closed the public hearing at 3:15 o'clock p. m.

The City Manager read the ordinance.

Councilman Morris moved the adoption of the ordinance. This motion was seconded by Councilman Rainey.

On a roll call vote of 6-0, Ordinance No. 874 passed on its first reading.

ORDINANCE NO. 870 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (New Leicester Highway)

3. Consideration was given to the second reading of Ordinance No. 870, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", As amended. (New Leicester Highway).

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 870 passed on its second reading.

MODEL CITIES PROGRAM

Larry Fisher, Director of Finance, spoke of the success of the Model Cities Program in the City of Asheville. He said out of 33 Program Administration staff of the Model Cities Program, 11 are now full time City Employees.

MRS. ROY ROGERS - BUS FARES

Mrs. Roy Rogers asked Council to look into the feasibility of having reduced bus rates all day for Senior Citizens rather than from 10 a. m. to 3 p. m.

Mayor Ochsenreiter advised Mrs. Rogers that this matter was presently being studied.

RALPH G. BISHOP - POLICE DEPARTMENT - COMPLAINTS

Mr. Ralph G. Bishop spoke to Council about the lack of control of the gamblers in the City of Asheville. He strongly critized Chief Hall for his actions in this matter as well as other matters.

COUNCILMAN MICHAEL - CIVIL SERVICE EXAMINATIONS - LOW-RENT HOUSING PROJECTS IN EAST RIVERSIDE URBAN RENEWAL AREA

Councilman Michael said he felt the Civil Service Examination notices are not being published so everyone will know when an examination will be given. He suggested that the notice be in a larger print in the newspaper. He also questioned the waiving of examinations for some positions within the City structure.

Councilman Michael also questioned the feasibility of constructing another 151 low-rent public housing units in the East Riverside Urban Redevelopment Area. He said this would make three (3) housing projects in this area. He said it was also his understanding that the one being constructed only housed 15 single family units. He requested that a member of the Asheville Housing Authority be present at the next Council meeting to answer questions regarding this matter.

MAYOR OCHSENREITER - ANNOUNCEMENTS

Mayor Ochsenreiter announced that February 2 and February 16 would be Mayor's Night in the Council Chambers. He said he would be available along with Jim Robinson, of the Service and Information Division, to hear complaints citizens may have.

He also announced that on January 28, 1976 a news conference would be held in the Council Chambers at which time Council will present programs to be considered during the next two years.

Adjournment.

Eugene R. Ochsenreiter Jr.
MAYOR

William D. Wolcott, Jr.
CITY CLERK

Bid Summary

Bidder	Bid (A)	(B)	(C)
Western Reserving Advertising	25%	25%	25%
Instantcall Communications Center	50%	60%	60%
Reynolds, Madalone, Brown & Assoc.	50%	60%	50%
Western North Carolina Adv. Inc.		No Bid	

RESOLUTION NO. 76-9 - RESOLUTION APPOINTING MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD (D. Frank Hyatt, Jr.)

7. Consideration was given to a resolution re-appointing D. Frank Hyatt, Jr. as a member of the Metropolitan Sewerage District Board.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilman Michael, Resolution No. 76-9 was unanimously adopted.

Complete text of Resolution No. 76-9 will be found in Resolution Book No. 6 at page 250.

BIDS - TWO (2) TILT CAB AND CHASSIS COMPLETE WITH MINIMUM 30-CUBIC YARD HYDRAULIC PACKER TYPE BODY FOR USE IN SANITATION DEPARTMENT

8. Consideration was given to bids received January 12, 1976 for two (2) tilt cab and chassis complete with minimum 30-cubic yard hydraulic packer type body for use in Sanitation Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Matthews Motors, Inc. in the amount of $76,089.66.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Matthews Motors, Inc. in the amount of $76,089.66. This motion was seconded by Vice-Mayor Horton which carried unanimously.

Bid Summary

Bidder	Bid
Matthews Motors, Inc.	$76,089.66
Arrowhead International Truck Sales	79,438.64
Controlled Environment	83,532.28
Roach-Russell, Inc.	82,068.00

THOMS CABLEVISION, INC. - DISCUSSION - RE: INCREASE IN RATES

Max Cogburn, Attorney for Thoms Cablevision, Inc., presented members of Council with two proposed ordinances one proposed by Thoms Cablevision, Inc., and one proposed by Corporation Counsel William C. Moore, regarding the request of Thoms Cablevision, Inc. for an increase in rates. He said these proposed ordinances were the results of a meeting with Mr. Moore. He said the committee appointed by Council to review the proposed ordinance is scheduled to meet on January 22, 1976.

ORDINANCE NO. 869 - AN ORDINANCE INCLUDING AUXILIARY POLICE OFFICERS OF THE ASHEVILLE POLICE DEPARTMENT IN THE WORKMEN'S COMPENSATION PLAN OF THE CITY OF ASHEVILLE

4. Consideration was given to the third and final reading of Ordinance No 869, an ordinance including auxiliary police officers of the Asheville Police Department in the workmen's compensation plan of the City of Asheville.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 869 passed on its third and final reading.

Complete text of Ordinance No. 869 will be found in Ordinance Book No. 6 at page 328.

ORDINANCE NO. 872 - AN ORDINANCE RESCINDING ORDINANCE 675 WHICH CREATED AND ESTABLISHED A MODEL CITIES COMMISSION AND A MODEL CITIES AGENCY WITHIN THE OFFICE OF THE CITY MANAGER OF THE CITY OF ASHEVILLE, NORTH CAROLINA

5. Consideration was given to the second reading of Ordinance No. 872, an ordinance rescinding Ordinance 675 which created and established a Model Cities Commission and a Model Cities Agency within the Office of the City Manager of the City of Asheville, North Carolina.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the Ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 872 passed on its second reading.

BIDS - ADVERTISING CONCESSION AT THE ASHEVILLE AIRPORT

6. Consideration was given to bids received December 31, 1975 for advertising display concessions at the Asheville Airport.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the bid offered by Reynolds, Madalone, Brown and Associates, Inc., which offered the following: Item (A) - All advertising except for Showcases furnished by the City and Outdoor Advertising Structures 50% of "gross receipts".
Item (B) - Showcases furnished by the City 60%.
Item (C) - Outdoor Advertising Structures 50%.

The memorandum stated that Instantcall Communication Center, Inc., Beverly Hills, California offered the highest bid by 10% on Item C; however, due to Instantcall Communication Center, Inc. being located in California with the nearest representative in Daytona Beach, Florida, it is recommended that the next highest bid, Reynolds, Madalone, Brown and Associates, Inc. be accepted.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bid to Reynolds, Madalone, Brown and Associates for advertising display concessions at the Asheville Airport. This motion was seconded by Councilwoman Swilling and carried unanimously.

COUNCILMAN HORTON - REQUEST FOR TRAFFIC COUNTS AT VERMONT AND SAND HILL ROAD

Councilman Horton said that he had received several complaints regarding the traffic light at Vermont and Sand Hill Road. He requested that traffic counts be made in all directions at this intersection. He said the complaints were in the nature of traffic congestion and interference with parking.

Adjournment.

Eugene L. Abernathy Jr.
MAYOR

William S. Nolen
CITY CLERK

Councilman Morris suggested that the last ordinance Council considered regarding a rate increase, in June, 1975, which failed on third reading, also be presented to the committee for consideration.

RESOLUTION NO. 76-10 - RESOLUTION IN SUPPORT OF THE MONTFORD PARK PLAYERS

Consideration was given to a resolution in support of the Montford Park Players.

The City Manager read the resolution.

Councilman Rainey appealed to the news media to distribute the news of this resolution to the citizens of Asheville to help the Montford Park Players raise the necessary money that they need. He said everyone was concerned about halting urban blight in many areas of the City and the Montford area is certainly one of the areas where a major battle is going on. He said in his opinion, they are certainly building a sense of community in their area. He said he felt all of Asheville should support this group as they represent the City of Asheville in the American Bicentennial Celebration in England during the period of June 25 through July 15, 1976. He said Mr. Ray Kisiah, Parks and Recreation Director, should also be commended for his encouragement and participation with this group.

Upon motion of Councilman Rainey, seconded by Councilwoman Swilling, Resolution No. 76-10 was unanimously adopted.

Complete text of Resolution No. 76-10 will be found in Resolution Book No. 8 at page 251.

Debra Austin, a member of the Montford Park Players, thanked Council for their past and continued support to their group.

RESOLUTION NO. 76-11 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE ADOPTING THE 1975 EDITION OF THE NORTH CAROLINA ELECTRICAL CODE AS THE ELECTRICAL CODE FOR THE CITY OF ASHEVILLE

Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance adopting the 1975 Edition of the North Carolina Electrical Code as the Electrical Code for the City of Asheville.

The City Manager read the resolution.

Councilman Michael moved for the adoption of the resolution setting the date for the public hearing for February 5, 1976. This motion was seconded by Councilman Morris and carried unanimously.

Complete text of Resolution No. 76-11 will be found in Resolution Book No. 8 at page 252.

CLAIM - JAMES E. GLADDEN

The City Manager presented a claim received from Attorney Michael Edward Vaughn on behalf of James E. Gladden.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Ward 17, Sheet 11, Lots 74, 75, and 76).

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 870 passed on its third and final reading.

Complete text of Ordinance No. 870 will be found in Ordinance Book No. 6 at page 329 .

ORDINANCE NO. 872 - ORDINANCE RESCINDING ORDINANCE 675 WHICH CREATED AND ESTABLISHED A MODEL CITIES COMMISSION AND A MODEL CITIES AGENCY WITHIN THE OFFICE OF THE CITY MANAGER OF THE CITY OF ASHEVILLE, NORTH CAROLINA

4. Consideration was given to the third and final reading of Ordinance No. 872, an ordinance rescinding Ordinance 675 which created and established a Model Cities Commission and a Model Cities Agency within the Office of the City Manager of the City of Asheville, North Carolina.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 872 passed on its third and final reading.

Complete text of Ordinance No. 872 will be found in Ordinance Book No. 6 at page 331 .

Councilman Rainey commented on the success of the Model Cities Program in the City of Asheville. He noted that many trained individuals who worked with the Program have continued to serve their community.

ORDINANCE NO. 874 - AN ORDINANCE ESTABLISHING ELECTRICAL INSTALLATION STANDARDS

5. Consideration was given to the second reading of Ordinance No. 874, an ordinance establishing electrical installation standards.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 874 passed on its second reading.

SALE OF PARCEL 157 - EAST RIVERSIDE RENEWAL PROJECT N. C. R-48

6. Consideration was given to the approval of the sale of Parcel 157 in the East Riverside Renewal Project N. C. R-48.

Thursday - January 22, 1976- 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn Swilling, Councilmen Ralph D. Morris, Jr., Gene E. Rainey, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilmen J. W. Hoyle and Otis B. Michael

1. Approval of the minutes of the January 15, 1976 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilman Morris, the minutes of the January 15, 1976 meeting were approved as submitted.

PUBLIC HEARING - CLOSING PORTION OF FAGG STREET, TIERNAN STREET, TENIE STREET AND ALL OF HORSE SHOE CURVE AND MURRAY HILL ROAD

RESOLUTION NO. 76-12 - RESOLUTION TO CLOSE A PORTION OF FAGG STREET, TIERNAN STREET, TENIE STREET AND ALL OF HORSE SHOE CURVE AND MURRAY HILL ROAD

2. A public hearing was held concerning a request by the Asheville Housing Authority that a portion of Fagg Street, Teirnan Street, Tenie Street and all of Horse Shoe Curve and Murray Hill Road be permanently closed.

Mayor Ochsenreiter opened the public hearing at 3:03 o'clock p. m.

The City Manager read the resolution calling for a public hearing on the matter setting the time and date for the public hearing and the affidavit of publication. He also stated that he had received an affidavit stating that the proper notices were placed in accordance with the provisions of the resolution.

Mr. Larry Holt, of the Asheville Housing Authority, presented maps indicating the exact locations of the streets proposed to be closed. He also stated that no one would be deprived of ingress or egress to their property by the closing of these streets.

No one expressed opposition to the request that these streets be permanently closed.

Mayor Ochsenreiter closed the public hearing at 3:10 o'clock p. m.

The City Manager was requested to read a prepared resolution which would close the streets requested to be closed.

Upon motion of Councilman Morris, seconded by Councilman Rainey, Resolution No. 76-12 was unanimously adopted.

Complete text of Resolution No. 76-12 will be found in Resolution Book No. 8 at page 254 .

ORDINANCE NO. 870 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Ward 17, Sheet 11, Lots 74, 75, and 76)

3. Consideration was given to the third and final reading of Ordinance No. 870, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING

Upon motion of Councilwoman Swilling, seconded by Councilman Morris, Resolution No. 76-13 was unanimously adopted.

Complete text of Resolution No. 76-13 will be found in Resolution Book No. 8 at page 257.

RESOLUTION NO. 76-14 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE SOUTHERN RAILWAY COMPANY CONCERNING AN 8-INCH WATER LINE AT THE CRAYTON ROAD CROSSING IN ASHEVILLE, NORTH CAROLINA.

9. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the Southern Railway Company concerning an 8-inch water line at the Crayton Road crossing in Asheville, North Carolina.

The City Manager read the resolution.

Gary McGill, of the Water and Sewer Division, explained that the right-of-way was necessary across the Crayton Road Railroad crossing at Oakley from the Southern Railway Company for a proposed 8-inch main water line running from the 16-inch water line on Sweeten Creek Road to the Oakley Community to improve water service in that area.

Upon motion of Councilman Rainey, seconded by Vice-Mayor Horton, Resolution No. 76-14 was unanimously adopted.

Complete text of Resolution No. 76-14 will be found in Resolution Book No. 8 at page 258.

BIDS - ONE (1) CAB AND CHASSIS WITH 36' ARTICULATING AERIAL LADDER FOR PARK AND RECREATION DEPARTMENT

10. Consideration was given to bids received December 30, 1975 for one (1) cab and chassis with 36' Articulating Aerial Ladder for Park and Recreation Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Dorato Motors, Inc. in the amount of $21,753.35. He said the budgeted amount for this equipment was $14,000 and if Council accepted the bid of Dorato Motors in the amount of $21,753.35 he was prepared to present an ordinance amending the operating budget for 1975-76 to cover the deficit.

Upon inquiry of Vice-Mayor Horton, Ray Kisiah, Parks and Recreation Director, explained that the deficit of $7,043 was due to the cost of the truck being inadvertently ommitted from the appropriation amount.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Dorato Motors, Inc. in the amount of $21,753.35. This motion was seconded by Councilman Rainey and carried unanimously.

Bid Summary

Bidder	Bid
Apple Tree Chevrolet	$21,963.28
Matthews Motors, Inc.	22,475.43
Dorato Motors, Inc.	21,753.35

The City Manager read a letter from the Housing Authority of the City of Asheville which recommended approval of the sale of Parce 157, which is located on Olive Street. The adjacent property owners, Mr. and Mrs. McKinley Ellis of 9 Olive Street submitted a bid of $900.00. Both Parcel 157 and the Ellis' property are substandard in size, however, when combined a standard lot will result.

Councilman Morris moved to approve the sale of Parcel 157 in the East Riverside Renewal Project N. C. R-48 to Mr. and Mrs. McKinley Ellis for the amount of $900.00. This motion was seconded by Vice-Mayor Horton and carried unanimously.

ORDINANCE NO. 875 - AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1975-76 (Purchase of Parking meter manual conversion kits)

7. Consideration was given to an ordinance amending the operating budget for the City of Asheville for Fiscal Year 1975-76 to purchase parking meter manual conversion kits.

The City Manager read the ordinance.

Mike Smith, Central Services Director, explained that through the sale of surplus parking meters in the amount of $2,200 an appropriation of this amount into the General Fund Revenues was necessary in order to purchase parking meter manual conversion kits for the Parking Services Division.

Councilman Morris moved for the adoption of the ordinance. This motion was seconded by Councilman Rainey.

On a roll call vote of 4-0, Ordinance No. 875 passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 875. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 875 passed on second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 875. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 875 passed on third and final reading.

Complete text of Ordinance No. 875 will be found in Ordinance Book No. 6 at page 335.

RESOLUTION NO. 76-13 - RESOLUTION OF APPRECIATION TO THE ASHEVILLE ASSOCIATION OF INSURANCE WOMEN AND THE CRIME PREVENTION BUREAU OF THE ASHEVILLE POLICE DEPARTMENT

8. Consideration was given to a resolution of appreciation to the Asheville Association of Insurance Women and the Crime Prevention Bureau of the Asheville Police Department.

The City Manager read the resolution. He said the Asheville Association of Insurance Women and the Crime Prevention Bureau of the Asheville Police Department had organized programs on women's protection and through these programs sponsored by the Association during 1975, the Crime Prevention Bureau has reached some 1600 people in attendance at 60 presentations on ways to combat crime.

Mayor Ochsenreiter appointed Councilmen Morris, Hoyle and Rainey to serve as a sub-committee in preparing final recommendations for Council's consideration in appropriating the Community Development funds to special projects.

RESOLUTION NO. 76-15 - RESOLUTION APPOINTING MEMBERS TO THE BOARD OF DIRECTORS OF THE ASHEVILLE-BUNCOMBE COMMUNITY RELATIONS COUNCIL (Mrs. Gladys P. Forney and Mr. Ray Lyles)

Consideration was given to a resolution appointing Mrs. Gladys P. Forney and Mr. Ray Lyles as amembers of the Board of Directors of the Asheville-Buncombe Community Relations Council.

The City Manager read the resolution.

Upon motion of Councilwoman Swilling, seconded by Councilman Rainey, Resolution No. 76-15 was unanimously adopted.

Complete text of Resolution No. 76-15 will be found in Resolution Book No. 8 at page 259 .

BUDGET PROCESS FOR FISCAL YEAR 1976-77

The City Manager advised that the City staff has begun its work on the Budget for the 1976-77 Fiscal Year. One of the things to be budgeted will be the balance of the pay increases as set by the previous Council. He advised that the previous Council had a comparability study made and one-half of the increases resulting from the comparability study was made effective January 1, 1976 and the other half to be made effective July 1, 1976. He said, possibly before the end of March the staff will be doing another comparability study to see how the City stands as of this time. He said they would also be investigating the cost and possibility of a longevity program.

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO (UNION) - DISCUSSION

Corporation Counsel William C. Moore summarized the following letter received from the Attorney General's Office relating to the organization of a union:

20 January 1976

Mr. William C. Moore
Attorney at Law
P. O. Box 7625
Asheville, North Carolina 28807

Dear Mr. Moore:

In your letter of January 12, 1976 you raise certain questions relative to the possible affiliation by employees of the City of Asheville with the American Federation of State, County and Municipal Employees AFL-CIO (Union). The questions are: (1) Is the City of Asheville required to recognize this Union as the representative of all of the employees of the City of Asheville?; (2) May the City of Asheville enter into binding negotiations with the Union

ORDINANCE NO. 876 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1975-76 (Purchase of Truck for Parks and Recreation)

Consideration was given to an ordinance amending the operating budget of the City of Asheville for Fiscal Year 1975-76 to allow for the deficit in purchasing one (1) High Ranger Truck for the Parks and Recreation Department.

The City Manager read the ordinance.

Councilwoman Swilling moved for the adoption of the ordinance. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 4-0, Ordinance No. 876 passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 876. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 876 passed on second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 876. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 876 passed on third and final reading.

Complete text of Ordinance No. 876 will be found in Ordinance Book No. 6 at page 336.

PRESENTATION OF CITIZEN RECOMMENDATIONS FOR COMMUNITY DEVELOPMENT PROJECTS FOR FISCAL YEAR 1976-77

11. Logan Delany, Community Development Coordinator, presented Council with the citizen recommendations for Community Development Projects for Fiscal Year 1975-76. He said during the public hearings to obtain these recommendations over 500 people attended the meetings. He said if all the recommendations of the citizens were met it would take approximately $80,000,000.

Rev. Wesley Grant asked if any single family houses would be built under the upcoming Community Development Program.

Mr. Delany advised Rev. Grant that under the Community Development guidelines funds could not be used for building houses.

Councilman Rainey said that he had requested Mr. Michalove, Assistant City Manager, to look into the possibility of starting a pilot project with Community Development funds of purchasing vacant lots in the Community Development areas and donating them to private individuals to build on. He suggested starting with $30,000.

Councilwoman Swilling commended the City staff for their efforts in holding public hearings to obtain citizen recommendations for the use of these funds.

In Winston-Salem/Forsyth County Unit of the North Carolina Association of Educators v Phillips, supra, the Court stated that '[t]he state is not required to provide plaintiffs with a special forum in order to advocate their views. It is under no duty to provide a 'guarantee that a speech will persuade or that advocacy will be effective.'" It is interesting to note that Phillips involved an attack on N.C.G.S. 95-98 by plaintiffs, who were members of the Winston-Salem/Forsyth County Unit of the North Carolina Association of Educators, an unincorporated association represnting professional employees, on the grounds that the statute rendered nugatory their right to associate since it voids any contract obtained by the association. Plaintiffs further contended that it was fruitless for the organization to discuss matters with the school because none of the discussions could lead to any binding agreement, and this in turn denied them their right to associate. As was mentioned, the Court in Phillips rejected these arguments.

Based on what has been stated above, the City of Asheville may not enter into a contract with the Union as bargaining agent for any public employees. The City of Asheville may allow the Union to express before the City Council the wishes and desires of those employees which are members of the Union, however, the status of the Union in this respect would be the same as any other individual coming before the City Council and being allowed to express his views about a particular matter of concern to the Council.

As to whether the City of Asheville may make deductions from the wages of its employees or operate a "check-off" for Union dues of a labor organization or Union composed of employees of a municipal corporation, enclosed is copy of an opinion issued by this office on 25 July 1969 concluding that a municipal corporation or city cannot check-off or deduct Union dues from the wages of its employees for the benefit of a labor union or organization. The basis for this opinion was G. S. 95-98. However, in Local 660, International Association of Firefighters v City of Charlotte, 381 F. Supp 500 (W.D.N.C. 1974, affirmed, 518 F.2d 83 (4th Cir., 1974), the Court held that although the individual plaintiffs, members of a firefighters union, had no right per se to have monies withheld from their paychecks for the benefit of their union, and though the defendant City of Charlotte, the employer, was under no duty to enter into collective bargaining agreements or other contracts with the union, once the City of Charlotte offered to withhold monies from checks of employees for other purposes and organizations, plaintiffs were entitled to have monies deducted for union dues. It is our understanding that the City of Charlotte has applied for certiorari to the United States Supreme Court.

with respect to wages, hours of employment, etc., for those employees of the City who are members of the Union?; (3) May the City of Asheville enter into a contract or agreement with the Union for the purpose of collective bargaining?; and (4) Is the City of Asheville required to provide a "check-off" which authorizes the employer to withhold from an employee's wages and pay to the Union of which the employee is a member, Union dues and Union initiation fees?

North Carolina General Statute 95-98 provides that contracts between State governmental units and public employee labor organizations shall be void. N.C.G.S. 95-98 reads as follows:

> "95-98. Contracts between units of government and labor unions, trade unions or labor organizations concerning public employees declared to be illegal. -- Any agreement, or contract, between the governing authority of any city, town, county, or other municipality, or between any agency, unit, or instrumentality thereof, or between any agency, instrumentality, or institution of the State of North Carolina, and any labor union, trade union, or labor organization, as bargaining agent for any public employees of such city, town, county or other municipality, or agency or instrumentality of government, is hereby declared to be against the public policy of the State, illegal, unlawful, void and of no effect."

N.C.G.S. 95-98 has been held constitutional in two recent federal three-judge court decisions. Atkins v City of Charlotte, 296 F.Supp. 1068 (W.D.N.C. 1969); Winston-Salem/Forsyth County Unit of the North Carolina Association of Educators v Phillips, 381 F.Supp. 644 (M.D.N.C. 1974). In pointing out exactly what N.C.G.S. 95-98 does, and why it is constitutional, Judge Craven stated in Atkins, supra, at 1077:

> "We find nothing unconstitutional in G.S.§ 95-98. It simply voids contracts between units of government within North Carolina and labor unions and expresses the public policy of North Carolina to be against such collective bargaining contracts. There is nothing in the United States Constitution which entitles one to have a contract with another who does not want it. It is but a step further to hold that the state may lawfully forbid such contracts with its instrumentalities. The solution, if there be one, from the viewpoint of the firemen is that labor unions may some day persuade state government of the asserted value of collective bargaining agreements, but this is a political matter and does not yield to judicial solution. The right to a collective bargaining agreement, so firmly entrenched in American labor-management relations, rests upon national legislation and not upon the federal Constitution. The State is within the powers reserved to it to refuse to enter into such agreements and so to declare by statute."

17 April 1969

Subject: Public Officers & Employees; Labor Unions; Contracts Between Units of Government and Labor Unions

Requested by: Mr. William C. Herring
Administrative Director
North Carolina School of the Arts

Question: May the North Carolina School of the Arts enter into contracts approved by the Actors' Equity Association?

Conclusion: The North Carolina School of the Arts is an agency of the State and may not enter into contracts with the Actors' Equity Association.

The North Carolina School of the Arts is an agency of the State of North Carolina organized and operated under Article 4 of Chapter 116 of the General Statutes, as amended. Actors' Equity Association claims that future agreements between regular term faculty and guest artists who are members of the Union must be in accordance with their guest artist agreement and their University Actor-Teacher Contract. A copy of a draft of Actors' Equity Contract has been reviewed.

Under the provisions of G.S. 95-98 no agency of the State of North Carolina may enter into any labor union, trade union, or labor organization, as a bargaining agent for any public employees of such agency of the State. G.S. 95-98 has been declared to be constitutional and valid by a 3-judge federal court. The public employees of the North Carolina School of the Arts may not enter into this contract or make the performance of their services subject to the approval of the Actors' Equity Association since this is prohibited by law.

Robert Morgan, Attorney General
Ralph Moody,
Deputy Attorney General

25 July 1969

Subject: Public Officers & Employees; Labor Unions; Right of Authority of Municipal to Check-off Labor Union Dues for the Benefit of a Labor Organization Composed of its Employees

Requested by: Mr. H. Milton Short
Councilman of the City of Charlotte

Question: Can a municipal corporation or a city make deductions from the wages of its employees or operate a check-off for union dues of a labor organization or union composed of employees of a municipal corporation?

Based on the City of Charlotte case, the opinion rendered by this office in 1969 appears to have been overruled by the federal court where the city makes deductions from the employee's paycheck for other purposes, these other purposes including such things as hospitalization insurance, etc.

If we can be of any further assistance, please let us know.

Very truly yours,

RUFUS L. EDMISTEN
Attorney General

Andrew A. Vanore, Jr.
Senior Deputy Attorney General

AAVjr:js

instrumentality of government, is hereby declared to be against the public policy of the State, illegal, unlawful, void and of no effect."

As you will see this section prohibits and forbids any agreement or contract between your city or municipality and any labor union or trade organization as bargaining agency for any public employees. This would be or amount to an agreement between you and the union and to check-off and pay over to the union the union dues from the wages of these employees of the City of Charlotte. Now, a check-off agreement whereby union dues are deducted from the employees' wages is a function or segment of collective bargaining. In the case of *National Relations Board v Reed and Prince Mfg. Co.*, 205 F.2d 131, 136, the United States Court of Appeals for the First Circuit said:

"On the check-off proposal, the company registered its opposition, mainly on the ground that this was not a proper subject of collective bargaining. In this the company was mistaken."

Since the check-off agreement deals with a segment or functioning of collective bargaining with the labor union, it is expressly prohibited by G.S. 95-98 quoted above and the City of Charlotte has no authority of law and is expressly prohibited from operating or making any deductions or check-off from its employees' wages for the purposes of paying union dues or for that matter any other fee or assessments that pertain to the business of the labor union or labor organization. The city employees wanted a labor union or labor organization and the three-judge federal court said they could have it but the union will have to see to its own financing without the aid of the city for the city is prohibited by law from entering into any such agreement or exercising such assumed authority even in the absence of an agreement.

Robert Morgan, Attorney General
Ralph Moody,
Deputy Attorney General

28 October 1969

Subject: Public Officers & Employees; Legal Defense of; Authority of Board of County Commissioners to Pay Attorneys' Fees in Civil Action Against Sheriff

Requested by: Mr. George T. Davis
Hyde County Attorney

Question: May a county board of commissioners pay attorneys' fees arising from a civil action against the sheriff of the county as a result of the performance of his duties?

Conclusion: County boards of commissioners may pay attorneys' fees in the civil cases against the sheriff of the county as a result of the performance of his duties.

Conclusion: A municipal corporation or city cannot check-off or deduct union dues from the wages of its employees for the benefit of a labor union or organization composed of its employees.

The inquiry submitted by a councilman of the City of Charlotte is in essence a question of whether or not the City of Charlotte can operate a check-off of union dues for the benefit of a labor organization composed of its employees. It is assumed that this labor organization or union has for its membership city employees for if the city operates a check-off or deduction system it would have to be from the wages of its employees and it certainly would have no authority whatsoever in connection with the labor union whose membership is composed of employees other than city employees. The assumption is made therefore that such is the case. In the case of *Atkins, et al and International Association of Fire Fighters and International Labor Union v City of Charlotte and the Chief of the Charlotte Fire Department, et al* (Civil No. 2274, Western District of North Carolina, Charlotte Division) a three-judge federal court decided that G.S. 95-97, which prohibited firemen from joining or organizing a labor unit, was void and constituted a deprivation of constitutional rights. As to the constitutional validity of G.S. 95-98 the three-judge federal court had this to say:

> "We find nothing unconstitutional in G.S. 95-98. It simply voids contracts between units of government within North Carolina and labor unions and expresses the public policy of North Carolina to be against such collective bargaining contracts. There is nothing in the United States Constitution which entitled one to have a contract with another who does not want it. It is but a step further to hold that the state may lawfully forbid such contracts with its instrumentalities. The solution, if there be one, from the viewpoint of the firemen, is that labor unions may someday persuade state government of the asserted value of collective bargaining agreements, but this is a political matter and does not yield to judicial solution. The right to a collective bargaining agreement, so firmly entrenched in American labor-management relations, rests upon national legislation and not upon the federal Constitution. The State is within the powers reserved to it to refuse to enter into such agreements and so to declare by statute."

The provisions of G.S. 95-98 are as follows:

> "Contracts between units of government and labor unions, trade unions or labor organizations concerning public employees declared to be illegal.—Any agreement, or contract, between the governing authority of any city, town, county or other municipality, or between any agency, unit, or instrumentality thereof, or between any agency, instrumentality, or institution of the State of North Carolina, and any labor union, trade union, or labor organization, as bargining agent for any public employees of such city, town, county or other municipality, or agency or

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn Swilling, Councilmen Ralph D. Morris, Jr., Gene E. Rainey, J. W. Hoyle, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Otis B. Michael

1. Approval of the minutes of the January 22, 1976 meeting.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, the minutes of the January 22, 1976 meeting were approved as submitted.

PUBLIC HEARING - THOMS CABLEVISION, INC. - REQUEST FOR INCREASE IN RATES AND/OR FRANCHISE FEES

ORDINANCE NO. 877 - AN ORDINANCE AMENDING ORDINANCE GRANTING FRANCHISE TO THOMS BROADCASTING COMPANIES, INC.

2. A public hearing was held relative to Thoms Broadcasting Inc. requesting an increase in rates and/or franchise fees.

Mayor Ochsenreiter opened the public hearing at 3:02 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Max Cogburn, Attorney for Thoms Broadcasting, Inc. reported that he had met with the committee appointed by the Mayor to prepare an ordinance for Council's consideration. However they were unable to come up with an ordinance satisfactory to both parties. He then presented members of Council with a proposed ordinance, which was prepared by Mr. Thoms, Mr. Jerose, and himself. He pointed out that this ordinance contained the fundamental and basic needs of the franchisee. Those being (1) To set a present base rate at $7.00, which is more than the national average at the present but would not be for very long; (2) Adjustments to be made annually to avoid the "lag" the franchisee had encountered from the beginning; and (3) the amount by which the national average increases each year would be the amount by which the increase would be each year.

Mr. Cogburn advised that Thoms Broadcasting Company had sent letters to all the subscribers, with a card to be returned, asking their feelings about paying a $7.00 monthly service charge. He said the letters were mailed Tuesday of this week and at the present 38 responses had been returned, with 36 favoring the increase and only 2 were opposed.

Mr. Bill Fass, said that he was a subscriber to cablevision services and he was willing to pay a $7.00 monthly service charge. He encouraged Council to grant Thoms Broadcasting Company, Inc. an increase.

Mr. John Jerose, Manager of Thoms Cablevision, Inc. presented Council with copies of the company's business and growth plan for the next five (5) years. He answered general questions from members of Council regarding the improvement of services and the increases in fees necessary to implement these services.

Mr. Moore said the check-off question still awaits a final appeal outcome and he would not assume in the meantime that the check-off must be provided for the union members. He also pointed out that State law greatly limits what interactions the City and the union might have. He said this matter is not a legal matter between the City and any labor organization but a matter that involves the State of North Carolina since it deals with a North Carolina General Statute.

Mr. Wilbur Hobby, President of the North Carolina AFL-CIO, took exception to the summary given by the Corporation Counsel. He said if Mr. Moore had re-phrased his questions to the Attorney General he would have received different opinions. He said the AFSCME does not wish to enter into any contracts with the City on behalf of the majority of City employees which have signed authorization cards. He said the union was asking Council to listen to their grievances and come to a reasonable understanding. He said he felt this was a matter for Council because the employees don't work for the State, but for the City of Asheville. He also commented that the City already deducts Fraternal Order of Police dues and not to allow union dues taken out would amount to a double standard of justice. He summarized a report of the Institute of Government issued on November 13, 1975 relating to this issue.

Ray Stepp, of the Asheville Central Labor Union, spoke in support of the organization of the AFSCME with the city employees. He said they are willing to assist the employees in organizing such a union in order for the employees to receive consideration in their grievances.

Katherine Ryan spoke in favor of organizing a union for city employees.

Jim Grey also spoke in favor of organizing such a union for city employees.

Adjournment.

MAYOR

CITY CLERK

Vice-Mayor Horton then moved for the adoption of the amendment to the ordinance as presented with monthly service charge of $6.50 inserted, this to apply to both the residential and commercial rates.

In the absence of a second, Mayor Ochsenreiter ruled that the motion failed.

Councilwoman Swilling moved to insert the amount of $7.00 in the ordinance as the monthly service charge for residential rates as well as for commercial rates. She further moved to correct the wording in the last whereas of the ordinance, inserting in lieu of the words "national increase" the words "national average" and further in the paragraph entitled, Other Rates, inserting in lieu of the words "national increase" the words "national average." This motion was seconded by Councilman Hoyle.

Vice-Mayor Horton commented that he did not feel free in endorsing an increase that is greater than the basic formula that was in the original franchise ordinance. He said he felt a $7.00 increase was an unrealistic rate and one that he did not feel Council could adopt and keep the faith with the people of Asheville. He said he could not support an increase above the national average.

Upon inquiry of Councilman Morris, Corporation Counsel Moore advised that any city ordinance requires at least four votes for enactment, a majority of the total Council rather than a majority of those present at a meeting.

Mayor Ochsenreiter called for a vote on Councilwoman Swilling's motion to amend the ordinance. The amendment carried on a voice vote of 3-1.

Mayor Ochsenreiter then asked the City Clerk to call the roll on the ordinance.

On a roll call vote of 4-0, Ordinance No. 877 passed on its first reading.

ORDINANCE NO. 874 - AN ORDINANCE ESTABLISHING ELECTRICAL INSTALLATION STANDARDS

3. Consideration was given to the third and final reading of Ordinance No. 874, an ordinance establishing electrical installation standards.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 874 passed on its third and final reading.

Complete text of Ordinance No. 874 will be found in Ordinance Book No. 6 at page 333.

PRESENTATION OF SUB-COMMITTEE'S RECOMMENDATIONS FOR COMMUNITY DEVELOPMENT PROJECTS FOR FISCAL YEAR 1976-77

4. **Logan Delany**, Community Development Coordinator, presented Council with the sub-committee's recommendations for Community Development Projects for Fiscal Year 1976-77.

Mr. Palmer of the Gracelyn Apartments, spoke in opposition to the request of Thoms Cablevision Company for an increase in monthly service charges. He cited several personal problems relative to the service.

Vice-Mayor Horton took exception to the projected subscriber growth outlined in the plan. He also noted that if the proposed $7.00 increase was granted it would amount to $ .44 over the present national average.

Corporation Counsel William C. Moore, presented the proposed ordinance prepared by the committee appointed by the Mayor. He said the basic difference in the committee's ordinance and the one proposed by Attorney Max Cogburn was as follows: 1) Monthly Service Charge was left blank - to be filled in with an amount satisfactory to Council; 2) Provision that Council may increase or decrease the monthly rates each year, upon satisfactory proof, that the national average rate has increased or decreased during said previous year; 3) a provision that Council, upon satisfactory proof, must increase said rates at least every three years to insure the maintaining of at leaset the national average rate.

Mayor Ochsenreiter closed the public hearing at 4:08 o'clock p. m.

At this time, Councilman Rainey requested that he be excused. He said he was asking to abstain from voting on the issue as he felt there was a conflict of interest in the matter as Mr. Thoms had contributed to his recent campaign.

Mayor Ochsenreiter granted the request and Council Rainey retired from the Council Chambers.

The City Manager read the ordinance, prepared by Corporation Counsel William C. Moore.

At this time, Mr. Moore asked that two corrections be made in the ordinance before adoption. He indicated that in the last whereas where the words "national increase " appears and in the section entitled Other Rates where the words "national increase" again were used, in both instances these words should be changed to read "national average".

Vice-Mayor Horton, as chairman of the committee appointed by the Mayor to study and make recommendations on the proposed amendment to the cablevision ordinance, reported that the resulting proposed amendment now before Council "was worded to be as closely aligned as possible to the intent and wording of the original franchise ordinance which was passed by the vote of the citizens of Asheville. He said it also takes into account the flexability to allow Council to change the rate from the concept of the national average to what has been requested by Thoms Cablevision." He said he wished to point out two things; 1) that if Council keeps the faith with the voters of Asheville then Council should not be willing to depart from the concept of the national average as it now applies; 2) that he felt that the people of the City of Asheville who voted on the original ordinance and the resulting franchise agreement have every confidence that Council will give cognizance to what they approved. At the same time, he said, cognizance should be given to the need before them. He said that in some point in time a formula would have to be established. He said that he would be willing to propose a $6.50 rate to be inserted in the proposed ordinance amendment, which he said would be approximately the "national average" at this point.

Bill Edens, Water and Sewer Director, advised that this supplemental municipal agreement was related to the relocation of utilities for the downtown connector in the vicinity of U. S. 70 and 74 at Haw Creek Junction. This particular project involves a relocation of major transmission mains serving the central business district, North Asheville, West Asheville and South Buncombe. It includes a portion of the relocation of our 24-inch transmission main to White Fawn Reservoir from its location under the Holiday Inn. This is a significant portion of our Phase III development in that it provides a safety factory that we do not have now. The estimated cost of this project to the City is approximately $300,000.00 which will be paid out of the Bond Fund, Fund 32. While this exceeds our estimate for pure re-locations, additional money allocated for the White Fawn Feeder and for a pressure station in the transmission main brings the total amount within the expected total.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 76-16 was unanimously adopted.

Complete text of Resolution No. 76-16 will be found in Resolution Book No. 8 at page 260.

RALPH BISHOP - COMMENTS RELATIVE TO GAMBLERS IN THE CITY OF ASHEVILLE

Mr. Ralph Bishop told Council that he had requested City Manager Ernest Ward to investigate a list of people gambling in the City of Asheville. He said as of this date he had not received a reply as to whether this investigation was being instigated.

Mayor Ochsenreiter told Mr. Bishop that when the investigation was completed he would be notified.

ASHEVILLE MERCHANTS ASSOCIATION - REQUEST FOR FREE ON-STREET METERED PARKING

Councilman Hoyle read a letter from the Asheville Merchants Association requesting free on-street metered parking on February 16, 1976 for the George Washington Sale.

Councilman Hoyle moved to grant the request of the Asheville Merchants Association for free on-street metered parking , beginning at 10:00 a. m., on February 16, 1976 for the George Washington Sale. This motion was seconded by Councilman Morris and carried unanimously.

Adjournment.

Eugene S. Ochsenreiter Jr.
MAYOR

William J. Wilcox Jr.
CITY CLERK

He said request from citizens for Community Development assistance in two areas not previously included in the Community Development project area were recognized and approved as eligible under the Community Development guidelines by the sub-committee, one being part of Census Tract 8, which includes part of Kenilworth area, west of Kenilworth Road to Biltmore Avenue and the other consist of Census Tract 6 bordered on the north by Hillside Street, east by Town Mountain Road, west by Broadway, and on the south by the Expressway.

He said the sub-commitee begun its deliberations by reallocating some contingency funds and some equipment funds which were determined ineligible by HUD.

He said all these recommendations were based on and taken from the citizens recommendations.

He said action is scheduled to be taken by Council on February 5, 1976 at the regular scheculed Council meeting. He said any additions, corrections, or suggestions should be presented to the Community Development Office by Tuesday, February 3, 1976.

Mayor Ochsenreiter requested that Mr. Delany mail copies of the sub-committee's recommendations to the area leaders who attended the public hearings.

BIDS - GALVANIZED CORRUGATED METAL PIPE FOR STREET DEPARTMENT

5. Consideration was given to bids received January 26, 1976 for galvanized corrugated metal pipe for Street Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Southern Tank and Culvert Company, Inc. in the amount of $3,958.90 for items 1 and 2. He said this pipe was to be used to enlarge the corrugated culvert on Shelburne Road where blockages occur during heavy rainfalls.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent to award the bid to the low bidder, Southern Tank and Culvert Company, Inc., in the amount of $3,958.90. This motion was seconded by Councilman Morris and carried unanimously.

Bid Summary

Bidder	Bid
Southern Tank and Culvert Company, Inc.	$3,958.90
Asheville Steel Company	4,466.55

RESOLUTION NO. 76-16 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE SUPPLEMENTAL MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION RELATIVE TO UTILITY RELOCATION ASSOCIATED WITH DEPARTMENT OF TRANSPORTATION PROJECT # 8.19041408

6. Consideration was given to a resolution authorizing Mayor to execute supplemental municipal agreement with the North Caroling Department of Transportation relative to utility relocation associated with Department of Transportation Project # 8.19041408.

The City Manager read the resolution.

Max Cogburn, Attorney for Thoms Broadcasting Companies, Inc., reported that they had received a total of 523 cards from subscribers stating that they would be willing to pay a $7.00 monthly service charge. He said he had received only 54 cards in opposition to the increase.

Mr. Cogburn said that it was his hope that the amendment to the ordinance would establish a formula under which future fee adjustments to the national average would be made, whether it be done annually or every three years.

Bob Hansen spoke in favor of granting Thoms Broadcasting Company an increase to $7.00 monthly.

Harold Thoms, President of Thoms Broadcasting Company, advised that he had conferred with the stockholders of the company and it was not their intention to make a profit but to provide better services.

Carl Johnson requested that another survey be made in the Hillcrest Apartments to determine the feasibility of providing cablevision services to this area.

At the request of Mayor Ochsenreiter, Mr. Jerose, Manager of Thoms Broadcasting Company, said that he would conduct such a survey during the next week.

Councilman Rainey again requested permission to be excused from the meeting in order to abstain from voting on the matter. He again stated that he felt that he had a conflict of interest in the matter.

Mayor Ochsenreiter excused Councilman Rainey from the meeting at 3:48 o'clock p. m.

Vice-Mayor Horton pointed out that the original ordinance granting the franchise was literally and technically put on the books by the people through a referendum. He said he still retained the position that Council should keep the faith with the citizens of Asheville and not deviate from the terms and conditions originally voted on by the people. He said it was his hope that Council could adopt an amendment to the ordinance to restore the text of the original ordinance. He also noted that if the ordinance, as passed on first reading, is adopted a rate of $ .44 above the national average would be permanently built in to any future increases.

Councilwoman Swilling made the following statement and motion:

"I would like to made an amendment to this ordinance; but let me first state my feelings with regard to this amendment. The fact that Thoms Broadcasting Companies began the requesting of a reate increase almost a year ago and according to the Attorney General of North Carolina the City Council has the right to waive the three year limitation set forth in the franchise by adopting a new ordinance, and after much delibration, discussion, and the election of a new City Council, a committee was appointed by the Mayor, consisting of Vice-Mayor Bill Horton, Corporate Counsel Bill Moore, and myself to work with Attorney Max Cogburn, Mr. Harold Thoms and Mr. John Jerose on the writing of this ordinance. This committee worked very hard and I feel a sincere effort has been made to work out an ordinance that would be agreeable with the Thoms Broadcasting Company and the City Council as representatives of the citizens of Asheville.

Thursday - February 5, 1976 -3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn Swilling, Councilmen Ralph D. Morris, Jr., Gene E. Rainey, J. W. Hoyle, Otis B. Michael, Corporation Counsel William C. Moore, Assistant City Manager William F. Wolcott, Jr., Acting City Clerk Carol Hensley.

Absent: City Manager Ernest J. Ward

1. Approval of the minutes of the January 29, 1976 meeting.

Upon motion of Councilman Hoyle, seconded by Councilman Michael, the minutes of the January 29, 1976 meeting were approved as submitted.

PUBLIC HEARING - ADOPTION OF NORTH CAROLINA ELECTRICAL CODE

ORDINANCE NO. 878 - AN ORDINANCE AMENDING SECTION 11-68 OF CHAPTER 11, OF THE CODE OF ORDINANCES ENTITLED STATE ELECTRICAL CODE ADOPTED

2. A public hearing was held concerning the adoption of the 1975 Edition of the North Carolina Electrical Code (North Carolina State Building Code, Volume IV, Electrical) as the electrical code for the City of Asheville.

Mayor Ochsenreiter opened the public hearing at 3:05 o'clock p. m.

The Assistant City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

J. E. Johnson, Building Inspector, told Council this was a legal procedure required to adopt the North Carolina Electrical Code as the electrical code for the City of Asheville. He said this code was adopted by the North Carolina Building Code Council and it was now necessary for Council to adopt the code locally.

Mayor Ochsenreiter closed the public hearing at 3:07 o'clock p. m.

The Assistant City Manager read the ordinance.

Councilman Morris moved for the adoption of the ordinance. This motion was seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 878 passed on its first reading.

ORDINANCE NO. 877 - ORDINANCE AMENDING THE ORDINANCE GRANTING FRANCHISE TO THOMS BROADCASTING COMPANIES, INC.

3. Consideration was given to the second reading of Ordinance No. 877, an ordinance amending the ordinance granting franchise to Thoms Broadcasting Companies, Inc.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance, as passed on first reading, and the ordinance would not be re-read in its entirety unless there was a specific request to do so.

After discussion relative to the language contained in the ordinance. Councilwoman Swilling and Councilman Michael withdrew their motion and Councilwoman Swilling offered the following motion:

" That the 7th Whereas of the aforeread ordinance read as follows:

WHEREAS, the City Council of the City of Asheville has determined that Section 11 of said ordinance should be amended to the end that the said Council may increase or decrease the rates charged, upon satisfactory proof, each year, by the amount that the national average has increased or decreased during said previous year, above or below, the base charge as hereinafter set forth and identified as monthly service charge, said national average shall be determined by ascertaining the rates as charged by CATV systems in cities and towns having approximately the same population as the City of Asheville.

And further that the last full paragraph following the asterisk on Page 2 of this ordinance comply with the wording as stated in this amendment to the 7th Whereas of the first page of this ordinance."

This motion was seconded by Councilman Michael.

Mayor Ochsenreiter called for a voice vote on Councilwoman Swilling's motion. The vote was 3-2.

Vice-Mayor Horton questioned Corporation Counsel William C. Moore as to the number of votes necessary to pass Councilwoman Swilling's motion.

Corporation Counsel Moore read Section 12 of the Charter of the Code of the City of Asheville relative to the number of votes necessary for the adoption of an ordinance, resolution or vote, which reads as follows:

"Section 12 - Quorum; Disqualification to vote

A majority of the members elected to the council shall constitute a quorum but a less number may adjourn and compel the attendance of absent members. The affirmative vote of a majority of the members shall be necessary to adopt any ordinance, resolution or vote, exept that a vote to adjourn or regarding the attendance of absent members may be adopted by a majority of the members present. No member shall be disqualified from voting except on matters involving his own official conduct or financial interests."

After clarifying this point, Mayor Ochsenreiter declared that Councilwoman Swilling's motion failed on a 3-2 vote.

Mayor Ochsenreiter then asked the City Clerk to call the roll on the second reading of Ordinance No. 877, as passed on first reading.

On a roll call vote of 4-1, Ordinance No. 877 passed on second reading.

I personally have received citizen response to the first reading of this ordinance which sets the monthly service charge at $7.00. This response has been both favorable and unfavorable. One fact is that all my contacts stated that they enjoyed and were glad to have access to CATV. Those feeling the $7.00 charge to great; expressed an interest in keeping the cable but at a price they could afford. The people contacting me in favor of this increase stated they would like to see the progressive programs stated in a letter to them by Thoms Broadcasting Company carried out and would be willing to pay for them. I am very thankful to the people that took their time to let me know their feelings about this matter. The people living in the County are now paying the $7.00 monthly rate.

I received more favorable calls and request than unfavorable. I do not have cable, but after hearing so many good things about it, my husband and I are seriously considering having it put in.

The cablevision people have provided this Council with books of evidence to substantiate their need for more money. They have provided information on how they intend to use this money, "upon satisfactory proof" we have the right to approve or disapprove. This has been input that even I can understand.

I believe they are fair people who are looking to us as representatives of the citizens of Asheville to let them provide the best services and programming possible.

I also feel if this company charges a price greater than their services are worth the citizens of Asheville will not keep or purchase CATV. The responsibility of this Council, I feel, is to the people of our City, if this Company is not able to provide good service and programming at the $5.40 rate, they are cheating the people; if we prevent this company from being able to provide good CATV, by restricting them to rates and conditions that are out of proportion to the times of equipment increases and inflation, we are not right.

I have reviewed the subscriber's agreement, the original franchise, and the reply to Corporate Counsel's request of the Attorney General, after which I feel a good service can be provided to the people if this company is allowed to operate productively.

By amending this ordinance to protect an inagreement with both Thoms Cablevision and the City Council as representatives of the citizen of Asheville I make the following motion:

"That the 7th Whereas of the aforeread ordinance read as follows:

WHEREAS, the City Council of the City of Asheville has determined that Section 11 of said Ordinance should be amended to the end that the said Council shall increase or decrease the rates charged, upon satisfactory proof, each year, by the amount that the national average has increased or decreased during said previous year, above or below, the base charge as hereinafter set forth and indentified as monthly service charge, said national average shall be determined by ascertaining the rates as charged by CATV systems in cities and towns having approximately the same population as the City of Asheville.

And further that the last full paragraph following the asterisk on Page 2 of this ordinance comply with the wording as stated in this amendment to the 7th Whereas of the first page of this ordinance."

This motion was seconded by Councilman Michael.

RATIFICATION OF CIVIL SERVICE RULES AND REGULATIONS - AMENDMENT TO RULE NO. 30

5. Mike Smith, Personnel Director, read a letter to Council from W. Earl Williams, Director of the Asheville Civil Service Board, requesting ratification by the City Council of an addition to the Civil Service Rules and Regulations, Rule 30, Equal Employment Opportunity. The Asheville Civil Service Board adopted this rule as an addition to its rules and regulations on August 6, 1975, after several months of consideration. He said the rule and its addendum, The City of Asheville Affirmative Action Plan, provide a good policy base for the City to meet its obligations in the area of equal employment opportunity.

Rule 30 - Equal Employment Opportunity

a. General Policy: It is the policy of the Asheville Civil Service Board to provide equal opportunity in employment for all persons regardless of race, color, religion, sex, national origin, age or political affiliations.

b. Affirmative Action Plan: It shall be the policy of the Asheville Civil Service Board to subscribe to a continuing affirmative program for equal opportunity in employment in personnel operation without regard to race, color, religion, sex, national origin, age or political affiliations. An Affirmative Action Plan will be implemented, maintained and periodically updated by the Personnel Division of the City of Asheville and is attached as an addendum hereto.

Councilman Michael requested that a quarterly report be given to members of Council relative to the Affirmative Action Plan.

Councilwoman Swilling suggested that the matter be postponed until further information could be obtained about the matter.

Councilman Micheal objected to the matter being postponed and moved for the ratification of Rule 30, Equal Employment Opportunity, to the Civil Service Rules and Regulations. This motion was seconded by Councilman Rainey and carried unanimously.

PUBLIC HEARING SCHEDULED RELATIVE TO FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION OF THE UNITED STATES OF AMERICA FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

6. Ken Michalove, Assistant City Manager, said it was necessary for Council to schedule a public hearing to receive comments from interested citizens or agencies with respect to the social, economic and environmental aspects of an application with the Department of Transportation of the United States of America for a grant under the Urban Mass Transportation Act of 1964, as amended. He said the public hearing was a requirement under the federal guidelines.

Councilman Morris moved to schedule a public hearing on the matter for March 11, 1976. This motion was seconded by Councilman Michael and carried unanimously.

RESOLUTION NO. 76-17 - RESOLUTION AMENDING THE COMMUNITY DEVELOPMENT PROGRAM PROJECT BUDGET FOR FISCAL YEAR 1976-77

7. Consideration was given to a resolution amending the Community Development Program Project budget for Fiscal Year 1976-77.

BIDS - TILT CAB AND CHASSIS FOR FIRE DEPARTMENT INCLUDING TRANSFER OF 65' AERIAL LADDER

4. Consideration was given to bids received February 2, 1976 for tilt cab and chassis for Fire Department including transfer of 65' Aerial Ladder from old City of Asheville Fire Truck Unit.

The Assistant City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Matthews Motors, Inc. in the amount of $34,632.50. He said the budgeted amount for this equipment was $30,000.00 and if Council accepted the bid of Matthews Motors, Inc. in the amount of $34,632.50 he was prepared to present an ordinance amending the operating budget for 1975-76 to cover the deficit.

Chief Ball said when the $30,000 was budgeted for this equipment it was felt this amount would cover the cost, however due to increasing prices the bid was over the amount budgeted.

Councilman Michael suggested that bids be obtained from larger companies other than local dealers to see if cheaper prices could be obtained.

Councilman Hoyle moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Matthews Motors, Inc. in the amount of $34,632.50. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Bid Summary

Bidder	Bid
Arrowhead International Trucks	$34,703.51
Matthews Motors, Inc.	34,632.50
Dorato Motors, Inc.	40,682.00

ORDINANCE NO. 879 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1975-76 (Purchase of Tilt cab and chassis for Fire Department)

Consideration was given to an ordinance amending the operating budget of the City of Asheville for Fiscal Year 1975-76 to allow for the deficit in purchasing tilt cab and chassis for the Fire Department.

The Assistant City Manager read the ordinance.

Vice-Mayor Horton moved for the adoption of the ordinance. This motion was seconded by Councilman Rainey.

On a roll call vote of 6-0, Ordinance No. 879 passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 879. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 879 passed on second reading.

Councilman Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 879. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 879 passed on third and final reading.

Complete text of Ordinance No. 879 will be found in Ordinance Book No. 6 at page 340.

Logan Delany, Community Development Coordinator, said the final project recommendations were based on citizen review and input through eight formal public hearings and several additional public meetings to give special groups further opportunity for review and input into the proposed Community Development projects. He said these public hearings were attended by more than 500 citizens.

Councilman Michael suggested that the Planning Staff review the project recommendations to determine if the recommended projects were top priority items.

Virgil McConnell, of the Shiloh area, said the project entitled "Shiloh Multi-Purpose Center" which calls for the purchasing of the existing buildings and the demolition of the school building and make needed improvements to gym should be investigated more. He said to demolish the existing school would be unacceptable to the residents of the area.

Mr. Delany suggested that Council amend the appropriations to allocate $8,000 from the Contingency Fund to the Planning funds due to the Planning Division being cut from the 701 Planning funds. He said this was needed in order to maintain the same level of services.

Councilman Morris moved to amend the resolution and appropriate $8,000 from the Contingency Fund to the Planning Funds. This motion was seconded by Councilman Horton and carried unanimously.

Marvin Chambers, resident of Wyoming Road, said the appropriation for the Realignment of a sharp curve and resurfacing of Wyoming Road was most justified.

David Rowe, of the Buncombe County Youth Council presented Council with the following statements relative to "Nasty Branch":

"Several years ago, the Asheville-Buncombe County Youth Council focused public attention on a small stream running through Asheville. The stream commonly known as "Nasty Branch" has had raw sewage, chemicals, and trash dumped into it, and through the efforts of the community, it has almost totally been cleaned up.

Today, the Asheville-Buncombe County Youth Council recommends that the land adjacent to this creek from McDowell Street to Depot Street be turned into a park.

We feel this use of Community Development funds is most justified for the following:

I. The land for this park will soon be given to the Asheville Parks and Recreation Department by the Asheville Housing Authority.

II. This park has already been planned and started by the Asheville Housing Authority, but cannot be developed by the Parks and Recreation Department for lack of funds.

III. The area bordering the proposed park is a high population density area and this situation will increase when a new housing development is completed there soon. The park would provide some "breathing room" for the residents.

The Corporation Counsel read the resolution.

Logan Delany, Community Development Coordinator, advised that the project budget was amended by reallocating some contingency funds and some equipment funds which were determined ineligible by HUD.

Upon motion of Vice-Mayor Horton, seconded by Councilman Rainey, Resolution No. 76-17 was unanimously adopted.

Complete text of Resolution No. 76-17 will be found in Resolution Book No. 8 at page 262 .

ORDINANCE NO. 880 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1975-76 (Reappropriating Community Development funds)

Consideration was given to an ordinance amending the operating budget of the City of Asheville for Fiscal Year 1975-76 to purchase certain equipment appropriated from the Fiscal 1975-76 Community Development Fund, which has been purchased, but ruled as an ineligible expenditure under the Community Development guidelines.

The Corporation Counsel read the ordinance.

Vice-Mayor Horton moved for the adoption of the ordinance. This motion was seconded by Councilwoman Swilling.

On a roll call vote of 6-0, Ordinance No. 880 passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of the ordinance. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 880 passed on second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 880. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 880 passed on third and final reading.

Complete text of Ordinance No. 880 will be found in Ordinance Book No. 6 at page 341 .

RESOLUTION NO. 76-18 - RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Consideration was given to a resolution authorizing submission of an application for Community Development Block Grant funds from the Department of Housing and Urban Development.

The Corporation Counsel read the resolution.

Councilman Rainey said this would never be condoned by this Council and if this had occurred it is very serious and should be addressed immediately.

Mayor Ochsenreiter requested that Mrs. Lynch confer with Mr. Mike Smith, Personnel Director, on the matter.

PROCLAMATION - CRIME PREVENTION WEEK - FEBRUARY 11 - 14, 1976

Mayor Ochsenreiter proclaimed the week of February 11 - 14, 1976 as Crime Prevention Week.

PROCLAMATION - MONTH OF FEBRUARY AS HUMAN RELATIONS MONTH

Mayor Ochsenreiter proclaimed the month of February as Human Relations Month.

PROCLAMATION - AMERICAN HISTORY MONTH - FEBRUARY

Mayor Ochsenreiter proclaimed the month of February as American History Month.

Adjournment.

Eugene C. Ochsenreiter
MAYOR

William F. Mallett
CITY CLERK

IV. The park would greatly enhance the beauty of the area.

V. The park would contain a 300 foot baseball field, picnic tables, foot bridges crossing the creek, and, generally open space. There are of course additional possibilities depending on funding.

VI. The addition of this park would complete a comprehensive set of recreation facilities for the residents of this area.

After discussion, Councilman Rainey moved for the adoption of Resolution No. 76-18. This motion was seconded by Councilman Hoyle and carried unanimously.

Complete text of Resolution No. 76-18 will be found in Resolution Book No. 8 at page 264.

CLAIM - SEWER OVERFLOW - 18 CANTERBURY ROAD

The Assistant City Manager presented a claim due to damage caused by sewer overflow at 18 Canterbury Road.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

PETITION - RESIDENTS OF GASHES CREEK ROAD - REQUESTING RELIEF OF TRAFFIC CONGESTION

The Assistant City Manager presented a petition received from the residents of Gashes Creek Road requesting a different access road to replace the one closed by the construction of Interstate 40. The petition stated that the only entrance to the residences is through the Recreation Park.

Mayor Ochsenreiter referred the petition to the City Manager for investigation and recommendation.

PETITION - REDWOOD FOREST HOMEOWNERS' ASSOCIATION - REQUESTING FIRE HYDRANTS

The Assistant City Manager presented a petition received from the Redwood Forest Homeowners' Association requesting more fire hydrants in their area.

Mayor Ochsenreiter referred the petition to the City Manager for investigation and recommendation.

RALPH BISHOP - COMPLAINTS REGARDING LOTTERY SALES

Mr. Ralph Bishop spoke to Council regarding the selling of lottery tickets in the City of Asheville.

LUCILLE LYNCH - CITY EMPLOYEES AIRING GRIEVANCES WITH CITY COUNCIL

Mrs. Lucille Lynch asked Council why a city employee could not come to City Council and air their grievances. She said some city employees were planning to come to Council to air their grievances and was told by their supervisor that if they did they would be fired.

The due process clauses of the Constitution of the United States and the Constitution of North Carolina safeguard private property against a taking for public use without just compensation. If the use is taken by legislation prescribing rates, the just compensation assured by these constitutional guaranties is a reasonable rate of return on the value of the property so taken.

West v. Chesapeake, Potomac Telephone Company, 295 U.S. 662, 671; 66 S.Ct. 894.

The effect of these constitutional limitations upon the power of any governmental unit or agency to set rates is that rates may not be set so low as to effectively confiscate the property of a business or enterprise. Therefore, the rates set by any governmental unit or agency must be reasonable in order that the rates not be confiscatory in a constitutional sense.

This rule requiring that rates which are set be reasonable is not some new idea which has been recently expounded by some court or invented by some attorney. The Supreme Court of the United States in 1890 decided the case of Milwaukee and St. Paul Railway Company v. Minnesota, 134 U.S. 418, in which it dealt with this very question. In that case, the Court said (at Page 458):

> "If the Company is deprived of the power of charging reasonable rates for the use of its property, and such deprivation takes place in the absence of an investigation by judicial machinery, it is deprived of the lawful use of its property, and thus, in substance and effect, of the property itself, without due process of law, and in violation of the Constitution of the United States; and, in so far as it is thus deprived, while other persons are permitted to receive reasonable profits from their invested capital, the Company is deprived of the equal protection of the laws."

A utility has the right to earn a rate of return on its rate base which will (1) be reasonably sufficient to assure confidence in its financial soundness, (2) be adequate under efficient and economical management to maintain and support its credit and attract necessary capital, and (3) to provide a return to equity owners commensurate with current returns on investment in other enterprises having corresponding risks.

Federal Power Commission v. Hope Natural Gas Company, 320 U.S. 591, 603; 74 S.Ct. 281 (1944).

A fair rate of return means the amount that the company would have to pay to hire its equity capital under current conditions.

N.E. Tel. & Tel. v. Dept. of Public Utilities, 275 N.E. 2d 493, (Sup. Ct., Mass.

Under the Hope Natural Gas Rule, rates are just and reasonable only if the consumers' interests are protected and the financial entity remains strong.

Federal Power Commission v. Memphis Gas & Water Division, 411 U.S. 458, 474; 93 S.Ct. 1723 (1973).

In fixing rates, it is the responsibility of any rate-making body to consider reasonableness as to the company as well as reasonableness to the public and to make a reasonable judgment based upon the balance of these interests, giving due regard to the constitutional necessity of fixing rates which are consistent with the requirements of due process of law and which are not confiscatory.

Thursday - February 12, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn Swilling, Councilmen Ralph D. Morris, Jr., Gene E. Rainey, J. W. Hoyle, Otis B. Michael, Corporation Counsel William C. Moore, Assistant City Manager William F. Wolcott, Jr., Acting City Clerk Carol Hensley.

Absent: City Manager Ernest J. Ward.

1. Approval of the minutes of the February 5, 1976 meeting.

Upon motion of Councilman Michael, seconded by Councilman Hoyle, the minutes of the February 5, 1976 meeting were approved as submitted.

ORDINANCE NO. 877 - ORDINANCE AMENDING THE ORDINANCE GRANTING FRANCHISE TO THOMS BROADCASTING COMPANIES, INC.

2. Consideration was given to the third and final reading of Ordinance No. 877, an ordinance amending the ordinance granting franchise to Thoms Broadcasting Companies, Inc.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance, as passed on first and second readings, and the ordinance would not be re-read in its entirety unless there was a specific request to do so.

Max Cogburn, Attorney for Thoms Broadcasting Company, presented members of Council with copies of the following "Memorandum of Law Relative to Rates".

MEMORANDUM OF LAW RELATIVE TO RATES

Section 1 of the XIV Amendment to the Constitution of the United States provides as follows:

> "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Article I, Sec. 19, of the Constitution of North Carolina provides:

> "No person shall be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land. No person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race, color, religion, or national origin."

The object of the constitutional guaranty of due process of law contained in the Constitution of the United States and the Constitution of North Carolina is to preserve personal and property rights against the arbitrary action of public officials. Every state, county, and municipal official is bound by these amendments. These amendments constitute a restraint upon the legislative, executive and judicial departments of the state and all of its subdivisions.

Mr. Cogburn said even though this issue had received wide spread publicity no large number of citizens had expressed opposition to the requested increase.

Mr. John Jerose, Manager of Thoms Broadcasting Company, told Council that, as requested, a survey had been conducted in the Hillcrest Apartment during the past week to determine if the residents in the apartments would like cablevision services. He said from 234 apartments; 97 answered "yes"; 45 answered "no"; 9 answered "maybe"; and 80 were not at home. He said this area would be placed as high priority for construction, however construction was not planned until 1977.

Mr. Jerose also said his company was in the process of obtaining Channel 3. He said this was a long and difficult procedure but Thoms Broadcasting Company has plans to try and secure Channel 3.

Vice-Mayor Horton said he had reviewed the minutes of the City Council meetings, relative to the ordinance granting a franchise to Thoms Broadcasting Company, from July, 1964 to the present. He said CATV had been one of the most continuing controversial issues Council has dealt with in the past eleven years. He noted that it took several years and two or three false starts before Thoms Cablevision was granted the franchise by the ordinance that was adopted by a vote of the people on July 8, 1967. He read into the minutes a portion of Article XII, Section 83 of the Charter of the City of Asheville, which is as follows:

"Article XII. Initiative, Referendum and Recall

Sec. 83. Initiative.

Any proposed ordinance may be submitted to the Council by a petition signed by registered voters of the City as shown by the registration books for the last preceding election of municipal officers therein (in no event less than one thousand) equal to fifteen percent of one-seventh of the total of all votes cast for members of the City Council at the next preceding municipal election. The signatures, residence, addresses, verifications, filings, authentications, inspections certifications, amendments and submission of such petition shall be the same as hereinafter provided in this article for petitions for the recall of officials. If the petition accompanying the proposed ordinance be signed by the requisite number of voters and contains a request that said ordinance be passed or submitted to a vote of the electors if not passed by the council, such board shall within fifteen days after such petition is submitted to it, either:

(a) Pass such ordinance without alteration, or
(b) Submit the ordinance to the qualified voters at a special election called for that purpose and held not more than forty-five days after the date of such call or at a general election occurring within ninety days after the date of the certificate of the chairman of the board of elections.

The ballots used when voting upon such ordinance shall state briefly the general nature of the ordinance and contain the words "For the Ordinance" and "Against the Ordinance". If the majority of the voters voting on a proposed ordinance shall vote in favor thereof, such ordinance shall become a valid and binding ordinance of the city from the date when the result of such vote is officially declared. No ordinance becoming effective as in this section provided shall be repealed or amended, except by a vote of the people. "

Where unreasonable CATV rates have been set, judicial relief against these unconstitutionally established rates has been granted.

> City of Tyler v. Television Cable Service, Inc., 481 S.W. 2d 166 (Tex. Civ. App., 1972); Cabletelevision, Inc. v. City of Sedalia, 518 S.W. 2d 48 (Mo. 1974); Bush v. Upper Valley Telecable Company, 524 P. 2d 1055 (Idaho 1974).

The case of City of Tyler v. Television Cable Service, Inc. was an action by a cable television company against the City for injunctive relief on the ground that the rates set by the City were confiscatory. In the opinion in this case written by Dunagen, Chief Justice, the Court said (at 481 S.W. 2d 166, Pages 169 and 170):

> "We agree with the reasoning of the United States Supreme Court in Smith v. Illinois Bell Telephone Company, 270 U.S. 587, 46 S.Ct. 408, 70 L.Ed. 747, and believe it is definitive of the issues here. The Supreme Court in Smith reasoned:
>
> > 'Property may be as effectively taken by long-continued and unreasonable delay in putting an end to confiscatory rates as by an express confirmance of them; and where, in that respect, such a state of facts is disclosed as we have here, the injured public service company is not required indefinitely to await a decision of the rate-making tribunal before applying to a federal court for equitable relief. ...'
>
> "The same general theme is stated by the Houston Court of Civil Appeals in City of Houston v. Memorial Bend Utility Company, 331 S.W. 2d 418 (Tex. Civ. App., Houston, 1960, ref., n.r.p.), wherein it is said:
>
> > 'Of course, even should the city council not expressly deny hearing but should delay or prolong the hearing so its action would be tantamount to a denial of a hearing, the courts could intervene upon proper proceedings being instituted. ...'
>
> "Again we point to the language of the Supreme Court of the United States in Prendergast v. New York Telephone Company, 262 U.S. 43, 43 S.Ct. 466, 67 L.Ed. 853, wherein it states:
>
> > 'Nor did the fact that the orders of the commission merely prescribed temporary rates to be effective until its final determination deprive the Company of its right to relief at the hands of the court. The orders required the new reduced rates to be put into effect on a given date. They were final legislative acts as to the period during which they should remain in effect pending the final determination; and if the rates prescribed were confiscatory the Company would be deprived of a reasonable return upon its property during such period, without remedy, unless their enforcement should be enjoined. Upon a showing that such rates were confiscatory, the Company was entitled to have their enforcement enjoined pending the continuance and completion of the rate-making process.'"

appear to be in direct VIOLATION of the DEMOCRATIC PROCESS as set forth in ARTICLE XII, Section 83 of the Asheville City Charter.

He said it was his opinion that Council could not afford to violate the Asheville City Charter.

Corporation Counsel William C. Moore advised Council that he had discussed Article XII and Sections 212, 213, and 214 dealing with franchises with the Attorney General, and it was the Attorney General's opinion that Council could make such rates that are reasonable or make such changes as they may desire in the ordinance without a vote of the people.

Mr. Moore said he concurs with the opinion given by the Attorney General. He further stated that any opinion given by the Attorney General or an opinion given by a Corporate Counsel is only an advisory opinion and could be changed by a court of law under these circumstances.

Vice-Mayor Horton said he felt the issues should be brought to the people for a vote, rather than to Council.

He said he did not know how much time the Attorney General spent in researching for such an opinion. He asked the Corporate Counsel what alternative a citizen would have if Council members did adopt such an ordinance and in his opinion violate the City Charter.

Corporation Counsel Moore responded that a citizen could bring suit against the Council and possibly receive an injuction on the matter.

Councilman Michael said after listening to Vice-Mayor Horton's statements he was not sure that voting on the issue was legal and he asked permission to abstain from voting but Corporation Counsel Moore advised him that under Section 12 of the Charter of the City of Asheville he could not be disqualified from voting except on matters involving his own official conduct or financial interests.

Councilman Michael then moved to table the ordinance until such time as Vice-Mayor Horton could get an opinion from the Attorney General as to whether this ordinance violates Article XII, Section 83 of the Charter of the City of Asheville. This motion was seconded by Vice-Mayor Horton.

Councilman Rainey asked permission to abstain from voting on the issue, for reasons stated in previous meetings, which permission was granted by the Mayor.

Mayor Ochsenreiter then called for a voice vote on Councilman Michael's motion, which motion passed on a 4-1 vote.

It was the consensus of Council that a letter would be composed to the Attorney General by Corporation Counsel Moore, Attorney Max Cogburn and Vice-Mayor Horton. Further action on the matter to await a reply from the Attorney General.

ORDINANCE NO. 878 - AN ORDINANCE AMENDING SECTION 11-68 OF CHAPTER 11, OF THE CODE OF ORDINANCES, ENTITLED STATE ELECTRICAL CODE ADOPTED

3. Consideration was given to the second reading of Ordinance No. 878, an ordinance amending Section 11-68 of Chapter 11, of the Code of Ordinances, entitled State Electrical Code Adopted.

He said the minutes of the Asheville City Council document the following:

(a) Article XII, Section 83 stipulates that any proposed Ordinance may be submitted to the Council by a petition signed by a designated number of registered voters, which is then duly cerified by the board of elections.

On the date of 6-1-67, Harold H. Thoms presented a letter and petition signed by approximately 3,000 registered voters requesting a vote on an Ordinance granting a franchise for cable television.

On the same date, this request was referred to the City Board of Elections for certification.

(b) Article XII, Section 83 further stipulates that the ballots used when voting upon such ordinance shall contain the words "For the Ordinance" and Against the Ordinance", and if the majority votes in favor thereof, such ordinance shall become a valid and binding ordinance of the city from the date when the result is officially declared.

On the date of 8-3-67, a letter was received from the Board of Elections, certifying the results of the election on July 28, 1967 on the proposed Ordinance and Franchise to Thoms Broadcasting Companies, Inc.:

"For the Ordinance and Franchise - 3,008
Against the Ordinance and Franchise-1,891."

On the same date, Councilman Morgan moved that the City Clerk record this Ordinance as a part of the permanent records of the city, which motion was seconded by Councilman McCrary and unanimously adopted.

(c) Article XII, Section 83 further stipulates :"No ordinance becoming effective as in this section provided shall be repealed or amended, except by a vote of the people."

He noted that these minutes show exactly how the ordinance and franchise as one document was put on the books of the City of Asheville. He said the Council should note that the democratic process, as spelled out in Article XII, Section 83 of the Asheville City Charter, was followed to the letter in the request for and subsequent adoption of the ordinance which constitutes the franchise with Thoms Cablevision.

He said his conclusions were as follows:

(a) Thoms Cablevision voluntarily chose the democratic process as provided in Article XII, Section 83 of the Asheville City Charter as the mechanics by which this ordinance was adopted.

(b) Said democratic process was observed to the letter by the City of Asheville and its citizens, resulting in this ordinance being duly adopted under these Initiative proceedings provided by the City Charter.

(c) Under the provisions of Article XII, Section 83, therefore this ordinance cannot be repealed or amended except by vote of the people.

(c) THEREFORE, any alternative action or decision by City Council would

No. 76-20 was unanimously adopted.

Complete text of Resolution No. 76-20 will be found in Resolution Book No. 8 at page 266

GROUP DEVELOPMENT REVIEW - ORTHOPEDIC HOSPITAL, INC. - PUBLIC HEARING SCHEDULED

The Assistant City Manager read a letter from the Planning and Zoning Commission relative to the site plan of the proposed school facilities to be constructed at Orthopedic Hospital, #1 Rotary Drive.

Councilman Rainey moved to schedule a public hearing on the matter for March 4, 1976. This motion was seconded by Councilman Hoyle and carried unanimously.

GROUP DEVELOPMENT REVIEW - REGENT PARK - PUBLIC HEARING SCHEDULED

The Assistant City Manager read a letter from the Planning and Zoning Commission relative to the site plan of the proposed Regent Park to be located on Patton Avenue near the Hazel Mill Road intersection, prepared by Richard F. Webster, AIA, for Universal Investment Corporation, Developer.

Councilwoman Swilling moved to schedule a public hearing on the matter for March 4, 1976. This motion was seconded by Councilman Rainey and carried unanimously.

EXTRATERRITORIAL ZONING EXTENSION - BILTMORE FOREST - PUBLIC HEARING SCHEDULED

The Assistant City Manager read a letter from the Planning and Zoning Commission relative to the zoning of the extraterritorial zoning extension within a portion of Biltmore Forest.

Councilman Morris moved to schedule a public hearing on the matter for March 11, 1976. This motion was seconded by Councilman Hoyle and carried unanimously.

PRELIMINARY SUBDIVISION PLAT - BALLANTREE, SECTION C

The Assistant City Manager read a letter from the Planning and Zoning Commission relative to the preliminary plat of Ballantree Subdivision, Section C prepared by Roger Lyda, Engineer, for Ballantree Properties, Inc., Developer. The letter stated that the Commission approved the preliminary plat subject to the following variances being granted:

1) Varying required building setback to allow 30 feet rather than the required 35 feet for the R-2 zoning district.

2) Varying the grade on Aspen Way to allow a 15% grade instead of the 12% maximum requirement.

This plat is submitted to Council for approval of the variances recommended by the Planning and Zoning Commission in accordance with Section 26-13 of the Subdivision Regulations of the City of Asheville.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 878 passed on second reading.

RESOLUTION NO. 76-19 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE BETWEEN THE CITY OF ASHEVILLE AND THE ASHEVILLE AA BASEBALL, INC.

4. Consideration was given to a resolution authorizing the Mayor to execute a lease between the City of Asheville and the Asheville AA Baseball, Inc.

The Assistant City Manager read the notice to the public which advised that Council would consider such resolution at this meeting and the affidavit of publication.

The Assistant City Manager read the resolution.

Upon motion of Councilwoman Swilling, seconded by Councilman Hoyle, Resolution No. 76-19 was unanimously adopted.

Complete text of Resolution No. 76-19 will be found in Resolution Book No. 8 at page 265.

RESOLUTION NO. ____ - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE A TIMBER SALE CONTRACT AMENDMENT FOR SALE NO. 9 WITH GENNETT LUMBER COMPANY

5. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute timber sale contract amendment for Sale No. 9 with Gennett Lumber Company.

The Assistant City Manager read the resolution. He reviewed for the new members of Council the background of the timber sale contracts with Gennett Lumber Company. He said this particular resolution deals with timber to be harvested from the City's Bee Tree Watershed.

Councilman Rainey moved for the adoption of the resolution. This motion was seconded by Vice-Mayor Horton.

Councilman Morris, in moving to table the resolution, commented that he felt since this timber is to be harvested from the City's Bee Tree Watershed a recommendation from Ray Kisiah, Parks and Recreation Director, should be received. This motion was seconded by Councilman Michael and carried unanimously.

RESOLUTION NO. 76-20 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE A TIMBER SALE CONTRACT AMENDMENT FOR SALE NO. 10 WITH GENNETT LUMBER COMPANY

6. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute a timber sale contract amendment for Sale No. 10 with Gennett Lumber Company.

The Assistant City Manager read the resolution. He said this particular resolution deals with timber to be harvested from the City's North Fork Watershed.

Upon motion of Councilman Morris, seconded by Vice-Mayor Horton, Resolution

light be placed at the intersection of Doctors Drive and McDowell Streets.

Mayor Ochsenreiter referred the petition to the City Manager for investigation and recommendation.

Adjournment.

MAYOR

CITY CLERK

Verl Emrick, Planning Director, said the staff recommended the approval of the variances for the following reasons:

1) Varying required building setback to allow 30 feet rather than the required 35 feet for R-2 zoning districts:

   a) Asheville Zoning Ordinance as amended by Ordinance No. 852 allows the Building Inspector to vary the setback line up to 10' to provide for uniform design when pre-existing residential construction has occurred.

   b) The existing deed restrictions for the entire Ballantree Subdivision calls for a setback of no less than 30 feet.

2) Grade Variation on Aspen Way.

   The proposal indicates that the grade on this cul-de-sac will be 15%. The existing Subdivision Regulations specify 12%. The staff recommends this variance in order that the disturbance of the natural setting of the property may be held to a minimum. Keeping in mind that the developer will have to comply with the Erosion Control Ordinance of the City of Asheville, the proper precautions will be taken to insure the protection of the area.

Councilman Michael moved to approve the variances recommended by the Planning and Zoning Commission for Ballantree Subdivision, Section C. This motion was seconded by Councilman Morris and carried unanimously.

RESOLUTION NO. 76-21 - RESOLUTION OF APPRECIATION FOR ROGER LYDA, VICE CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF ASHEVILLE

Consideration was given to a resolution of appreciation for Roger Lyda, Vice-Chairman of the Planning and Zoning Commission of the City of Asheville who has resigned to serve on the County Planning Board.

The Assistant City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Rainey, Resolution No. 76-21 was unanimously adopted.

Complete text of Resolution No. 76-21 will be found in Resolution Book No. 8 at page 267.

CLAIM - DYNATEX, INC.

The Assistant City Manager presented a claim received from Dennis J. Weaver, Attorney for Dynatex, Inc. for damages.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

PETITION - REQUESTING TRAFFIC LIGHT AT INTERSECTION OF DOCTORS DRIVE AND McDOWELL STREETS

The Assistant City Manager presented a petition requesting that a traffic

RESOLUTION NO. 76-23 - RESOLUTION AUTHORIZING THE SALE OF OBSOLETE FIRE EQUIPMENT

4. Consideration was given to a resolution authorizing the sale of obsolete fire equipment.

The City Manager read the resolution.

Chief Powell Ball advised that the two 1,000 GPM Pumbers, Model 1946 and 1950 are obsolete and no longer of any use to the Fire Department. He said parts for these pieces of equipment are not manufactured any longer and it was felt that it would be in the best interest of the City to sell the equipment.

Larry Fisher, Director of Finance, said the resolution of sale would be published at least once in the newspaper and that this sale would not be consumated until ten days after such publication.

Upon motion of Councilwoman Swilling, seconded by Councilman Rainey, Resolution No. 76-23 was unanimously adopted.

Complete text of Resolution No. 76-23 will be found in Resolution Book No. 8 at page 273.

RESOLUTION NO. 76-24 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE SUPPLEMENTAL MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION RELATIVE TO THE CONSTRUCTION OF U. S. 70-74 CONNECTOR, PROJECTS 8.1901402, 8.1901403, AND 8.1901405

5. Consideration was given to a resolution authorizing Mayor to execute supplemental municipal agreement with the North Carolina Department of Transportation relative to the construction of U. S. 70-74 Connector, Projects 8.1901402, 8.1901403, and 8.1901405.

The City Manager read the resolution.

William F. Wolcott, Jr., Assistant City Manager, advised that this agreement amends only the traffic signals in the original municipal agreement.

Upon motion of Councilman Michael, seconded by Councilman Hoyle, Resolution No. 76-24 was unanimously adopted.

Complete text of Resolution No. 76-24 will be found in Resolution Book No. 8 at page 274.

RESOLUTION NO. 76-25 - RESOLUTION APPOINTING MEMBER TO THE BOARD OF DIRECTORS OF THE ASHEVILLE-BUNCOMBE COMMUNITY RELATIONS COUNCIL (George Gragg)

6. Consideration was given to a resolution appointing member to the Board of Directors of the Asheville-Buncombe Community Relations Council.

The City Manager read the resolution.

Thursday - February 19, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., Gene E. Rainey, J. W. Hoyle, Otis B. Michael, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Assistant City Manager William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the February 12, 1976 meeting.

Upon motion of Councilman Rainey, seconded by Councilman Hoyle, the minutes of the February 12, 1976 meeting were approved as submitted.

ORDINANCE NO. 878 - AN ORDINANCE AMENDING SECTION 11-68 OF CHAPTER 11, OF THE CODE OF ORDINANCES, ENTITLED STATE ELECTRICAL CODE ADOPTED

2. Consideration was given to the third and final reading of Ordinance No. 878, an ordinance amending Section 11-68 of Chapter 11, of the Code of Ordinances, entitled State Electrical Code Adopted.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 878 passed on the third and final reading.

Complete text of Ordinance No. 878 will be found in Ordinance Book No. 6 at page 338.

RESOLUTION NO. 76-22 - RESOLUTION PROVIDING FOR THE ISSUANCE OF $5,175,000 WATER BONDS, SERIES B

3. Consideration was given to a resolution providing for the issuance of $5,175,000 Water Bonds, Series B.

The Corporation Counsel read the resolution.

Larry Fisher, Director of Finance, said this was the balance of the bonds which was authorized by the voters in April, 1974 for the major water quality facility program.

Upon motion of Vice-Mayor Horton, seconded by Councilman Morris, Resolution No. 76-22 was unanimously adopted.

Complete text of Resolution No. 76-22 will be found in Resolution Book No. 8 at page 268.

RALPH BISHOP - COMPLAINTS OF LOTTERY SALES

Ralph Bishop complained to Council regarding the lottery sales in Asheville.

PETITION - RESIDENTS OF CARROLL AVENUE - RE: BRIDGE

Councilman Michael presented a petition with approximately 300 signatures requesting that the bridge on Carroll Avenue be replaced. He said the petition had previously been submitted but no action was ever taken.

William F. Wolcott, Jr., Assistant City Manager, said the replacement of the bridge was in the plans, however the Department of Transportation must first make their decision as to how wide Valley Street would be in their project before the City could continue with their plans for the bridge.

After considerable discussion, the City Manager said he would write to the Department of Transportation and find out what plans they have for Valley Street and how long it would be before their project plans are complete.

MEETING WITH CITY EMPLOYEES OF THE WATER DEPARTMENT

Councilman Michael advised Council that he had attended a meeting on Sunday, February 15, 1976 with representatives of the Water Department and union officials. He said he did not attend the meeting as a City Council representative but only as an interested person. He also said he did not feel that he attended this meeting illegally.

Councilman Rainey said he had received many calls regarding the meeting with the Water Department employees on Sunday, February 15, 1976. He said the calls were in agreement with the meeting held and for the purpose in which the meeting was held to keep the water flowing in the City. He said he was glad he had an opportunity to serve the City in keeping the water flowing, since businesses without water would mean people without jobs and homes without water would have been an inconvenience. He said if he were faced with another decision to attend a similar meeting, the same decision would be made.

Adjournment.

Eugene C. Adamantis Jr.

MAYOR

CITY CLERK

Upon motion of Councilman Michael, seconded by Councilman Morris, Resolution No. 76-25 was unanimously adopted.

Complete text of Resolution No. 76-25 will be found in Resolution Book No. 8 at page 275.

RESOLUTION NO. 76-26 - RESOLUTION PROCLAIMING THE MONTH OF FEBRUARY AS HUMAN RELATIONS MONTH IN BUNCOMBE COUNTY

Consideration was given to a resolution proclaiming the month of February as Human Relations Month in Buncombe County.

The City Manager read the resolution.

Upon motion of Councilman Rainey, seconded by Councilman Michael, Resolution No. 76-26 was unanimously adopted.

Complete text of Resolution No. 76-26 will be found in Resolution Book No. 8 at page 276.

PETITION - REDWOOD FOREST HOMEOWNERS ASSOCIATION

The City Manager reported that he had had the Water Department investigate the petition received from the residents of Redwood Forest requesting fire hydrants in their area. He said the preliminary estimate for fire protection in this area would be $56,000 and this would be included in the budget for Fiscal Year 1976-77.

CLAIM - JEAN BROWN LYLES

The City Manager presented a claim received from Ronald C. Brown, Attorney for Jean Brown Lyles for damages to her automobile due to icy conditions.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - DR. ERNEST F. PIERCE

The City Manager presented a claim received from Dr. Ernest F. Pierce for damages to an automobile.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

CLEAN-A-THON - CLEAN-UP DAY - FEBRUARY 21, 1976

Mayor Ochsenreiter announced that the YWCA was having a Clean-A-Thon on February 21, 1976 to clean up litter in the City and County. He proclaimed February 21, 1976 as Clean-Up Day for Asheville.

PARKING AROUND FEDERAL BUILDING

Councilman Rainey and Vice-Mayor Horton commended the Police Department for enforcing the parking around the Federal Building. They asked the City Manager to pass on this commendation to the Police Department with the request that it be continually enforced.

Mr. Emrick explained the realignment of the Hazel Mill Road - Patton Avenue intersection as proposed by the North Carolina Department of Transportation. This entailed the closing of Hazel Mill Road at its present location and relocating to a new intersection with Patton Avenue, several hundred feet west.

He further explained, that since Hazel Mill Road was a city street, to accomplish this would take some cooperation between the State, City and the Developer. He said the cost of the relocation would have to be negotiated between all three parties.

Since the plans for the relocation of Hazel Mill Road had not been finalized nor the responsibility for the cost determined, Council questioned the advisability of taking action on the site plan at this time.

Councilman Michael moved to continue the public hearing without further public notice until April 1, 1976, in order to give more time to resolving both questions.

This motion was seconded by Vice-Mayor Horton and carried unanimously.

Mayor Ochsenreiter excused Councilman Michael at 3:20 o'clock p. m.

PUBLIC HEARING - GROUP DEVELOPMENT REVIEW - ORTHOPEDIC HOSPITAL, INC.

4. A public hearing was held relative to the approval of a site plan of the proposed school facilities to be constructed at Orthopedic Hospital, Inc. at 1 Rotary Drive.

Mayor Ochsenreiter opened the public hearing at 3:21 o'clock p. m.

The City Manager read the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Emrick, Planning Director, presented the plan and advised Council that the Planning and Zoning Commission had reviewed the plan and recommended approval subject to the following:

1. Compliance with the recommendation of the City of Asheville's Water and Sewer Department.

Mr. Emrick answered general questions from Council.

Mayor Ochsenreiter closed the public hearing at 3:27 o'clock p. m.

Councilman Morris moved to approve the site plan subject to the recommendation of the Planning and Zoning Commission. This motion was seconded by Councilwoman Swilling and carried unanimously.

BIDS - EIGHT (8) FOUR DOOR SEDANS FOR DEPARTMENT OF INSPECTIONS AND DEMOLITIONS

5. Consideration was given to bids received February 23, 1976 for eight (8) four door sedans for the Department of Inspections and Demolitions.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid, submitted by Apple Tree Chevrolet, in the amount of $26,793.92. He advised that the low bid was within the amount budgeted through Community Development Funds.

Thursday - March 4, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn Swilling, Councilmen Ralph D. Morris, Jr., Otis B. Michael, Gene E. Rainey, J. W. Hoyle, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the February 19, 1976 meeting.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, the minutes of the February 19, 1976 meeting were approved as submitted.

PRESENTATION - CERTIFICATE OF MERIT - AMERICAN RED CROSS

2. At this time Chief Ball, Chief of the Fire Department, was recognized by Mayor Ochsenreiter. Chief Ball advised Council of an incident that occurred at Station No. 5 on January 10, 1976. He said that a Mr. and Mrs. Roy A. Stewart from San Jose, California, brought their 19 month old baby, who had stopped breathing, to the station for emergency treatment. He said that through the efforts of Captain H. P. Oxner, Driver C. T. Whitten, and Fireman R. M. Riddle, who administered mouth to mouth resuscitation the baby was revived and taken to the hospital. He said the prompt action by all three firemen and particularly Fireman Riddle was instrumental in saving the baby's life. He said he had written letters of commendation to all three men and that the American National Red Cross had issued a "Certificate of Merit" to Fireman Riddle. He asked that Mayor Ochsenreiter present the award. Mayor Ochsenreiter on making the presentation commended all three firemen and expressed his appreciation on behalf of himself and the City of Asheville.

PUBLIC HEARING - SITE PLAN REGENT PARK

3. A public hearing was held relative to the approval of a site plan of the proposed Regent Park to be located on Patton Avenue near the Hazel Mill Road intersection.

Mayor Ochsenreiter opened the public hearing at 3:09 o'clock p. m.

The City Manager read the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Verl Emrick, Planning Director, presented the plan to Council and advised that the Planning and Zoning Commission recommended approval of the plan subject to the following conditions:

1. That the developer submit a satisfactory Erosion Control Plan to the City of Asheville's Division of Inspections.

2. Compliance with recommendations of Water and Sewer Department.

3. Developer comply with final recommendations as submitted by the North Carolina Department of Transportation and the City of Asheville relative to relocating Hazel Mill Road and realignment of the existing intersection.

RESOLUTION NO. 76-27 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE SOUTHERN RAILWAY COMPANY CONCERNING A 6-INCH WATER LINE NEAR GLENDALE AVENUE CROSSING IN ASHEVILLE, NORTH CAROLINA

7. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the Southern Railway Company concerning a 6-inch water line near Glendale Avenue crossing in Asheville, North Carolina.

The City Manager read the resolution.

Mr. Bill Edens, Water and Sewer Director, said the right-of-way was necessary in order to run a 6-inch main from Glendale Avenue to Fairview Road which would have to cross railroad property. He said the water line was being run to improve service in the area.

Councilman Michael moved to adopt the resolution which was seconded by Councilman Morris and carried unanimously.

Complete text of Resolution No. 76-27 will be found in Resolution Book No. 8 at page 276.

RESOLUTION NO. 76-28 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION FOR A WATER LINE TO RUN WESTERLY ALONG SR 3157 (WESTON ROAD)

8. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina State Department of Transportation for a water line to run westerly along SR 3157 (Weston Road).

The City Manager read the resolution.

Mr. Bill Edens, Water and Sewer Director, advised Council that this 8-inch line was being built to supply water to a sub-division known as Mountain Heights. He said it would be built at the subdividers expense and turned over to the City after being approved by the City Engineer.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Swilling, Resolution No. 76-28 was unanimously adopted.

Complete text of Resolution No. 76-28 will be found in Resolution Book No. 8 at page 277.

RESOLUTION NO. 76-29 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A WATER LINE CROSSING OLD U. S. 70 (OLD BLACK MOUNTAIN HIGHWAY) AT THE ENTRANCE TO THE BLACK MOUNTAIN SHOPPING CENTER IN BUNCOMBE COUNTY

9. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for a water line crossing old U. S. 70 (Old Black Mountain Highway) at the entrance to the Black Mountain Shopping Center in Buncombe County.

Councilman Michael returned to his seat at 3:34 o'clock p. m.

Councilman Rainey moved to accept the low bid of $26,793.92 submitted by Apple Tree Chevrolet. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

Bidder	Bid
Apple Tree Chevrolet	$26,793.92
Roberts Auto Sales	27,725.20
Matthews Motors	27,814.64
Sam's Lincoln Mercury	27,931.38
Dorato Motors	28,268.08

BIDS - TWO (2) CAB AND CHASSIS AND ONE (1) PICK-UP TRUCK FOR USE IN SANITARY DEPARTMENT

6. Consideration was given to bids received February 23, 1976 for two (2) cab and chassis and one (1) pick-up truck for use in the Sanitary Department.

The City Manager presented the bids and read a memorandum from the Purchasing Agent who recommended the acceptance of the low bid submitted by Matthews Motors, Inc. for the two cab and chassis in the amount of $10,132.82, and the low bid submitted by Apple Tree Chevrolet for the pick-up truck in the amount of $2,851.17. The City Manager advised that the bids were within the amount budgeted from the Revenue Sharing Trust Fund.

Councilwoman Swilling moved to accept the recommendations of the Purchasing Agent and that Matthews Motors, Inc. be awarded the contract to furnish the two cabs and chassis for the low bid of $10,132.82. Further that Apple Tree Chevrolet be awarded the contract to furnish the pick-up truck for the low bid of $2,851.17. Vice-Mayor Horton seconded this motion which carried unanimously.

Bid Summary

Item 1 - 2 Cabs and Chassis

Bidder	Bid
Matthews Motors	$10,132.82
Apple Tree Chevrolet	10,249.90
Arrowhead International	10,481.92
Dorato Motors	10,623.54

Item 2 - 1 Pick-up Truck

Apple Tree Chevrolet	2,851.17
Matthews Motors	3,134.25
Dorato Motors	3,194.91

Upon motion of Vice-Mayor Horton, seconded by Councilman Rainey, Resolution No. 76-31 was unanimously adopted.

Complete text of Resolution No. 76-31 will be found in Resolution Book No. 8 at page 280.

RESOLUTION NO. 76-32 - RESOLUTION CALLING FOR A PUBLIC HEARING TO OBTAIN THE VIEWS OF CITIZENS ON PROPOSED CONSTRUCTION OF IMPROVEMENTS TO THE ASHEVILLE AIRPORT

12. Consideration was given to a resolution calling for a public hearing to obtain the views of citizens on proposed construction of improvements to the Asheville Airport.

The City Manager read the resolution.

The date for the hearing was set for March 30, 1976.

Upon motion of Councilwoman Swilling, seconded by Vice-Mayor Horton, Resolution No. 76-32 was unanimously adopted.

Complete text of Resolution No. 76-32 will be found in Resolution Book No. 8 at page 282.

REPORT BY ASSISTANT CITY MANAGER, KEN MICHALOVE

Ken Michalove, Assistant City Manager for Planning, reported to Council that for the past several months members of the City staff and concerned citizens had been meeting with the Community Relations Council in an effort to improve community relations in the field of police work. He said that some of the positive steps that had been taken as a result, were the implementation of phycological testing; getting patrolmen to go to community meetings, explaining who they were and their purpose for being there; and the working with the Department of Justice Division of Community Relations. He said he had found this department to be very helpful. He said his purpose today was to bring this to Council's attention with the suggestion that the staff continue to work with the Department of Justice and solicit their advice and assistance.

Councilman Morris moved that Mr. Michalove continue working with the Department of Justice. This motion was seconded by Councilman Michael and carried unanimously.

Councilman Rainey said it was quite obvious that from time to time we have community relations problems which tend to erupt into institutions, one of which is the Police Department and the other the High School. He said it was regretable that the Police Department had tended to bear the brunt of criticism of community relations. He said he was not saying that the Police Department was perfect but it is unfortunate that only because they are there that they have more of this type criticism. He said it was also unfortunate that the High School has borne the brunt of this type problem in community relations. He said he felt it was time we looked at this particular problem. He said in his opinion one reason we have not had as good a relationship with the black community that would permit us to reach out and solve some of these problems because we as white elites in the community have not listened to the moderate voices within the black community. Consequently the more radical voices in the black community, those voices which have criticized the police behavior and also the High School structure have been listened to. He said he felt that we must construct a mechanism through a

The City Manager read the resolution.

Mr. Bill Edens, Water and Sewer Director, advised Council that in order to serve the Black Mountain Shopping Center water it would be necessary to cross old U. S. 70 opposite the shopping center location.

Upon motion of Councilman Hoyle, seconded by Councilman Rainey, Resolution No. 76-29 was unanimously adopted.

Complete text of Resolution No. 76-29 will be found in Resolution Book No. 8 at page 278.

RESOLUTION NO. 76-30 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE A TIMBER SALE CONTRACT AMENDMENT FOR SALE NO. 9 WITH GENNETT LUMBER COMPANY

10. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute a timber sale contract amendment for Sale No. 9 with Gennett Lumber Company.

The City Manager read the resolution.

Mr. Bill Edens, Director of the Water Department, advised that the contract was an amendment to the original contract with Gennett Lumber Company, dated May 8, 1963, and it dealt with the harvesting of timber on the Bee Tree Water Shed for a contract price of $96,953.09.

Councilman Morris asked if the right-of-way controversy, which caused the deferment of the resolution at a previous meeting, has been cleared up. Mr. Edens advised that it was his understanding that Gennett Lumber Company had acquired the necessary right-of-way.

Councilman Morris then moved to adopt the resolution provided the contracts with Gennett Lumber Company were not executed until all necessary rights-of-way had been secured. Councilman Michael seconded the motion and it was carried unanimously.

Complete text of Resolution No. 76-30 will be found in Resolution Book No. 8 at page 279.

RESOLUTION NO. 76-31 - RESOLUTION OF INTENT TO CLOSE TWO UNNAMED ALLEYS AND "COURT" ALLEY AND CALLING A PUBLIC HEARING ON THE QUESTION

11. Consideration was given to a resolution of intent to close two unnamed alleys and "court" alley and calling a public hearing on the question.

The City Manager read the resolution.

Mr. Larry Holt, Asheville Housing Authority, advised Council that the alleys in question were in the East Riverside Urban Redevelopment Area and the closings were consistent with Urban Redevelopment Plan. He said that the Housing Authority owned all but two lots adjacent to the alleys and that the owners of these two lots join the request.

Thursday - March 11, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., Otis B. Michael, Gene E. Rainey, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman J. W. Hoyle

1. Approval of the minutes of the March 4, 1976 meeting.

Upon motion of Councilman Michael, seconded by Councilman Rainey, the minutes of the March 4, 1976 meeting were approved as submitted.

PUBLIC HEARING - ZONING OF EXTRATERRITORIAL ZONING OF PROPERTY IN THE TOWN OF BILTMORE FOREST

2. A public hearing was held relative to the zoning of extraterritorial zoning of property in the Town of Biltmore Forest.

Mayor Ochsenreiter opened the public hearing at 3:03 o'clock p. m.

The City Manager read the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Bob McDonald, of the Planning Staff, reported that for several months the City has been working toward the establishment of the extraterritorial zoning in Biltmore Forest. He said on December 4, 1975 the Council held a public hearing to consider this matter and the proposal was, at that time, referred back to the Planning and Zoning Commission for additional study. He said, one of the property owners, Mr. Swicegood, had appeared before Council and requested that consideration be given to expanding the Commercial Highway District. He said after considerable discussion, the Planning and Zoning Commission recommended three proposed districts, which includes the R-2 Residential District, Commercial Highway District, and Heavy Industrial District. He said the zoning as now proposed includes the expansion of the Commercial Highway District along Hendersonville Road to Sweeten Creek Road.

With the use of maps, Mr. McDonald reviewed each district boundary.

Alvin Sturdivant, property owner in the area, requested that his property which is located north of and adjacent to the proposed Commercial Highway District, be zoned Commercial Highway instead of R-2 Residential District. He said his property includes about 11.9 acres which would not be sufficient for a residential subdivision.

After discussion, Council requested the Planning Staff to look into Mr. Sturdivant's request and to contact the adjacent property owners to determine their feelings about zoning the property Commercial Highway. Council requested that this be done before the third reading of the ordinance.

Mayor Ochsenreiter closed the public hearing at 3:20 o'clock p. m.

The City Manager read the ordinance which would zone the property as proposed by the Planning and Zoning Commission.

Councilman Michael moved for the adoption of the ordinance. This motion was seconded by Councilwoman Swilling.

On a roll call vote of 5-0, Ordinance No. 881 passed on its first reading.

committee whereby we could capture the moderate voices in the black community and listen to what they have to say about things that should be done in Asheville. He said because we do not listen to the moderate voices, the radical voices are heard. He said it was his hope, with Council's permission, that Council could schedule an item on the agenda for next week, in which Council could look at the establishment of a committee of black moderate voices, which could advise the Council on solutions to the problems. He said if we did not structure such a committee, the more radical voices gaining control would be listened to in the black community.

Mayor Ochsenreiter said that Councilmen Rainey and Michael and himself would review the suggestion and make such recommendations to Council.

CITY MANAGER REPORT - SALE OF $5,175,000 WATER BONDS, SERIES B

The City Manager reported for the record that on March 2, 1976 the Local Government Commission in Raleigh received bids on $5,175,000 Water Bonds, Series B. He said the low bidder was First Citizens Bank and Trust Company with a net interest cost of 5.7243%. Other bidders were Wachovia Bank and Trust Company and others, 5.8099%; North Carolina National Bank and Bank of Asheville, 5.8817%; First Union National Bank of North Carolina, 6.0623%. He said the bonds were awarded to First Citizens Bank and Trust Company in accordance with the terms of the bids submitted.

CLAIM FOR DAMAGES - CECIL CASSADA

The City Manager reported that he had received a claim for damages from Mr. Cecil Cassada, through his attorney Ervin L. Ball, Jr. Mayor Ochsenreiter instructed him to turn the claim over to the Corporation Counsel for investigation.

PROCLAMATION - NATIONAL NUTRITION WEEK

Mayor Ochsenreiter proclaimed the week of March 7 - 13, 1976 as National Nutrition Week.

PROCLAMATION - PHYSICAL EDUCATION AND SPORTS WEEK

Mayor Ochsenreiter proclaimed the week of March 1 - 7, 1976 as Physical Education and Sports Week.

PROCLAMATION - NATIONAL PRAYER DAY

Mayor Ochsenreiter proclaimed Friday, March 5, 1976 as National Prayer Day.

RALPH BISHOP - COMMENTS RELATIVE TO GAMBLING AND UNIONS

Mr. Ralph Bishop, who has been before Council on several occassions with complaints relative to gambling in the City was advised by Corporation Counsel William C. Moore that any charges he wished to file should be to the District Attorney or the Senior Resident Judge of Superior Court.

Mr. Bishop then proceeded to the subject of unions and union organization of the City employees. He requested Council to instruct the Corporation Counsel to go into court to secure an injunction forbidding the union from agitating the city employees.

Eugene S. Ochsenreiter Jr. MAYOR William D. Holcomb CITY CLERK

$20,393 during the period July 1, 1976 through August 31, 1977, a fourteen month period.

Myra Grant, Planner for the French Broad Criminal Justice Planning Agency, told Council that the deadline for this application is April 1, 1976 in order to be funded by July 1, 1976. She explained that the federal grants were funded on a regressive cycle; for the first year, 90% Federal, 5% State and 5% local; 2nd year operation, 65% Federal, 5% State and 30% Local; and the third year operation; 25% Federal; 5% State and 70% local. She said this was the reason for the higher local match on the Legal Advisor Grant.

Chief J. C. Hall told Council that this service provided through the federal grant is very valuable to the department, in particular to the officers.

After discussion, Councilman Morris moved for the adoption of Resolution 76-34. This motion was seconded by Councilwoman Swilling and carried unanimously.

Complete text of Resolution No. 76-34 will be found in Resolution Book No. 8 at page 285.

RESOLUTION NO. 76-35 - RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION FOR A FEDERAL GRANT WITH THE NORTH CAROLINA DIVISION OF LAW AND ORDER FOR THE SCHOOL LIAISON PROGRAM

5. Consideration was given to a resolution authorizing the Mayor to file an application for a federal grant with the North Carolina Division of Law and Order for the school liaison program.

The City Manager read the resolution.

Myra Grant, Planning Director for the French Broad Criminal Justice Planning Agency, said this grant would provide for two officers to be assigned to different schools. One full-time officer would be assigned to Asheville High School and one on a rotating basis to Hill Street Middle School, Hall Fletcher Middle School and South French Broad Junior High School to serve as liaison officers to the schools.

Chief Hall said letters of endorsement had been received from the Superintendent of the Schools as well as from all the principals of the schools involved.

Upon motion of Councilman Rainey, seconded by Councilman Michael, Resolution No. 76-35 was unanimously adopted.

Complete text of Resolution No. 76-35 will be found in Resolution Book No. 8 at page 287.

RESOLUTION NO. 76-36 - RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION FOR A FEDERAL GRANT WITH THE NORTH CAROLINA DIVISION OF LAW AND ORDER FOR THE SAFETY AND SUPPORT PROGRAM

6. Consideration was given to a resolution authorizing the Mayor to file an application for a federal grant with the North Carolina Division of Law and Order for the safety and support program.

The City Manager read the resolution.

PUBLIC HEARING - GRANT THROUGH THE URBAN MASS TRANSPORTATION ADMINISTRATION PURSUANT TO THE URBAN MASS TRANSPORTATION ACT OF 1964

3. A public hearing was held relative to a project for which financial assistance is being sought from the Urban Mass Transportation Administration pursuant to the Urban Mass Transportation Act of 1964.

Mayor Ochsenreiter opened the public hearing at 3:23 o'clock p. m.

The City Manager read the notice to the public setting the time and date for the public hearing and affidavit of publication.

Larry Ward, of the Planning Division, said the equipment to be purchased through the grant would serve four main purposes; to enable the City to continue the present level of transit services that is being offered; to reduce some of the operating cost of the system; to allow the system to operate in a more efficient manner; and to make the system more dependable, convenient and attractive to the people of Asheville. He said the total cost for the purchase of this equipment and administration of the grant program plus a 10% contingency amounts to $763,537. He said the Federal Urban Mass Transportation Administration's share amounts to $610,829.60. He said since the public hearing was advertised the State of North Carolina, Department of Transportation has approved funding of 50% of the local 20% share which amounts to $72,333.70, which would leave the City's remaining share at $80,373.70. He said once the program gets started and the eight new buses and two new automobiles are purchased, the old buses and the two old automobiles could be sold at an estimated revenue of $40,200. With this income, the City's share would be reduced down to $72,333.70. He said the necessary steps to file this application has been taken except for the holding of the public hearing and the adoption of the resolution approving the submission.

After discussion, Mayor Ochsenreiter closed the public hearing at 3:46 o'clock p. m.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Rainey, Resolution No. 76-33 was unanimously adopted.

Complete text of Resolution No. 76-33 will be found in Resolution Book No. 8 at page 283.

RESOLUTION NO. 76-34 - RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION FOR A FEDERAL GRANT WITH THE NORTH CAROLINA DIVISION OF LAW AND ORDER FOR THE LEGAL ADVISOR PROGRAM

4. Consideration was given to a resolution authorizing the Mayor to file an application for a federal grant with the North Carolina Division of Law and Order for the Legal Advisor Program.

The City Manager read the resolution.

Mr. Drew Walker, Legal Advisor for the Police Department, said this resolution would authorize the Mayor to submit an application which would continue funding for a lawyer, secretary, and a law office as in-house counsel to the Police Department. He said he had been Police Attorney since September, 1974 and this application would obligate, if approved, the Federal Government to provide $11,172 and the City's share would be

is required by the North Carolina Department of Transportation that eight encroachment agreements be signed and executed by the City and returned to the State.

Upon motion of Councilman Morris, seconded by Councilman Michael, Resolution No. 76-38 was unanimously adopted.

Complete text of Resolution No. 76-38 will be found in Resolution Book No. 8 at page 291.

RESOLUTION NO. 76-39 - RESOLUTION APPOINTING MEMBER TO THE BOXING AND WRESTLING COMMISSION FOR THE CITY OF ASHEVILLE (C. L. Moore)

10. Consideration was given to a resolution appointing C. L. Moore a member to the Boxing and Wrestling Commission for the City of Asheville.

The City Manager read the resolution.

Upon motion of Councilman Rainey, seconded by Councilman Michael, Resolution No. 76-39 was unanimously adopted.

Complete text of Resolution No. 76-39 will be found in Resolution Book No. 8 at page 292.

RESOLUTION NO. 76-40 - RESOLUTION REAPPOINTING KARL H. STRAUS AS COMMISSIONER NUMBER FOUR OF THE SINKING FUND COMMISSION FOR BUNCOMBE COUNTY

11. Consideration was given to a resolution reappointing Karl H. Straus as Commissioner Number Four of the Sinking Fund Commission for Buncombe County.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Michael, Resolution No. 76-40 was unanimously adopted.

Complete text of Resolution No. 76-40 will be found in Resolution Book No. 8 at page 293.

RESOLUTION NO. 76-41 - RESOLUTION APPOINTING MEMBER TO THE RECREATION BOARD FOR THE CITY OF ASHEVILLE (Bob Adams)

12. Consideration was given to a resolution appointing Bob Adams a member to the Recreation Board for the City of Asheville.

The City Manager read the resolution.

Upon motion of Councilwoman Swilling, seconded by Councilman Rainey, Resolution No. 76-41 was unanimously adopted.

Complete text of Resolution No. 76-41 will be found in Resolution Book No. 8 at page 294.

Myra Grant, Planning Director for the French Broad Criminal Justice Planning Agency, said this grant would allow the Police Department Record Division to purchase a microfilm camera for transferring their files to microfilming.

Upon motion of Councilwoman Swilling, seconded by Councilman Rainey, Resolution No. 76-36 was unanimously adopted.

Complete text of Resolution No. 76-36 will be found in Resolution Book No. 8 at page 289.

RESOLUTION NO. 76-37 _ RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION FOR A FEDERAL GRANT WITH THE NORTH CAROLINA DIVISION OF LAW AND ORDER FOR A TRAINING GRANT FOR THE ASHEVILLE POLICE DEPARTMENT

7. Consideration of a resolution authorizing the Mayor to file an application for a federal grant with the North Carolina Division of Law and Order for a training grant for the Asheville Police Department.

The City Manager read the resolution.

Myra Grant, Planning Director for the French Broad Criminal Justice Planning Agency, said this grant would provide for specialized training for officers and for the purchase of films and film strips.

Upon motion of Councilman Michael, seconded by Councilman Morris, Resolution No. 76-37 was unanimously adopted.

Complete text of Resolution No. 76-37 will be found in Resolution Book No. 8 at page 290.

REZONING - FOUR AREAS IN THE MILE BOUNDARY FROM R-2 AND R-3 RESIDENTIAL TO THE PROPOSED R-5 RESIDENTIAL (INCLUDING MOBILE HOMES)

8. Consideration was given to a recommendation from the Planning and Zoning Commission relative to rezoning four areas in the mile boundary from R-2 and R-3 Residential to the proposed R-5 Residential which would include mobile homes.

The City Manager read a letter of recommendation from the Planning and Zoning Commission recommending approval of the proposed R-5 Residential District.

Councilwoman Swilling moved to schedule a public hearing on the matter for April 1, 1976. This motion was seconded by Councilman Michael and carried unanimously.

RESOLUTION NO. 76-38 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA BOARD OF TRANSPORTATION FOR A WATER LINE ATTACHED TO BRIDGE NUMBER 70-8404 (MONTFORD AVENUE)

9. Consideration was given to a resolution authorizing the Mayor to execute right-of-way encroachment agreement with the North Carolina Board of Transportation for a water line attached to Bridge Number 70-8404 (Montford Avenue).

The City Manager read the resolution.

Don Walsh, of the Water and Sewer Department, explained that this 12-inch water line is part of a Community Development Project known as Montford Fire Line, Phase I. He said this line will be part of the upgrading of the Montford Area water supply. Also, it

The City Manager read the resolution.

Councilwoman Swilling moved for the adoption of the resolution scheduling the public hearing for April 20, 1976 at 2:00 o'clock p. m. This motion was seconded by Councilman Rainey and carried unanimously.

Complete text of Resolution No. 76-45 will be found in Resolution Book No. 8 at page 298.

REZONING REQUEST - LULA B. KUYKENDALL - WARD 4 SHEET 2, LOT 20

17. Consideration was given to a recommendation from the Planning and Zoning Commission relative to the rezoning request of Mrs. Lula B. Kuykendall to rezone Ward 4, Sheet 2, Lot 20 from R-4 Residential District to CS Commercial Service District.

The City Manager read a letter from the Planning and Zoning Commission recommending approval of the request.

Councilman Morris moved to schedule a public hearing on the matter for April 1, 1976. This motion was seconded by Councilman Rainey and carried unanimously.

EMPLOYEE GRIEVANCE PROCEDURE

18. Mr. Mike Smith, Personnel Director, presented members of Council with copies of the administration policy for the employee grievance procedure. He said this procedure would allow an employee to settle a grievance at the lowest administration level possible, starting with the first level of supervision. He said if a grievance can not be settled verbally the employee would have an opportunity to formalize his grievance through this administration policy. He said this procedure would be discussed with each employee.

The City Manager read the following statement prepared by Vice-Mayor Horton:

"An effective, well administered grievance procedure is an important segment in employee relations. The proposed procedure appears well designed, and if properly implemented and diligently administered, it can be a most beneficial element in improving the work climate for more efficient city operations.

In the interest of effective administration of the procedure, I would like to make the following suggestions:

(1) That the personnel office assign a number to each written grievance and maintain a current log of the history and disposition of each grievance.

(2) That the Personnel Director prepare a MONTHLY STATUS REPORT on all grievances as a management tool in evaluating the effectiveness of the procedure, per or similar to the attached format, with the City Council as copy recipients."

COUNCILMAN MICHAEL - PROGRESSIVE BLACK LEADERSHIP IN THE COMMUNITY

Councilman Michael reported that at the last Council meeting a committee was appointed, made up of Mayor Ochsenreiter, Councilman Rainey and myself. He said this committee had met and discussed ways and means of projecting progressive black leadership in our community led by an ad hoc committee made up of progressive minority citizens, clubs and organizations. The Council Committee will be meeting with this group in the very near future and will continue to meet on this effort.

RESOLUTION NO. 76-42 - RESOLUTION REAPPOINTING MEMBERS TO THE ASHEVILLE TRANSIT AUTHORITY (Allen H. Patterson and Murray A. Miller)

13. Consideration was given to a resolution reappointing Allen H. Patterson and Murray A. Miller members to the Asheville Transit Authority.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Michael, Resolution No. 76-42 was unanimously adopted.

Complete text of Resolution No. 76-42 will be found in Resolution Book No. 8 at page 295.

RESOLUTION NO. 76-43 - RESOLUTION APPOINTING MEMBER TO THE PLANNING AND ZONING COMMISSION FOR THE CITY OF ASHEVILLE (Robert Turner)

14. Consideration was given to a resolution appointing Robert Turner a member to the Planning and Zoning Commission for the City of Asheville.

The City Manager read the resolution.

Upon motion of Councilman Michael, seconded by Councilman Morris, Resolution No. 76-43 was unanimously adopted.

Complete text of Resolution No. 76-43 will be found in Resolution Book No. 8 at page 296.

RESOLUTION NO. 76-44 - RESOLUTION RESCINDING RESOLUTION NO. 76-32, KNOWN AS A RESOLUTION CALLING FOR A PUBLIC HEARING TO OBTAIN THE VIEWS OF CITIZENS ON THE PROPOSED CONSTRUCTION OF IMPROVEMENTS TO THE ASHEVILLE AIRPORT

15. Consideration was given to a resolution rescinding Resolution No. 76-32, known as a resolution calling for a public hearing to obtain the views of citizens on the proposed construction of improvements to the Asheville Airport.

The City Manager read the resolution and explained that the FAA had advised that publication regarding the public hearing must be published in accordance with a thirty (30) day publication schedule. Therefore, this resolution should be rescinded and another resolution calling for a public hearing will follow.

Upon motion of Councilman Michael, seconded by Councilwoman Swilling, Resolution No. 76-44 was unanimously adopted.

Complete text of Resolution No. 76-44 will be found in Resolution Book No. 8 at page 297.

RESOLUTION NO. 76- 45 - RESOLUTION CALLING FOR A PUBLIC HEARING TO OBTAIN THE VIEWS OF CITIZENS ON THE PROPOSED CONSTRUCTION OF IMPROVEMENTS TO THE ASHEVILLE AIRPORT

16. Consideration was given to a resolution calling for a public hearing to obtain the views of citizens on the proposed construction of improvements to the Asheville Airport.

Thursday - March 18, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Vice-Mayor Bill B. Horton, Presiding; Councilwoman JoAnn M. Swilling, Councilmen J. W. Hoyle, Ralph D. Morris, Jr., Otis B. Michael, Gene E. Rainey, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Eugene C. Ochsenreiter, Jr.

1. Approval of the minutes of the March 11, 1976 meeting.

Upon motion of Councilman Hoyle, seconded by Councilman Rainey, the minutes of the March 11, 1976 meeting were approved as submitted.

ORDINANCE NO. 881 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Biltmore Forest Extraterritorial Zoning)

2. Consideration was given to the second reading of Ordinance No. 881, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, as amended.

Verl Emrick, Planning Director, advised Council that, as directed, he had been in contact with property owners in question relative to Mr. Sturdivant's request to zone his property, Ward 19, Sheet 68, Lot 35, Commercial Highway District rather than the proposed R-2 Residential District. He said the adjacent property owners have expressed no objection to the property being zoned Commercial Highway. He said Mr. McRary, owner of Lot 19 and adjacent to Mr. Sturdivant's property, has also requested that his property be zoned Commercial Highway.

Councilman Morris moved to amend Ordinance No. 881 to include Ward 19, Sheet 68, Lots 19 and 35 in the Commercial Highway District. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 881, as amended, passed on second reading.

RESOLUTION NO. 76-46 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH THE LAND-OF-SKY REGIONAL COUNCIL FOR THE NUTRITION PROGRAM FOR OLDER ADULTS

3. Consideration was given to a resolution authorizing the Mayor to sign a contract with the Land-of-Sky Regional Council for the Nutrition Program for Older Adults.

The City Manager read the resolution.

Ken Michalove, Assistant City Manager, said this program has been operating in the City for several years. He said it is a four county program that operates in Madison, Henderson, Buncombe and Transylvania Counties and several hundred people are fed under this program. The three locations for operation in the City are located in the Senior Opportunity Center, the new Mountain Church on Livingston Street and the South Asheville Community Center in Shiloh. He said part of the local match for this program was budgeted in Fiscal Year 1975-76 and part of the program will be requested in the upcoming budget. He said the individuals being fed under this program have to meet certain income and other federal guidelines.

Upon motion of Councilwoman Swilling, seconded by Councilman Hoyle, Resolution

PROCLAMATION - INTERNATIONAL DEMOLAY WEEK - MARCH 14 - 21, 1976

Mayor Ochsenreiter proclaimed the week of March 14 - 21, 1976 as International Demolay Week.

RALPH BISHOP - COMMENTS RELATIVE TO SELLING OF LOTTERY TICKETS

Mr. Ralph Bishop, again appeared before Council, complaining about the selling of lottery tickets in the City of Asheville.

Mayor Ochsenreiter again informed Mr. Bishop that he would have to present his facts to the District Attorney, Mr. Robert Fisher.

MRS. ROY ROGERS - REDUCED BUS FARE FOR SENIOR CITIZENS

Mrs. Rogers advised Council of the inadequate transportation for Senior Citizens. She again requested Council to have reduced bus fares for Senior Citizens on an all day basis. She referred to a section in the Urban Mass Transportation Act of 1970 which, she said, provided funding for this type of program.

After discussion, it was the consensus of Council, to recommend to the Asheville Transit Authority that the reduced bus fares for Senior Citizens be implemented on an all day basis for a one-month period to determine what would or would not happen concerning revenue projections.

Adjournment.

Eugene C. Ochsenreiter
MAYOR

Hermann T. Haarmann
CITY CLERK

BIDS - 1000 FEET 8-INCH PVC WATER MAIN PIPE FOR USE IN WATER AND SEWER DEPARTMENT

7. Consideration was given to bids received March 15, 1976 for 1,000 feet of 8-inch PVC Water Main Pipe for use in Water and Sewer Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Silverman Company at $2.35 per foot, totaling $2,350.00.

Gary McGill, of the Water and Sewer Department, explained that this pipe would be used on East Porter Road and would provide for better service and fire protection in this area.

Councilman Hoyle moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Silverman Company at $2.35 per foot, totaling $2,350.00. This motion was seconded by Councilman Rainey and carried unanimously.

Bid Summary

Bidder	Bid	
Southern Meter and Supply Co.	$3.37/ft.	$3,370.00
Ferguson Enterprises, Inc.	$291.50/C ft.	$2,915.00
Hajoca Corporation	285.12/C ft.	2,851.20
Davis Meter & Supply Company	2.80/ft.	2,800.00
Silverman Company	2.35/ft.	2,350.00
Supply Specialties, Inc.	2.75/ft	2,750.00

RESOLUTION NO. 76-48 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO SUBMIT APPLICATIONS FOR TITLE XX FUNDING OF A SENIOR CITIZENS PROGRAM AND A PROGRAM OF NEIGHBORHOOD CENTERS

8. Consideration was given to a resolution authorizing the Director of Parks and Recreation to submit applications for Title XX funding of a Senior Citizens Program and a program of Neighborhood Centers.

The City Manager read the resolution.

Ray Kisiah, Parks and Recreation Director, advised Council that Title XX of the Social Security Act provides for federal and state financial support of human service programs on a cash matching basis with local public and private agencies and there are funds available to support several services of the Parks and Recreation Department. He said if the funding was approved it would assist the City in providing services they are already operating. The local matching contribution would come from the Community Development funds and/or the General Fund whichever would be most appropriate.

Upon motion of Councilman Morris, seconded by Councilman Michael, Resolution No. 76-48 was unanimously adopted.

Complete text of Resolution No. 76-48 will be found in Resolution Book No. 8 at page 301.

No. 76-46 was unanimously adopted.

Complete text of Resolution No. 76-46 will be found in Resolution Book No. 8 at page 299.

REZONING REQUEST - MR. AND MRS. JAMES FISHER -N. LOUISIANA AVENUE AND EMMA ROAD

4. The City Manager read a letter from the Planning and Zoning Commission relative to rezoning Ward 12, Sheet 23, Lots 36, 37, 38, and 39 from R-3 Residential District to Commercial Highway District, property owned by Mr. and Mrs. James Fisher.

Councilman Morris moved to schedule a public hearing on the matter for April 8, 1976. This motion was seconded by Councilman Michael and carried unanimously.

RESOLUTION NO. 76-47 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA BOARD OF TRANSPORTATION FOR A WATER LINE CROSSING UNDER U. S. 25 (HENDERSONVILLE ROAD)

5. Consideration was given to a resolution authorizing the Mayor to execute right-of-way encroachment agreement with the North Carolina Board of Transportation for a water line crossing under U. S. 25 (Hendersonville Road).

The City Manager read the resolution.

Mr. Don Walsh, of the Water and Sewer Division, explained that this 8-inch water line crossing Hendersonville Road is to serve the Deerfield Episcopal Home through a 6-inch meter.

Upon motion of Councilman Michael, seconded by Councilman Rainey, Resolution No. 76-47 was unanimously adopted.

Complete text of Resolution No. 76-47 will be found in Resolution Book No. 8 at page 300.

BIDS - DOORS, FRAMES, AND HARDWARE COMPLETE PER SPECIFICATIONS AND DRAWINGS FOR SHILOH AND HILLTOP COMMUNITY CENTERS OF PARK AND RECREATION DEPARTMENT

6. Consideration was given to bids received March 10, 1976 for doors, frames, and hardware complete per specifications and drawings for Shiloh and Hilltop Community Centers for the Parks and Recreation Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the only responsive bid received from Alan H. Shaw Company in the amounts of $3,873.00 for Shiloh Community Center and $5,901.00 for Hilltop Community Center. He said this expenditure is for purchase of materials only and is within the amount budgeted through Community Development funds for renovation of these centers. Installation work will be made by Construction Staff of Parks and Recreation Department.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to the only responsive bidder, Alan H. Shaw Company in the amounts of $3,873.00 for Shiloh Community Center and $5,901.00 for Hilltop Community Center. This motion was seconded by Councilman Hoyle and carried unanimously.

We have thoroughly read and reviewed Articles IX and XII of the City Charter and the pertinent sections of the Council's minutes including Mr. Horton's questions and contentions. We understand that the initiative procedures were used in bringing about the granting of the franchise ordinance. The question boils down to whether Section 83 of the Charter prevents amendments to the franchise ordinance without a vote of the people or whether Section 214 of the ordinance allows the Council to adopt such amendments.

The issue may be considered to be a close one, but our office continues to hold to our original positions as related in our letters of November 18, 1975 and November 25, 1975. The basic rule of law that specific statutory provisions rule over general statutory provisions was our primary consideration. It is true that Article XII of the Charter is somewhat specific in that it involves special procedures that apply only to initiative, referendum and recall. We feel, however, that Article IX is even more specific in that it applies only to franchise ordinances while Article XII applies to any ordinances that are enacted under its procedures.

Section 214 of the Charter does, however, refer to "all privileges and franchises and charters, whatsoever, granted by the council of said city, and all ordinances thereof, etc." The question is whether the particular franchise ordinance in question was "granted by the council" or whether it is "an ordinance of the council," since it was initiated and voted in by the people. This is a very technical question, one in which it is easy to get bogged down in semantics. We do not believe that simply because an ordinance is adopted through the use of initiative or referendum procedures, then it is totally divorced from the City Council and is not an ordinance "of the city council." Actually, a reading of the ordinance itself reveals that it is an ordinance of the Council and that the franchise is granted by the Council subject to a vote of the people.

ORDINANCE NO. 877 - AN ORDINANCE AMENDING ORDINANCE GRANTING FRANCHISE TO THOMS BROADCASTING COMPANIES, INC.

9. Consideration was given to the third reading of Ordinance No. 877, an ordinance amending ordinance granting franchise to Thoms Broadcasting Companies, Inc.

Vice-Mayor Horton advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

The following individuals spoke in favor of the adoption of Ordinance No. 877, granting an increase in rates to Thoms Cablevision, Inc.:

Mrs. Cornelia W. Middleton
Miriam Snelling
John Gatling
Gayle Waites
Ronald Shigley
Rev. Pete DeSaix
C. C. Hearst

No one appeared in opposition to the ordinance.

Councilman Michael was excused at 4:05 o'clock p. m.

Max Cogburn, Attorney for Thoms Broadcasting Company, Inc., reviewed that on February 12, 1975 Council had tabled the ordinance until another opinion could be obtained from the Attorney General's office responding to issues presented by Vice-Mayor Horton on the matter.

He reviewed the response received from the Attorney General's office which response is as follows:

5 March 1976

Mr. William C. Moore
Corporation Counsel
City of Asheville
Post Office Box 7625
Asheville, North Carolina 28807

Dear Mr. Moore:

This is in response to your most recent request for an interpretation from this office of several provisions in the Charter of the City of Asheville as they relate to the existing cable television franchise and ordinance granted by the City.

Mr. Cogburn said it was his opinion that the Attorney General's office still held the same position that the City Council has the authority to amend the franchise ordinance without a vote of the people.

Councilman Michael returned to the meeting at 4:10 p. m.

Vice-Mayor Horton again reviewed the background for the adoption of the ordinance granting the franchise to Thoms Cablevision, Inc. He cited parts of the previous minutes relative to the matter as well as the sections of the City Charter pertaining to the ordinance and franchise.

Councilman Rainey again requested permission to abstain from voting on the issue as he felt there was a conflict of interest in the matter as Mr. Thoms had contributed to his campaign and he also felt that a practice of higher ethical standards should be re-established in governmental levels.

Councilman Rainey was excused from the meeting at 4:45 o'clock p. m.

Vice-Mayor Horton requested the City Manager to read the following letter which was received just prior to the beginning of the meeting:

LENTZ AND BALL, P. A.
ATTORNEYS AT LAW
LAWYERS BLDG 17 19 N MARKET ST
P O BOX 7643
ASHEVILLE, N C 28807

DEVERE C LENTZ JR
ERVIN L BALL JR
REEVES H WELLS
LLOYD M BOWMAN

March 18, 1976

AREA CODE 704
254-4900

Mr. Eugene C. Ochsenreiter, Jr.
Mayor of the City of Asheville
Asheville, North Carolina

Re: Rate Increase for Thoms' Cablevision

Dear Mayor Ochsenreiter:

This letter is to inform the Asheville City Council that in our opinion the Council has no authority to raise the monthly service charge to subscribers of Thoms Broadcasting Company, Inc. We realize that Associate Attorneys General William H. Guy and Howard A. Kramer have rendered opinions to the contrary. Nevertheless, as concerned citizens and practicing attorneys here, We feel compelled to inform the Council of the legal argument against its enactment of the proposed rate increase.

The ordinance granting the community antenna franchise to Thoms Cablevision was enacted by the voters of Asheville at a special election. The authority for establishing an ordinance in this manner is set out in Section 83, entitled "Initiative", of the Asheville Charter. This Section specifies that upon the certification of the affirmative vote of a majority of the voters voting on the proposed ordinance, "such ordinance shall become a valid and binding ordinance of the city...". It should be noted that no action of the Council is required to ratify the ordinance--the people enact it directly. Furthermore, Section 83 clearly establishes the sanctity and special treatment afforded ordinances so enacted by the people--only the people can repeal or change them. No other meaning can be ascribed to the sentence in Section 83 that "No ordinance becoming effective as in this section provided shall be repealed or amended, except by a vote of the people". This section simply reflects and enacts the underlying premise of our republican form of government that government derives its just powers from the consent of those governed . Just as the City Charter itself cannot be changed by the representatives of the people, neither can those laws enacted directly by the people.

A further argument can be made in support of the position that the Council can amend the franchise ordinance on its own. G.S. 160A-3(c) provides that:

> "When a power, duty, function, privilege, or immunity is conferred on cities by a general law, and a charter enacted earlier than the general law omits or expressly denies or limits the same power, duty, function, privilege or immunity, the general laws shall supersede the charter."

If Asheville's Charter does, in fact, prevent the Council from amending a franchise ordinance on its own, then this is more restrictive than what is provided in the general law, which authorizes the granting and amendment of franchises by regular ordinance (without a vote of the people); therefore, the general law should apply. See Part 3, Article 5, Chapter 160A of the General Statutes, particularly G.S. 160A-76(a).

We feel that the most reasonable construction of the City Charter is that Section 214 prevail over Section 83 with regard to the matter at hand.

If we can be of further assistance regarding this or any other matter, please let us know.

Very truly yours,

RUFUS L. EDMISTEN
ATTORNEY GENERAL

William H. Guy

William H. Guy
Associate Attorney

WHG/ch

charge its subscribers. The mechanism allows Thoms to request and the Council to grant certain rate increases up to the national average of such rates. Council-imposed rate changes must then remain unchanged for three years. However, this entire mechanism for changing the original franchise rates does not apply to all rates; it applies only to various installation charges, and to monthly service charges for additional outlets. The mechanism specifically does not apply to the base monthly service charge (originally $4.50). This conclusion follows from close observation of the placement of asterisks and indentations in Paragraph 11 of the original franchise. These indicators clearly show that the base monthly service charge cannot be changed under the authority of Paragraph 11. As the Council has no other authority to change the franchise, the original base monthly service charge of $4.50 is still legally in effect. Of course, this conclusion would invalidate that portion of ordinance 789, adopted by the Council in 1974, which purported to increase the monthly service charge to $5.40.

Finally, Associate Attorney General Guy interprets North Carolina General Statutes 160A-3 (c) and 160A-76 (a) as conferring the power upon the Council to amend franchises, however granted. We believe this interpretation overlooks other portions of North Carolina General Statutes 160A-3, and all of North Carolina General Statutes 160A-2, and misconstrues North Carolina General Statute 160A-76 (a). We believe the General Assembly did not clearly show a legislative intent to grant to city councils the power to amend without voter approval, ordinances enacted directly by the voters. Furthermore, we feel that at most North Carolina General Statute 160A-76 (a) adds the new requirement of Council approval of all amendments to franchises, even those amendments adopted by initiative.

In summary, it is our legal opinion that the proposed rate increase for Thoms Cablevision must be submitted for voter approval, and any increase granted by the people will be above legal challenge. However, if the Council does enact a rate increase without prior voter approval, it will subject itself and Thoms Cablevision to a class-action lawsuit on behalf of all subscribers to the service. We

The legal opinions holding to the contrary are based on Article IX of the Charter, entitled "Franchises". In particular, it is said that Section 214 therein is "more specific" than Section 83 and therefore controls. This opinion might plausibly be valid if Sections 214 and 83 were in conflict, although even then the special status of the initiative and the fact that Section 83 was enacted later might well lead one to conclude that Section 83 should prevail. However, a close reading of the two sections shows that in the case of a franchise granted by initiative, i.e., this case, the two sections are not in conflict. Rather, from the face of Section 214, it is not applicable at all to the ordinance which created the franchise in Thoms Cablevision. Section 214 applies only to franchises "granted by the council"; it is silent and therefore inapplicable to ordinances granted by the people.

Some may argue that Section 214, in spite of its express wording, was meant to control all franchises granted by the City, since Section 212 requires that all franchises granted by the City must first receive voter approval at a special or general election. The proper interpretation of this section, however, is that the City Council is without power to grant a franchise absent prior voter approval. It should be noted that Section 212 does not require the Council to grant franchises approved by the voters, nor does it specify (as does Section 83) that a voter-approved franchise is valid and binding upon certification of the vote. Section 212 merely establishes a legal pre-requisite to the power of the Council to grant a franchise.

Thus, the Charter establishes two separate and distinct means for the City of Asheville to award a franchise. The first is by initiative under Section 83, and a franchise granted thereunder can be changed only by the people. The second is by the Council, after voter approval, under Section 212. It is this type of franchise grant, and only this type, that Article IX applies to and that Section 212 empowers the Council to amend without voter approval. A critical consequence of this analysis is that the original franchise may be altered in only two ways: the first by "vote of the people" as authorized by Section 83 (which, incidentally, outlines no specific requirements as to how the issue is to be placed before the people so that another initiative is not necessarily required); and the second by applicable provisions of the original franchise itself. Paragraph 11 of the original franchise does, in fact, establish a method of changing some of the rates that Thoms Cablevision might

Mr. Cogburn, Attorney for Thoms Broadcasting Company, Inc. read the following letters in support of his opinion:

LOREN D. PACKER
ATTORNEY
P. O. BOX 7345
ASHEVILLE, N. CAROLINA 28807
Code 704 254-3496

March 16, 1976

Mr. Harold Thoms,
Thoms Cablevision,
172 Charlotte Street,
Asheville, N.C.

Re:Cablevision Franchise

Dear Sir:-

I am writing as one of the many city residents who has been enjoying the benefits of the cable TV since its inception here, and particularly regarding the pending controversy in the City Council as to proper procedure in acting on your application for an amendment to the present franchise.

I have procured copies of the correspondence with the Attorney General's office, and other pertinent papers. While the matter is not without some difficulty, I agree fully with the opinions set forth in the Attorney General's letters of November 18, 1975 and March 5, 1976 and I believe the Council would be acting properly in amending the franchise without a vote of the people.

As the Attorney General points out, his position is strengthened by the fact that CATV is not a necessary public utility and cable television companies are not regulated as such. Also, in citing the language of Article IX of the charter, it is evident that it is more specific than that of Article XII, and should prevail under the basic legal rules of construction.

I hope that the Council will proceed to vote on your application as soon as practicable.

Yours very truly,

Loren D Packer

therefore strongly recommend that the Council refrain from acting upon the proposed rate increases until it has submitted the matter to the voters for their approval.

Yours very truly,

Ervin L. Ball, Jr.

Lloyd M. Sigman

ELBjr/ai
LMS/ai

WILLIAM W. ORR
ATTORNEY AND COUNSELOR AT LAW
40 GERTRUDE PLACE ANNEX
ASHEVILLE, NORTH CAROLINA 28801

AREA CODE 704
253-8165

Marsh 17, 1976

Mr. Harold H. Thoms
Thoms Cablevision
172 Charlotte Street
Asheville,
North Carolina

Dear Mr. Thoms;

I have studied carefully the written opinions of the Attorney General for the State of North Carolina concerning the Cablevision franchise for Asheville, North Carolina and have reviewed the general law concerning same in North Carolina.

I am in agreement with the Attorney General's opinion given to the city of Asheville.

Furthermore, I say as the Attorney General has said, that section 214 of the city charter prevails over Section 83.

The basic rule of law is that specific statutory provisions rule over general statutory provisions.

The Cablevision franchise can therefore be changed or modified as to any of its terms by the Ashevile City Council and without a vote of the people.

Yours very truly,

WILLIAM W. ORR

WWO/se

LAW OFFICE
RUBEN J. DAILEY
Attorney at Law
46 SOUTH MARKET STREET
P. O. BOX 7063
ASHEVILLE, N. C. 28807

PHONES
254-6866 254-6867

March 16, 1976

Mr. Harold H. Thoms
Thoms Cablevision
172 Charlotte Street
Asheville, North Carolina 28801

Dear Mr. Thoms:

I concur in the Attorney-General's opinion that the City Council of Asheville has the right to waive the three-year limitation set forth in the franchise, by adopting a new franchise ordinance. The City Council has the authorization under Section 214 of the City Charter to amend the franchise ordinance with respect to rates and periods of time for which rates are fixed, without a vote of the public.

I see no constitutional question which exists with the franchise. CATV is not a necessary public utility.

I have read Articles 9 and 12 of the City Charter and the pertinent sections thereof. Under the General Law, I feel that the City Council has the authority to vote for an increase in the Cablevision rates.

Very truly yours,

Ruben J. Dailey

RJD:ed

Vice-Mayor Horton then asked the City Clerk to call the roll on the third reading of Ordinance No. 877.

On a roll call vote of 4-0, Ordinance No. 877 passed on its third and final reading.

Complete text of Ordinance No. 877 will be found in Ordinance Book No. 6 at page 337.

CLAIM - PAUL EUGENE HUNTER -DAMAGE TO AUTOMOBILE

The City Manager presented a claim received from The Hartford Insurance Company on behalf of Paul Eugene Hunter for damages to his automobile.

Vice-Mayor Horton referred the claim to the Corporation Counsel for investigation and recommendation.

NOTICE OF APPEAL - MORRIS BRUCE KING - CIVIL SERVICE

The City Manager presented a notice of appeal from the decision of the Civil Service Board to the City Council in the case of the dismissal of Morris Bruce King.

Corporation Counsel William C. Moore said that under Section 38 of the Charter Appendix-Related Laws the City Council shall, at a regular session, vote on the approval or disapproval of the same. It shall require the affirmative votes of five members of the Council to disapprove the report. Lacking such five votes, the report shall be approved. In either event, the action of the City Council is final. He said the findings and recommendations of the Board are being prepared as well as the transcript of the hearing and as soon as these documents are presented to members of Council a date would be set for a public hearing on the matter.

COUNCILWOMAN SWILLING - IMPROVEMENTS TO THE DOWNTOWN AREA

Councilwoman Swilling inquired as to what steps were being taken relative to the list of improvements to the downtown area presented to Council from Quality '76.

The City Manager advised that a walking tour of the downtown area had been made and a list of improvements or violations were turned over to Mr. Johnson in the Inspection Division and Mr. Emrick in the Planning Division and these were being worked on at the present.

Adjournment.

Eugene L. Osborne Vice-Mayor
MAYOR

Herman D. Meeks
CITY CLERK

Councilman Morris said he felt Council should depend on the Corporation Counsel's opinion in this matter as well as other matters and it was his feeling that the Corporation Counsel's opinion was that Council has the authority to amend the franchise ordinance without a vote of the people and there was no reason to disregard his opinion.

Councilman Michael commented that after reviewing the ordinance, the City Charter, and the opinions from the Attorney General he now felt he could in good faith vote on the issue.

Vice-Mayor Horton said he did not feel that the Attorney General's office answered all of his seven specific questions relative to the matter. He said he did not answer some of the questions and only partly answered one of the questions. He said it was his opinion that the Attorney General's decision was based entirely on franchise ordinances granted by the City Council. However, this ordinance was not granted by the City Council but by the vote of the people.

Vice-Mayor Horton pointed out the following facts:

1) Thoms Cablevision voluntarily chose the democratic process provided by Article 12, Section 83 of the City Charter as the means to get the franchise ordinance passed.

2) This franchise ordinance was adopted properly and legally by the people of Asheville under the provisions of Article 12, Section 83 of the City Charter.

3) Article 12, Section 83 clearly states "no ordinance becoming effective as in this section provided shall be repealed or amended except by vote of the people".

4) The ordinance in question after being adopted by the vote of the people was never acted upon or passed by or actually granted by the Council, but was merely included in the minutes for the record for August 3, 1967.

5) On August 17, 1967 Thoms Broadcasting Company, Inc. presented an affidavit to City Council which reads: " Greetings, the Thoms Broadcasting Companies, Inc., a North Carolina corporation, accepts herewith the ordinance passed and the franchise for 35 years granted to it by the vote of the qualified voters of the City of Asheville at the election held July 28, 1967 and herewith assumes the privileges so granted and the obligations therein expressly set forth all as contained in the ordinance and franchise appearing in the minutes of the City Council of the City of Asheville of its meeting of August 3, 1967 to which reference is made for the terms of said ordinance and franchise."

6) On June 5, 1975 the previous City Council based its rejection of a similiar request on the same reasoning as presented here.

He concluded that based upon the foregoing facts of this particular situation and since the franchise ordinance in question was not "granted by the City Council" which is part of Section 214, but is in reality an ordinance of the people. He said it was his firm conviction and belief that for this Council to amend said ordinance would violate the democratic process of the people of Asheville. Therefore, he could not in good faith do otherwise than to oppose the proposed ordinance amendment. He said it was his hope that the mechanics for granting a rate increase for Thoms' Cablevision will be determined by the people in a referendum, which is their democratic right.

RESOLUTION NO. 76-50 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE LAND-OF-SKY REGIONAL COUNCIL WHEREBY THE PLANNING DIVISION WILL PROVIDE TECHNICAL ASSISTANCE FOR REGIONAL LAND USE PLANNING

4. Consideration was given to a resolution authorizing the Mayor to enter into a contract with the Land-of-Sky Regional Council whereby the Planning Division will provide technical assistance for Regional Land Use Planning.

The City Manager read the resolution.

Mr. Michalove, Assistant City Manager, said the Land-of-Sky Regional Council has a contract with the federal government for planning. Specifically, to develop a land use plan. The contract between the Regional Council and the City of Asheville is for $4,800.00. Of this amount, $2,400.00 would be City funds, either in cash or in services and $2,400 would be an actual cash amount that the City would receive from the Region for advice. The advice and information that the City would provide would be assistance in the formulation of population, economic and land use forecasts, assistance in compiling of an existing land use map, assistance and advice to the Land-of-Sky in reviewing material that they develop for the Region. He said this would not require any additional appropriation by the Council.

Upon motion of Councilman Rainey, seconded by Councilwoman Swilling, Resolution No. 76-50 was unanimously adopted.

Complete text of Resolution No. 76-50 will be found in Resolution Book No. 9 at page 2.

RESOLUTION NO. 76-51 - RESOLUTION APPROVING FAIR MARKET VALUE OF CERTAIN REAL PROPERTY PURCHASED FOR THE DEVELOPMENT OF MURPHY PARK

5. Consideration was given to a resolution approving fair market value of certain real property purchased for the development of Murphy Park.

The City Manager read the resolution.

Mr. Kisiah, Director of Parks and Recreation, said this was property already adjoining city property at the Murphy Park in the Oakley Section. He said $200,000 was appropriated from this years Community Development funds to acquire and develop this neighborhood park. This City owns approximately 7 acres now and this would be an additional 2.7 acres and this would also make possible a 300' Junior Size Baseball Field. He said the property has been appraised by a qualified MIA appraiser in the amount of $20,300. He said it was reviewed by another independent qualified MIA appraiser and he also concurred with this price. He said this was a HUD requirement that Council concur with this appraisal.

Upon motion of Councilwoman Swilling, seconded by Vice-Mayor Horton, Resolution No. 76-51 was unanimously adopted.

Complete text of Resolution No. 76-51 will be found in Resolution Book No. 9 at page 3.

OLD OTEEN VETERANS ADMINISTRATION HOSPITAL - HOUSING FOR THE ELDERLY

Mr. W. C. King, Director of the Asheville Housing Authority, told Council that the firm of Lawler-Wood Associates from Knoxville, Tennessee has proposed to convert the old Oteen Veterans Administration Hospital into subsidized housing for the elderly.

Thursday - March 25, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen J. W. Hoyle, Ralph D. Morris, Jr., Otis B. Michael, Gene E. Rainey, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the March 18, 1976 meeting.

Upon motion of Councilwoman Swilling seconded by Councilman Hoyle, the minutes of the March 18, 1976 meeting were approved as submitted.

ORDINANCE NO. 881 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Biltmore Forest Extraterritorial Zoning)

2. Consideration was given to the third and final reading of Ordinance No. 881, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended.

Mayor Ochsenreiter advised that members of Council had previously been furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 881, as amended, passed on third and final reading.

Complete text of Ordinance No. 881 will be found in Ordinance Book No. 7 at page 1.

RESOLUTION NO. 76-49 - RESOLUTION OF DISPOSITION OF REPROGRAMMABLE ASHEVILLE MODEL CITIES FUNDS FOR CLOSE-OUT ACTIVITIES

3. Consideration was given to a resolution of disposition of reprogrammable Asheville Model Cities Funds for close-out activities.

The City Manager read the resolution.

Mr. Logan Delany, Community Development Coordinator, explained that this resolution would authorize the carry-over balance of reprogrammable Model Cities funds in the amount of $53,123 to be used in the construction and development of the Livingston Street Neighborhood Facility Project. He said the $53,125 is practically a final figure of carry-over funds.

Upon motion of Councilman Micheal, seconded by Vice-Mayor Horton, Resolution No. 76-49 was unanimously adopted.

Complete text of Resolution No. 76-49 will be found in Resolution Book No. 9 at page 1.

This City Council would like to take further steps to help alleviate the existing and future problems of storm drainage runoff into creeks. Our proposed actions are as follows:

1) Because the County of Buncombe has agreed to supervise a cleanup project of Smith Mill Creek through the services of federally paid employees of the French Broad River Cleanup Program, a program sponsored by the Tennessee Valley Authority and funded under Title X of the Public Works and Economic Development Act of 1965; and because the City of Asheville is participating in various cleanup programs financed in whole or in part through the federal Comprehensive Employment and Training Act of 1973. The City of Asheville will assist the County of Buncombe by obtaining releases from property owners for the cleanup project and the City will use its federally funded crews and equipment to assist in this project.

   This Smith Mill Creek project will be used as a demonstration project to determine the economic feasibility of continuing such a program on other creek problems in the future.

   Because the cleanup aspect of Smith Mill Creek is only a part of what needs to be done the City will cooperate and assist the County in the other things that need to be done as are economically feasible and clearly the responsibility of the local governments.

2) This City Council will review and adopt a flood control ordinance in the near future which is a part of a national program of flood control.

3) This City Council is asking the City Attorney to meet with the County of Buncombe officials to determine the possibility of establishing Special Assessment Drainage Districts to finance the maintenance and control of the Smith Mill Creek and similiar drainage areas in the future.

GROUP DEVELOPMENT REVEIW - IMPROVEMENTS TO MEMORIAL MISSION HOSPITAL

The City Manager read a letter from the Planning and Zoning Commission relative to the site plan of proposed improvements to Memorial Mission Hospital located on Biltmore Avenue, recommendihg approval of the site plan.

Councilman Michael moved to schedule a public hearing on the matter for April 15, 1976. This motion was seconded by Vice-Mayor Horton and carried unanimously.

PROCLAMATION - NAVY BAND DAY - MARCH 27, 1976

Mayor Ochsenreiter proclaimed March 27, 1976 as Navy Band Day.

PROCLAMATION - POULTRY PRODUCTS MONTH - APRIL

Mayor Ochsenreiter proclaimed the month of April as "Poultry Products Month".

Adjournment

Eugene S. Ochsenreiter
MAYOR

William F. Holcombe
CITY CLERK

He said he felt private developers was the easiest and most feasible way to provide housing for the elderly citizens. He said the Asheville Housing Authority now operates 218 units, another 114 will be opened in the next 18 months by the Asheville Housing Authority and another 100 units by a private developer. Even with that amount of new housing 489 elderly persons remain on waiting lists for subsidized housing. He said the Lawler-Wood proposal would tremendously cut that number.

Mr. King said the developer plans to buy the old hospital building and convert it into 400 apartments ranging from efficiency to two bedroom units. He said, under the plan, neither the City, the Asheville Housing Authority or the federal government would pay any of the cost of remodeling. The developer plans to ask that the property be annexed by the City after the first 250 units are ready for occupancy, or in about a year. The Housing Authority would contract to manage the apartment complex, but neither the Asheville Housing Authority or the City would be responsible for maintenance. He said the federal government would subsidize the rent payments of the residents. He said the Department of Housing and Urban Development determines the amount of subsidy based on the resident's income so that the maximum any resident would pay would be 25 per cent of his or her monthly income.

Mr. King said included in the plan are plans for gardening by the residents on the 23½ acre tract where the building is located as well as shops, a pharmacy, and transportation services. He said it would be his recommendation for Council to give strong backing to the developer for rehabilitating this building.

After discussion, Councilman Michael suggested that the Planning Division review the plans and make a recommendation on the matter. He also suggested that a survey be made of the residents in the area about the proposal.

Council also requested Mr. King to investigate plans for health services at the apartment complex and what kind of emergency transportation would be provided to the city hospitals.

MAYOR'S STATEMENT REGARDING STORM DRAINAGE INTO CREEKS

One of the most frustrating and complex problems that we have been involved in recently is the storm drainage system of almost 100 miles of creeks that run in and out of the City Limits across public easements and rights-of-way and through private property, and to date no governmental unit has been able to legislate that water shall not run down hill.

An example of the most recent situation is the Smith Mill Creek, a once rambling mountain creek and now the product of modern urban life created by independent actions of local, state and federal governments and private enterprise. To remedy this problem entirely will take several years, several hundred thousand dollars and the full cooperation of all of those that independently contributed to the problem.

In relation to problems of creek flooding due to storm drainage the City has traditionally had to take the legal position, referenced to in the North Carolina General Statutes, that the City is under no legal responsibility to maintain or expend any funds in correction of any condition that exists on private property. This problem being the sole responsibility of the property owners contiguous with said creeks or waterways to maintain the same and to correct any unsafe conditions which occur therefrom.

However, in 1974-75 the City Council passed a new Zoning Ordinance, a Sedimentation Control Ordinance and they expanded the City zoning jurisdiction to the one mile perimeter of the City. These legislative actions will do a great deal to prevent the problems of Smith Mill Creek happening to other creeks elsewhere in the future.

boundary from R-2 and R-3 Residential to the proposed R-5 Residential (including individual mobile homes.)

Mayor Ochsenreiter opened the public hearing at 3:10 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission had recommended approval of the proposed R-5 Residential District due to the dramatic increase in the number of mobile homes in Buncombe County. He said this mode of housing could not be ignored by cities or relegated to a secondary slot as far as housing is concerned. He said the present zoning ordinance provides that mobile homes can only be used in a mobile home park which can only be located in a a R-4 or Commercial Service District. He said the Planning and Zoning Commission felt that the city had an obligation to provide sufficient portable housing alternatives to citizens under this jurisdiction and they also felt the creation of the R-5 Residential District would go a long way toward accomplishing this obligation.

Mr. Emrick then proceed to review the proposed areas to be zoned the proposed R-5 Residential District. He also reviewed the provisions of the particular zone.

Mary Evelyn Hicks spoke to Council regarding the regulation of mobile homes.

Mrs. Harry Wright, Beaver Valley Road, objected to the 10,000 sq. ft. minimum lot size. She said she felt it should be a minimum of least 1/2 acre lot.

Larry Tweed, President of the Mobile Home Association, spoke in favor of the adoption of the proposed R-5 Residential District. He cited several statistics showing the need for a mobile home district.

After discussion, Mayor Ochsenreiter closed the public hearing at 4:11 o'clock p. m.

Corporation Counsel William C. Moore read the ordinance.

Councilman Morris moved for the adoption of Ordinance No. 883. This motion was seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 883 passed on first reading.

RESOLUTION NO. 76-52 - RESOLUTION TO CLOSE TWO UN-NAMED ALLEYS AND "COURT" ALLEY

4. A public hearing was held relative to closing two un-named alleys and "Court" alley.

Mayor Ochsenreiter opened the public hearing at 4:15 o'clock p. m.

The City Manager read the advertised resolution setting the time and date for the public hearing and the affidavit of publication.

Larry Holt, of the Asheville Housing Authority, explained that the Housing Authority proposes to begin site preparation for disposition and proper development of Disposal Parcels 60, 85 and 86 for commercial and residential use, being in the East Riverside Redevelopment Project N. C. R-48, which requires the closing of these alleys. He said the two un-named alleys runs off of Asheland and South Grove Street and "Court" alley runs off of Asheland Avenue.

Thursday - April 1, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen J. W. Hoyle, Ralph D. Morris, Jr., Otis B. Michael, Gene E. Rainey, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the March 25, 1976 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilman Rainey, the minutes of the March 25, 1976 meeting were approved as submitted.

PUBLIC HEARING - REZONING WARD 4 - SHEET 2 - LOT 20 - MRS. LULA B. KUYKENDALL

2. A public hearing was held relative to rezoning Ward 4, Sheet 2, Lot 20, from R-4 Residential District to CS Commercial Service District, property owned by Mrs. Lula B. Kuykendall.

Mayor Ochsenreiter opened the public hearing at 3:02 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission had recommended approval of the rezoning for the following reasons:

1. The property is bounded on three (3) sides by existing commercial zoning.

2. Land uses in this area are predominately commercial or public.

3. Because of its location, subject property is not well suited for residential development.

4. Commercial development of this property would not introduce an incompatible use to the area.

Mr. Emrick, by the use of a map, pointed out the location of the property.

Mayor Ochsenreiter closed the public hearing at 3:07 o'clock p. m.

The City Manager read the ordinance rezoning the property as requested.

Councilman Hoyle moved for the adoption of Ordinance No. 882. This motion was seconded by Councilman Michael.

On a roll call vote of 6-0, Ordinance No. 882 passed on its first reading.

PUBLIC HEARING - REZONING PROPERTY TO A PROPOSED R-5 RESIDENTIAL DISTRICT

ORDINANCE NO. 883 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

3. A public hearing was held relative to rezoning four areas in the mile

The City Manager read the resolution.

Paul Dutcher, Traffic Engineer, explained that this resolution would request the State of North Carolina Department of Transportation to transfer designated and unexpended Urban Land Funds for the use of the City in placing traffic control devices in the Pack Square area in an effort to intensify safety control. He said the project for safety control devices on Pack Square has a cost of approximately $6,000.00.

Upon motion of Councilwoman Swilling, seconded by Vice-Mayor Horton, Resolution No. 76-54 was unanimously adopted.

Complete text of Resolution No. 76-54 will be found in Resolution Book No. 9 at page 9.

RESOLUTION NO. 76-55 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE GRANT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR PROJECT 75-01 FOR THE ASHEVILLE AIRPORT

8. Consideration was given to a resolution authorizing the Mayor to execute grant agreement with the North Carolina Department of Transportation for Project 75-01 for the Asheville Airport.

The City Manager read the resolution.

William F. Wolcott, Jr., Assistant City Manager, explained that this resolution would provide for a grant in the maximum amount of $179,934. or in an amount equal to fifty percent (50%) of the non-federal share of the total cost of the project and that this project would provide 900 square foot addition to public lobby of airline terminal; develop security checkpoint for airline loading concourse, and purchase land northwest of runway 16-34 for future runway extension.

Upon motion of Councilman Morris, seconded by Councilman Michael, Resolution No. 76-55 was unanimously adopted.

Complete text of Resolution No. 76-55 will be found in Resolution Book No. 9 at page 10.

RESOLUTION NO. 76-56 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE GRANT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR PROJECT 75-02 FOR THE ASHEVILLE AIRPORT

9. Consideration was given to a resolution authorizing the Mayor to execute grant agreement with the North Carolina Department of Transportation for Project 75-02 for the Asheville Airport.

The City Manager read the resolution.

William F. Wolcott, Jr., Assistant City Manager, explained that this resoluiton would provide for a grant in the maximum amount of $40,000 or in an amount equal to fifty percent (50%) of the non-federal share of the total cost of the project, whichever is less, and that project would allow for the construction of a crash-fire-rescue station and the updating of the comprehensive airport master plan.

Upon motion of Councilman Michael, seconded by Councilman Rainey, Resolution

Mr. Holt said the closing of these alleys would not be contrary to the public interest, but to the contrary, would be in the best interest of the public and the community.

Mayor Ochsenreiter closed the public hearing at 4:20 o'clock p. m.

Corporation Counsel William C. Moore read the resolution.

Upon motion of Councilwoman Swilling, seconded by Councilman Michael, Resolution No. 76-52 was unanimously adopted.

Complete text of Resolution No. 76-52 will be found in Resolution Book No. 9 at page 4.

AMENDED DEVELOPMENT PLANS - ONE OAK PLAZA, DISPOSAL PARCEL 30 IN THE CIVIC REDEVELOPMENT PROJECT N. C. R-13

5. Mr. W. C. King, Director of the Asheville Housing Authority, said in May, 1975, One Oak Plaza, a Partnership, received approval of Council to construct a 5-story, 60,000 sq. ft. office building on Disposal Parcel 30 in the Civic Redevelopment Project N. C. R-13, also known as the old David Millard site located on the northeast corner of the intersection of Oak and Poplar or "new Woodfin and College Streets". He said the general contract has now received approval from the Asheville Housing Authority to amend his plans to construct a 3-story, 36,000 sq. ft. office building.

After discussion, Councilman Morris moved to approve the amended development plans submitted by One Oak Plaza to construct a 3-story office building on Disposal Parcel 30 in the Civic Redevelopment Project N. C. R-13. This motion was seconded by Councilman Hoyle and carried unanimously.

RESOLUTION NO. 76-53 - RESOLUTION TO CLOSE THE STREETS LOCATED WITHIN THE GROUNDS OF THE MEMORIAL MISSION HOSPITAL OF WESTERN NORTH CAROLINA, INCORPORATED AS SHOWN AND DESCRIBED ON PAGE 95 OF PLAT BOOK 34 IN THE OFFICE OF THE REGISTER OF DEEDS FOR BUNCOMBE COUNTY AND CALLING A PUBLIC HEARING ON THE QUESTION

6. Mr. James Williams, Attorney for Memorial Mission Hospital, read a petition from the Memorial Mission Hospital, Inc., requesting that streets located within the grounds of the Memorial Mission Hospital of Western North Carolina, Inc. be permanently closed.

The City Manager advised Council that if they wished to consider the closing of these streets it would be necessary to pass a resolution setting a public hearing on the question and that if it was Council's wish he was prepared to present the resolution. On instructions from Mayor Ochsenreiter he proceeded with the presentation of the resolution.

Vice-Mayor Horton moved for the adoption of the resolution setting the date for the public hearing for April 29, 1976. This motion was seconded by Councilman Rainey and carried unanimously.

Complete text of Resolution No. 76-53 will be found in Resolution Book No. 8 at page 7.

RESOLUTION NO. 76-54 - RESOLUTION REQUESTING FUNDS FOR USE IN TRAFFIC CONTROL

7. Consideration was given to a resolution requesting funds for use in traffic contro.

CLAIM - CHARLES HENRY HOUSE AND NANCY DIANE HOUSE

The City Manager presented a claim received from Ervin L. Ball, Jr. attorney for Charles Henry House and Nancy Diane House for damages.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - NATIONAL AUCTIONEER'S WEEK - APRIL 4-10

Mayor Ochsenreiter proclaimed the week of April 4-10 as National Auctioneer's Week.

PROCLAMATION - APRIL - CANCER CRUSADE MONTH

Mayor Ochsenreiter proclaimed the month of April as Cancer Crusade Month.

LEAGUE OF MUNICIPALITIES - CONVENTION IN ASHEVILLE - OCTOBER, 1978

Mayor Ochsenreiter reported that he was pleased and honored to announce that the North Carolina League of Municipalities has plans to hold their convention in Asheville in October, 1978

COUNCILMAN HORTON - REQUEST FOR MORE TRASH RECEPTACLES IN DOWNTOWN AREA

Councilman Horton said he had been contacted about the appearance of the downtown area particularly the debris on the streets. He suggested that more trash receptacles be placed in the downtown area.

The City Manager advised that this request would be included in the upcoming 1976-77 Budget.

Councilman Horton said he would like to see more receptacles placed in the downtown area before the budget if possible.

Adjournment.

Eugene C. Ochsenreiter Jr.
MAYOR

Norman J. Wallace
CITY CLERK

No. 76-56 was unanimously adopted.

Complete text of Resolution No. 76-56 will be found in Resolution Book No. 9 at page 11.

RESOLUTION NO. 76-57 - RESOLUTION AMENDING THE 1975-76 ASHEVILLE COMMUNITY DEVELOPMENT OAKLEY PUBLIC WORKS BUDGET AND INCLUDING EASTVIEW AVENUE WATER LINE PROJECT BUDGET

10. Consideration was given to a resolution amending the 1975-76 Asheville Community Development Oakley Public Works Budget and including Eastview Avenue Water Line Project Budget.

The City Manager read the resolution and explained that this resolution would amend the Oakley Public Works Project Budget and allocate funds to support the Eastview Avenue Water Line Project in the amount of $12,000 for the Oakley Public Works Project and $6,000 for the Eastview Avenue Water Line Project.

Upon motion of Councilwoman Swilling, seconded by Councilman Hoyle, Resolution No. 76-57 was unanimously adopted.

Complete text of Resolution No. 76-57 will be found in Resolution Book No. 9 at page 12.

BIDS - SALE OF TWO (2) OBSOLETE CITY FIRE TRUCKS

11. Consideration was given to bids received March 9, 1976 for the sale of two (2) obsolete city fire trucks.

The City Manager read a memorandum from the Purchasing Agent which recommended acceptance of bid submitted by Boyce L. Ford Company in the amount of $1,501.00

Councilman Rainey moved to accept the bid submitted by Boyce L. Ford Company in the amount of $1,501.00 for the sale of two (2) obsolete city fire trucks. This motion was seconded by Councilman Hoyle and carried unanimously.

RESOLUTION NO. 76-58 - RESOLUTION AUTHORIZING DIRECTOR OF FINANCE TO SELL SURPLUS PROPERTY

12. Consideration was given to a resolution authorizing Director of Finance to sell surplus property.

The City Manager read the resolution and explained that the City is cleaning up its operating facilities on Valley Street and there is an accumulation of old used parts and pieces of equipment in and around these facilities and that these items have no trade-in value and qualify only as junk. However, under Article V, Section 32(d) of the City Charter no sale of surplus personal property having a replacement cost in excess of $100 shall be made by the Director of Finance unless direction be made by the City Council.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 76-58 was unanimously adopted.

Complete text of Resolution No. 76-58 will be found in Resolution Book No. 9 at page 13.

Vice-Mayor Horton closed the public hearing at 3:10 o'clock p. m.

The City Manager read the ordinance rezoning the property as requested.

Councilman Michael moved for the adoption of Ordinance No. 884. This motion was seconded by Councilman Morris.

On a roll call vote of 5-0, Ordinance No. 884 passed on its first reading.

ORDINANCE NO. 882 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Mrs. Lula B. Kuykendall - Ward 4, Sheet 2, Lot 20)

3. Consideration was given to the second reading of Ordinance No. 882, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended.

Mr. Carl Hyldburg expressed appreciation for expediting the matter and asked Council to consider both the second and third readings at this time.

On a roll call vote of 5-0, Ordinance No. 882 passed on its second reading

Councilman Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 882. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 882 passed on third and final reading.

Complete text of Ordinance No. 882 will be found in Ordinance Book No. 7 at page 3.

ORDINANCE NO. 883 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED (Proposed R-5 Residential District)

4. Consideration was given to the second reading of Ordinance No. 883, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended.

Councilman Rainey noted that he was voting against this ordinance, not because he opposed mobile homes but because he felt they should be located within mobile home parks and therefore providing protection to home owners within the areas.

On a roll call vote of 4-0, Ordinance No. 833 passed on its second reading.

Councilman Michael stated that he voted for the ordinance for the same reason Councilman Rainey voted against. He said his feelings are that mobile homes should be scattered unless distance between mobile homes could be controlled.

Councilman Hoyle noted that lot sizes were large enough for houses and should not present any problems.

Thursday - April 8, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Vice-Mayor Bill B. Horton, Presiding; Councilwoman JoAnn M. Swilling, Councilmen J. W. Hoyle, Ralph D. Morris, Jr., Otis B. Michael, Gene E. Rainey, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Acting City Clerk Carol Hensley

Absent: Mayor Eugene C. Ochsenreiter, Jr. and William F. Wolcott, Jr., Assistant City Manager/City Clerk

1. Approval of the minutes of the April 1, 1976 meeting.

Vice-Mayor Horton's correction to the minutes was noted relative to the second item concerning a public hearing relative to rezoning property of Mrs. Lula B. Kuykendall. The time for opening the public hearing should have read 3:02 o'clock p. m. This correction was made in the minutes.

Upon motion of Councilman Morris, seconded by Councilman Michael, the minutes of the April 1, 1976 meeting were approved as amended.

PUBLIC HEARING - REZONING WARD 12, SHEET 23, LOTS 36, 37, 38, AND 39 - MR. AND MRS. JAMES E. FISHER

2. A public hearing was held relative to rezoning Ward 12, Sheet 23, Lots 36, 37, 38, and 39 from R-3 Residential District to CH Commercial Highway District, property owned by Mr. and Mrs. James E. Fisher.

Vice-Mayor Horton opened the public hearing at 3:03 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, advised Council that the Planning and Zoning Board recommended approval of the rezoning for the following reasons:

1) The property is bounded on three (3) sides by an existing commercial zone.

2) Land uses in this area are predominately commercial or public.

3) Because of its location subject property is not well suited for further residential development.

4) Commercial development of this property would not introduce an incompatible use to the area.

Mr. Emrick, by the use of a map, pointed out the location of the property and noted that it is located in the one mile perimeter outside city limits. He said the property owners in the area have been notified.

REQUEST FROM WNC PILOTS ASSOCIATION, INC. TO HOLD AIR SHOW AT THE ASHEVILLE AIRPORT

6. The City Manager read a letter from the WNC Pilots Association, Inc. requesting permission to hold an air show at the Asheville Airport in the fall.

U. Gary Taylor said he saw no reason why they could not hold an air show providing they furnish the airport with the following information.

1. A schedule of events.
2. Proof of insurance covering each act.
3. FFA certification of waiver or authorization.
4. Provide assurance agreement with all conflicting concessions at the airport.
5. Be responsible for damages and clean up.
6. Be responsible for additional policing, directing traffic, and signs and fencing.

Mr. Taylor stated that the Pilots Association did a better job presenting the last air show.

Councilman Rainey moved that Council approve the WNC Pilots Association request contingent upon an agreement being worked out including the six (6) items mentioned by Mr. Taylor above. This motion was seconded by Councilman Hoyle and carried unanimously.

ORDINANCE NO. 885 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1976 AND ENDING JUNE 30, 1977

7. Consideration was given to Ordinance No. 885, an ordinance levying assessing, imposing and defining the license and privilege taxes of the City of Asheville for the Fiscal Year beginning July 1, 1976 and ending June 30, 1977.

The City Manager explained there were no changes from the one adopted last year and it was just a matter of adopting the existing ordinance.

Councilwoman Swilling moved to adopt Ordinance No. 885. This motion was seconded by Councilman Rainey.

On a roll call vote of 5-0, Ordinance No. 885 passed on its first reading.

RESOLUTION NO. 76-61 - RESOLUTION AUTHORIZING PURCHASE OF RADIOS FOR THE INSPECTION AND DEMOLITION DIVISION

8. Consideration was given to a resolution authorizing purchase of radios for the Inspection and Demolitions Division.

The City Manager read the resolution.

J. E. Johnson, Chief Building Inspector, advised that with more radio contact with inspectors they can answer more calls due to the fact the men don't have to come into the office to get their calls.

Upon motion of Councilman Morris, seconded by Councilman Michael, Resolution No. 76-61 was unanimously adopted.

PRESENTATION BY WHEELER AIRLINES RELATIVE TO PROVIDING FLIGHT SERVICE THROUGH THE ASHEVILLE AIRPORT

5. Consideration was given to a proposal from Wheeler Airlines Service to provide flight service through the Asheville Airport.

U. Cary Taylor, Director of Aviation, reported that Wheeler Airlines has proposed to provide service to the Asheville area consisting of eight flights with flexible schedules. He said this would, in his opinion, give the community more and better service and also bring in more revenue to the Asheville Airport and would generate more passengers in and out of the airport and possibly more passengers for the air carriers.

Councilman Michael asked Mr. Taylor if Council approved the action would he recommend that they be given approval to begin service on a temporary basis beginning on Monday, April 12? Mr. Taylor recommended that they begin temporary service on that date.

James Golding, attorney representing Wheeler Airlines locally, introduced James Allen, Jr., General Counsel, and Warren Wheeler, President of Wheeler Airlines.

Mr. Wheeler gave a resume of his business and briefly described proposed flight services as related to time schedules and service to and from other cities and how they would use the facilities at the airport.

The City Manager stated that Mr. Taylor had received a telegram confirming liability insurance coverage for Wheeler Airlines.

Vice-Mayor Horton then asked the City Manager to read the resolution authorizing execution of lease agreement and publishing notice thereof.

RESOLUTION No. 76-59 - RESOLUTION AUTHORIZING EXECUTION OF LEASE AGREEMENT AND PUBLISHING NOTICE THEREOF

The City Manager read the resolution and Mr. Taylor answered general questions relative to the agreement.

Upon motion by Councilman Morris, seconded by Councilwoman Swilling, Resolution No. 76-59 was unanimously adopted.

Complete text of Resolution No. 76-59 will be found in Resolution Book No. 9 at page 14.

RESOLUTION NO. 76-60 - RESOLUTION GRANTING TEMPORARY OPERATING PERMIT TO WHEELER FLYING SERVICE, INC. DBA WHEELER AIRLINES AT THE ASHEVILLE AIRPORT

The City Manager read the resolution.

Upon motion of Councilman Rainey, seconded by Councilman Michael, Resolution No. 76-60 was unanimously adopted.

Complete text of Resolution No. 76-60 will be found in Resolution Book No. 9 page 15.

Complete text of Resolution No. 76-61 will be found in Resolution Book No. 9 at page 16.

RESOLUTION NO. 76-62 - RESOLUTION AUTHORIZING APPLICATION TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A GRANT UNDER THE PROVISIONS OF SECTION 701 OF THE HOUSING ACT OF 1954, AS AMENDED

9. Consideration was given to a resolution authorizing application to the U. S. Department of Housing and Urban Development for a grant under the provisions of Section 701 of the Housing Act of 1954, as amended.

The City Manager read the resolution.

Verl Emrick, Director of Planning, explained that this grant is an annual supportative grant that the City sesures from HUD. He said, this year the grant will be $20,000 and the City of Asheville will be requested to match that with $10,000 in local in-kind services.

Upon motion of Councilman Michael, seconded by Councilman Rainey, Resolution No. 76-62 was unanimously adopted.

Complete text of Resolution No. 76-62 will be found in Resolution Book No. 9 at page 17.

RESOLUTION NO. 76-63 - RESOLUTION AUTHORIZING THE SALE OF OLD FIRE TRUCK

10. Consideration was given to a resolution authorizing the sale of an old fire truck.

The City Manager read the resolution.

Upon motion of Councilman Michael, seconded by Councilman Hoyle, Resolution No. 76-62 was unanimously adopted.

Complete text of Resolution No. 76-63 will be found in Resolution Book No. 9 at page 18.

GROUP DEVELOPMENT REVIEW - A-B TECHNICAL INSTITUTE

11. The City Manager read a letter from the Planning and Zoning Commission relative to the proposed Learning Resource Center of the A-B Technical Institute recommending approval of the site plan.

Councilman Morris moved to schedule a public hearing on the matter for April 29, 1976. This motion was seconded by Councilwoman Swilling and carried unanimously.

COMMUNITY DEVELOPMENT REPORT

The City Manager reported that the City of Asheville Community Development Program was monitored by a team from HUD in February of this year and that it was generally reported that the Asheville program was being carried out in an efficient and timely manner. The City Manager requested that a copy of this report be included in the minutes as it is a report the City of Asheville can be proud of.

OVERALL, HOWEVER, THE REPORT PRAISED THE CITY'S EFFORT AT TRYING TO GET PUBLIC INVOLVEMENT IN THE PROGRAM. INSTEAD OF THE MANDATORY TWO PUBLIC HEARINGS UNDER THE LAW, ASHEVILLE HAD EIGHT. AND CITY OFFICIALS WENT DOOR-TO-DOOR IN THE COMMUNITY DEVELOPMENT AREA SOLICITING IDEAS, THE REPORT SAID.

IN ITS CONCLUSIONS, THE REPORT SAYS THAT ABUSES OF THE COMMUNITY DEVELOPMENT PROGRAM ARE MORE WIDESPREAD IN THE CASES WHERE THE PROGRAM IS IMPROPERLY ADMINISTERED AND THAT HUD MUST MAINTAIN TIGHTER CONTROL OVER HOW LOCAL GOVERNMENTS SPEND THEIR FEDERAL MONEY.

THE PROGRESS INDICATED IN THESE REPORTS ARE A CREDIT TO THE CITIZENS OF ASHEVILLE, THE ADMINISTRATIVE STAFFS RESPONSIBLE FOR THE COORDINATION, IMPLEMENTATION AND EXECUTION OF THESE PROGRAMS AND A RESPONSIVE CITY COUNCIL.

THE CITY'S PLANNING EFFORTS HAVE PRODUCED A GROWING COMPREHENSIVE AND COORDINATED PLANNING AND MANAGEMENT CAPABILITY OF WHICH WE CAN ALL BE EXTREMELY PROUD.

Councilman Rainey moved that a letter of commendation be entered into the permanent files of the administration staff of the Community Development Program commending them for a job well done. Councilwoman Swilling seconded this motion which carried unanimously.

RALPH BISHOP - AFFIDAVIT RELATIVE TO POLICE CHIEF J. C. HALL

Ralph Bishop read an affidavit to Council concerning Police Chief J. C. Hall.

It was noted that this type of matter should be taken before the Civil Service Board and not the Asheville City Council.

E. R. McCARTHY - COMPLAINT ABOUT NOISE ORDINANCE

Mr. McCarthy reports muffler ordinance is not being enforced sufficiently.

Vice-Mayor Horton asked the City Manager to report back on this matter.

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STATEMENT INDICATING THE PROGRESS OF
ASHEVILLE'S COMMUNITY DEVELOPMENT PROGRAM AS DETERMINED BY THE
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE
SOUTHERN REGIONAL COUNCIL (SRC)

THE CITY OF ASHEVILLE'S COMMUNITY DEVELOPMENT PROGRAM WAS MONITORED BY A TEAM OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT STAFF SPECIALISTS IN FEBRUARY OF THIS YEAR AND IT WAS GENERALLY REPORTED AT THAT TIME IN A FOLLOW-UP COMMUNICATION FROM THE HUD AREA DIRECTOR'S OFFICE THAT "THE ASHEVILLE PROGRAM WAS BEING CARRIED OUT IN AN EFFICIENT AND TIMELY MANNER."

MORE RECENTLY IT WAS REPORTED BY THE SOUTHERN REGIONAL COUNCIL (SRC), AN INDEPENDENT ATLANTA BASED ORGANIZATION IN A STUDY OF 25 SOUTHERN CITIES HAVING COMMUNITY DEVELOPMENT PROGRAMS THAT THE FUNDS ALLOCATED FOR THE ASHEVILLE PROGRAM WERE BEING PROPERLY SPENT IN LOW AND MODERATE INCOME AREAS CONSISTENT WITH THE INTENT OF THE LEGISLATION, AND PROPERLY ADMINISTERED ON LESS THAN HALF THE AVERAGE SPENT BY OTHER PROGRAMS FOR MANAGEMENT AND ADMINISTRATION OF THE COMMUNITY DEVELOPMENT PROGRAMS. ASHEVILLE ALSO HELD IN A CONTINGENCY RESERVE FUND ALMOST TWICE THE AVERAGE IN THE SRC STUDY.

THE SRC REPORT SHOWS THAT ASHEVILLE SPENT NEARLY TWICE AS MUCH OF ITS FIRST-YEAR ALLOCATION ON PUBLIC WORKS AND SITE IMPROVEMENTS THAN THE AVERAGE OF ALL 26 CITIES. THOSE IMPROVEMENTS, INCLUDING UPGRADED STREETS AND SEWER LINES, WERE MAINLY CONFINED TO THE CITY'S DESIGNATED COMMUNITY DEVELOPMENT AREA MADE UP OF MIDDLE AND LOW INCOME NEIGHBORHOODS.

IN OTHER AREAS, ASHEVILLE EXCEEDED THE AVERAGE IN THE AMOUNT SPENT FOR BUILDING CODE ENFORCEMENT AND IT SPENT LESS THAN AVERAGE FOR PROPERTY ACQUISITION, REHABILITATION GRANTS AND LOANS, RELOCATION PAYMENTS, DEMOLITION AND REHABILITATION, PUBLIC SERVICES AND CONTINUATION OF MODEL CITIES PROGRAMS.

NONE OF THE CITY'S FUNDS WERE SPENT IN THE ELIGIBLE CATEGORIES OF URBAN RENEWAL COMPLETION AND PROJECTS TO DIRECTLY BENEFIT THE ELDERLY AND HANDICAPPED, THE REPORT SAID.

Councilman Rainey also brought up another noise pollution problem in central air conditioning units placed in homes. The noise from units keep neighbors from sleep.

PROCLAMATION - WEEK OF THE YOUNG CHILD

Vice-Mayor Horton proclaimed the week of April 12- 17 as the Week of the Young Child.

Adjournment.

MAYOR

CITY CLERK

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Verl Emrick, Planning Director, again reviewed the provisions of the ordinance.

Mr. Richard Synder, 552 Deaverview Road, asked if his property would be included in the R-5 Residential District. He was referred to Mr. Emrick for his answer.

Mrs. Harry Wright, Beaver Valley Road, again objected to the ordinance on the grounds that the 10,000 square foot lot requirement was not sufficient. She contended that the required lot size should be not less than one-half acre.

Councilman Rainey said he felt that not having R-5 Residential within the City Limits was discriminating and for that reason he did not favor the ordinance.

On a roll call vote of 4-0, Ordinance No. 883 passed on its third and final reading.

Complete text of Ordinance No. 883 will be found in Ordinance Book No. 7 at page 4.

ORDINANCE NO. 884 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (property at the corner of North Louisiana Avenue and Emma Road from R-3 Residential District to Commercial Highway District)

4. Consideration was given to the second reading of Ordinance No. 884, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Property at the corner of North Louisiana Avenue and Emma Road from R-3 Residential District to Commercial Highway District).

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 884 passed on its second reading.

ORDINANCE NO. 885 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1976 AND ENDING JUNE 30, 1977

5. Consideration was given to the second reading of Ordinance No. 885, an ordinance levying, assessing, imposing and defining the license and privilege taxes of the City of Asheville for the Fiscal Year beginning July 1, 1976 and ending June 30, 1977.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 885 passed on its second reading.

Thursday - April 15, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., Otis B. Michael, Gene E. Rainey, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman J. W. Hoyle

1. Approval of the minutes of the April 8, 1976 meeting.

Upon motion of Councilman Rainey, seconded by Vice-Mayor Horton, the minutes of the April 8, 1976 meeting were approved as submitted.

PUBLIC HEARING - GROUP DEVELOPMENT REVIEW - MEMORIAL MISSION HOSPITAL

2. A public hearing was held relative to the Group Development Review of the proposed improvements to Memorial Mission Hospital.

Mayor Ochsenreiter opened the public hearing at 3:00 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, reported that the Planning and Zoning Commission had recommended approval of the proposed improvements subject to the developer filing an approved erosion control plan. He said the proposed expansion of the hospital facilities will be undertaken in phases. Phase I will entail: 1) the McDowell Street access; 2) relocation of existing water and sewer lines; and 3) construction of a 650 car parking facility. Phase II will entail: 1) redesign of Biltmore Avenue access; 2) redesign of the parking facilities around the hospital on the eastern side; and 3) relocation of existing water and sewer service lines.

Mr. John Rogers, Architect for Six Associates, answered general questions from members of Council relative to the improvements to be made.

Mayor Ochsenreiter closed the public hearing at 3:12 o'clock p. m.

Councilman Morris moved for the approval of the proposed improvements to Memorial Mission Hospital subject to the developer filing an approved erosion control plan. This motion was seconded by Councilman Michael and carried unanimously.

ORDINANCE NO. 883 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Proposed R-5 Residential including individual mobile homes)

3. Consideration was given to the third reading of Ordinance No. 883, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Proposed R-5 Residential including individual mobile homes).

The water service in the above amounts would be required to permit the operation of an industrial plant similar to the existing Square D facility.

The City Manager also read a letter of recommendation from Mr. Bill Edens, Water and Sewer Director. He said transmission mains in the area are capable of delivering this water without any significant reinforcment.

After discussion, Councilman Rainey moved to approve the request of the Square D Company. This motion was seconded by Councilman Michael and carried unanimously.

REZONING REQUEST - CLYDE J. LEESON

The City Manager read a letter from the Planning and Zoning Commission relative to rezoning request of Clyde J. Leeson that Lots 33, 85, 64, 71, 72, 95, 34-1/4, and 73, Ward 7, Sheet 32, and Lots 178-1/2, 261, 262, 338, and 172, Ward 7, Sheet 23, be rezoned from R-3 Residential District to CS Commercial Service District. The Planning and Zoning Commission had recommended denial of the request however, the petitioners had requested a public hearing on the matter.

Vice-Mayor Horton moved to schedule a public hearing on the matter for May 20, 1976. This motion was seconded by Councilwoman Swilling and carried unanimously.

REZONING REQUEST - WACHOVIA BANK AND TRUST COMPANY AND MRS. THELMA PHIPPS

The City Manager read a letter from the Planning and Zoning Commission relative to rezoning request of Wachovia Bank and Trust Company and Mrs. Thelma Phipps that Lots 3-1/4 and 3-1/2, Ward 9, Sheet 22, be rezoned from R-3 Residential to CH Commercial Highway District.

Vice-Mayor Horton moved to schedule a public hearing on the matter for May 13, 1976. This motion was seconded by Councilwoman Swilling and carried unanimously.

REZONING REQUEST - MRS. ELIZABETH HENSLEY AND MR. JESSE M. ROSE

The City Manager read a letter from the Planning and Zoning Commission relative to rezoning request of Mrs. Elizabeth Hensley and Mr. Jesse M. Rose that Lots 5, 6, 7, 8, 9, 10, and 11, Ward 8, Sheet 17 be rezoned from R-2 Residential District to Commercial Highway District.

Vice-Mayor Horton moved to schedule a public hearing on the matter for May 13, 1976. This motion was seconded by Councilwoman Swilling and carried unanimously.

REZONING REQUEST - MRS. CAROLYN YATES AND MRS. LUCILLE HELMS

The City Manager read a letter from the Planning and Zoning Commission relative to the rezoning request of Mrs. Carolyn Yates and Mrs. Lucille Helms that Lots 154, 22-1/4, and 115, Ward 8, Sheet 31, be rezoned from R-2 Residential District to Commercial Highway District.

Vice-Mayor Horton moved to schedule a public hearing on the matter for May 13, 1976. This motion was seconded by Councilwoman Swilling and carried unanimously.

PRESENTATION RELATIVE TO THE DOWNTOWN BUSINESS DISTRICT

6. Mr. Charles R. Kern, President of John Carroll and Company, Inc., and speaking on behalf of the Central Asheville Association and Mid-City Merchants Council, asked Council to create a special tax district downtown to finance redevelopment through an independent Center Asheville Authority which would plan and direct the rebuilding efforts. He said the authority would be made up of downtown business people and property owners, plus those possessed of a needed talent. Although it would be responsible to City Council, the authority would be politically independent and it would operate through an administrator responsible only to the authority. He said its first priority would be to create an additional 1,000 downtown parking spaces by acquiring property not suitable for business development. Eventually, all off-street parking would be free and all on-street parking would be on secondary streets to improve traffic flow. He said the authority would also prepare land for economic development for downtown housing such as apartments and condominiums to orient the focus of growth inward rather than toward the suburbs. He said the objectives were roughly defined and he did not estimate the amount of additional taxation necessary to accomplish them. But he said although downtown now provides 25% of the city's tax base, that share is decreasing. He said, if the center city tax base continues to dissipate, the rest of the city must expect an increase in taxes to compensate for the loss. He said their purpose is to enhance and to increase the value of each and every parcel of land in center city through economic development. He said those most concerned and most likely to benefit must bear the financial responsibility for their own salvation. He said the city should not succumb to a pedestrian mall mania but create off-street parking, improve traffic flow and increase downtown security. He warned against trying to solve economic problems of the city with architectural solutions or aesthetic programs. Instead, he said improved aesthetics would be the end results of an economically healthy downtown area.

Mr. George Tisdale, District Manager of Southern Bell, opposed Mr. Kern's proposal saying that there are already enough laws to accomplish downtown redevelopment without a special district. He argued that the new tax would be unfair.

Mr. George Beverly, Jr. said he didn't think parking is much of a problem and the proposed project would require millions of dollars and thus a prohibitively high tax rate. He asked Council to give any plans for creating a special tax district a lot of thought.

Mr. Paul Goodman, Mr. John Veach, Mr. Frank Coxe, and Mr. Parker all spoke in favor of Mr. Kern's proposal.

REQUEST FROM SQUARE D COMPANY FOR WATER SERVICE TO LOTS 36 AND 43, SHEET 26, HAZEL WARD

7. The City Manager read a letter of request for water service to Lots 36 and 43, Sheet 26, Hazel Ward, from the Square D Company. The letter stated that the water demand projections would be as follows:

Year	Gallons Per Day Maximum 8-hr. Demand 7:00 a. m. - 3:00 p. m.	Maximum Usage
1978	40,000	50,000
1979	60,000	75,000
1980	75,000	100,000
1981	125,000	150,000
1982	150,000	200,000

Mr. Don Walsh, of the Water and Sewer Department, said this encroachment was for the extension of service for sections of the Brookwood Subdivision being opened for development at this time. He said this 8-inch water line is to be installed by Heritage, Inc., at no expense to the City and will be installed by the contractor according to the City's specifications and inspection and will be turned over to the City for maintenance and ownership after the installation is approved.

Upon motion of Councilman Rainey, seconded by Vice-Mayor Horton, Resolution No. 76-65 was unanimously adopted.

Complete text of Resolution No. 76-65 will be found in Resolution Book No. 9 at page 20.

RESOLUTION NO. 76-66 - RESOLUTION TO AMEND RESOLUTION CONCERNING AGREEMENT TO UNDERTAKE DEVELOPMENT OF A SECTION 201 FACILITIES PLAN AS REQUIRED BY PUBLIC LAW 92-500

Consideration was given to a resolution to amend resolution concerning agreement to undertake development of a section 201 Facilities Plan as required by Public Law 92-500.

The City Manager read the resolution.

Ken Michalove, Assistant City Manager, said this resolution would reaffirm the City's designation of The Metropolitan Sewerage District of Buncombe County, North Carolina to serve as "Lead Agency" in connection with the Section 201 Facilities Plan, in general, and in particular with respect to a Sewer System Evaluation Survey, and does agree to pay its pro-rata share of the cost of conducting the required Sewer System Evaluation Survey, based on the amount of necessary effort expended on the system within the jurisdiction of the City of Asheville.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Swilling, Resolution No. 76-66 was unanimously adopted.

Complete text of Resolution No. 76-66 will be found in Resolution Book No. 9 at page 21.

RESOLUTION NO. 76-67 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

Consideration was given to a resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as amended.

The City Manager read the resolution.

Verl Emrick, Planning Director, said this was a supplemental annual grant received from the Department of Transportation.

Upon motion of Councilman Michael, seconded by Councilman Morris, Resolution No. 76-67 was unanimously adopted.

Complete text of Resolution No. 76-67 will be found in Resolution Book No. 9 at page 22.

REZONING REQUEST - MRS. GUS BARLAS AND MR. JOHN BARLAS

The City Manager read a letter from the Planning and Zoning Commission relative to the rezoning request of Mrs. Gus Barlas and Mr. John Barlas that Lots 50, 51, 52, and 68, Ward 21, Sheet 10 be rezoned from R-3 Residential District to Commercial Highway District.

Vice-Mayor Horton moved to schedule a public hearing on the matter for May 20, 1976. This motion was seconded by Councilwoman Swilling and carried unanimously.

WORDING AMENDMENTS TO ARTICLE 4, SECTION 30-4-5 AND ARTICLE 6, SECTION 30-6-1 OF ORDINANCE NO. 322

The City Manager read a letter from the Planning and Zoning Commission relative to wording amendments to Article 4, Section 30-4-5 and Article 6, Section 30-6-1 of the Zoning Ordinance #322.

Vice-Mayor Horton moved to schedule a public hearing on the matter for May 20, 1976. This motion was seconded by Councilwoman Swilling and carried unanimously.

RESOLUTION NO. 76-64 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA BOARD OF TRANSPORTATION FOR A WATER LINE EXTENDING NORTH WESTERLY ACROSS STATE ROAD 280 (LONG SHOALS ROAD) FOR A DISTANCE OF 50 FEET.

Consideration was given to a resolution authorizing the Mayor to execute right-of-way encroachment agreement with the North Carolina Board of Transportation for a water line extending north westerly across State Road 280 (Long Shoals Road) for a distance of 50 feet.

The City Manager read the resolution.

Mr. Don Walsh, of the Water and Sewer Services, said this will serve the proposed Spring Valley Sub-Division being built by Mr. Kenneth Partin.

Upon motion of Councilman Morris, seconded by Councilwoman Swilling, Resolution No. 76-64 was unanimously adopted.

Complete text of Resolution No. 76-64 will be found in Resolution Book No. 9 at page 19.

RESOLUTION NO. 76-65 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT -OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA BOARD OF TRANSPORTATION FOR A WATER LINE EXTENDING NORTHERLY ALONG STATE ROAD 3157 WESTON ROAD, BUNCOMBE COUNTY FOR A DISTANCE OF 1,200 FEET

Consideration was given to a resolution authorizing the Mayor to execute right-of-way encroachment agreement with the North Carolina Board of Transportation for a water line extending northerly along State Road 3157 Weston Road, Buncombe County for a distance of 1,200 feet.

The City Manager read the resolution.

AIR CONDITION SYSTEMS - NOISE - REPORT

The City Manager read the following report from Mr. J. E. Johnson, Inspections and Demolitions, in response to an inquiry from Councilman Rainey at last weeks Council meeting.

MEMORANDUM TO: *Ernest J. Ward, Jr.*
City Manager

FROM: *J. E. Johnson*
Inspections & Demolitions

SUBJECT: *Air Condition Absorption System*
Noise

1. *Under Section 18-12 - Noise B-13 "Code of Ordinances, City of Asheville, North Carolina" any operational deficiencies, malfunction or disrepair causing excessive noises would be a violation;*

2. *The placement of absorption system is governed by the North Carolina State Building Code, Volume III, Heating-Air Conditioning, Refrigeration and Ventilation 1971 Edition, Chapter XVIII - 1803, Location and 1804, Installation. This Ordinance #748 was adopted August 17, 1972 by City Council and is administered by the Western North Carolina Air Pollution Control Board;*

3. *The Asheville City Zoning Ordinance, Ordinance #322, as amended covers the setback requirements ie sides, rear and front yard;*

4. *The Inspections and Demolitions Division is responsible for enforcement of 1 and 3 above and the Western North Carolina Air Pollution Control Board for enforcement of number 2 above;*

5. *The Inspections and Demolitions Division of the City of Asheville should be responsible for enforcement of all three codes mentioned above to insure proper compliance.*

Councilman Rainey commended Mr. Johnson for the report and suggested that an ordinance be prepared for Council's consideration which would require vendors to obtain a permit from the Inspections Division for installation of air conditioning units thereby making provisions for the inspectors to enforce the setback requirements under the Asheville City Zoning Ordinance relative to air conditioning units.

RESOLUTION NO. 76-68 - RESOLUTION APPOINTING JOHN S. STEVENS, AN IMPARTIAL PERSON, TO CONDUCT A PUBLIC HEARING TO OBTAIN THE VIEWS OF CITIZENS ON THE PROPOSED CONSTRUCTION OF IMPROVEMENTS TO THE ASHEVILLE AIRPORT

Consideration was given to a resolution appointing John S. Stevens, an impartial person, to conduct a public hearing to obtain the views of citizens on the proposed construction of improvements to the Asheville Airport.

The City Manager read the resolution.

Upon motion of Councilman Rainey, seconded by Councilwoman Swilling, Resolution No. 76-68 was unanimously adopted.

Complete text of Resolution No. 76-68 will be found in Resolution Book No. 9 at page 23.

Mayor Ochsenreiter made the following statement relative to the public hearing on the proposed construction of improvements to the Asheville Airport:

"The purpose of the meeting to be held Tuesday, April 20, 1976 is to review only the impact on the environment of extending the Asheville Airport runway. This hearing is not held to condemn or acquire anyone's property in Buncombe or Henderson County. Nor is it a hearing on possible future expansion of airport facilities, except the runway."

Councilman Michael made the following statement relative to the public hearing on the proposed construction of improvements to the Asheville Airport:

"I think that the airport, if expanded, should be done so under the direction of a regional aviation authority with support from surrounding counties that utilize the airport. As the airport stands, it is quite adequate for the needs of the fifty-five thousand people that live in the City of Asheville. The expansion would benefit the people of Western North Carolina much more than the City of Asheville. The City of Asheville budget cannot afford $500,000.00 for expansion extending the runway and improvements for the Asheville airport. If necessary, the name of the airport could be changed to Land of the Sky, Asheville-Buncombe Airport, or Western North Carolina Regional Airport. I am saying all of this because I think this is the only way to cut the city budget and to give city employees the raises that they desire and deserve and upgrade city services. Last year we had over a million dollars surplus and this year according to predictions, we will use that surplus and be a million dollars in the red at the end of the year if we do all of the things that are proposed. The City of Asheville is fast becoming a city with yearly monetary deficits, due to decreasing revenues and increasing responsibilities."

PROCLAMATION - NATIONAL SECRETARIES WEEK - APRIL 18-24, 1976

Mayor Ochsenreiter proclaimed the week of April 18-24, 1976 as National Secretaries Week.

PROCLAMATION - NATIONAL YWCA WEEK - April 18 - 24, 1976

Mayor Ochsenreiter proclaimed the week of April 18-24 as National YWCA Week.

MRS. ELROD - PUBLIC HOUSING

Mrs. Elrod requested the City Manager to read the following statement:

"The United States Supreme Court has ruled that any further public housing, in a given geographic area, may be prohibited by a public referendum. It is requested that I be informed of the procedures for calling for such a referendum in my area. Could the area be described as a certain ward or a certain part of Asheville or would it have to cover the whole city?

I assume a petition must be circulated and signed calling for such referendum. What percentage of the voters must sign? Does it conform to the rules for any other question so submitted?

Will the City Council promptly call a referendum if such petition is submitted?

If any of the questions and regulations concerning the above are not known to the City Council, it is requested that the City Attorney answer them or obtain the information from the State's Attorneys office."

Mrs. Elrod said she was referring to another 250 low-rent housing units being built within 300 ft. of the existing Pisgah View Apartments. She said she felt it unfair to the property owners in the area.

She asked what would happen to such a petition if she obtained one.

Ken Michalove, Assistant City Manager, said it was his understanding that this project was in the preliminary stages but was going to be constructed by private enterprise under Title 8 funding. He said approval of the project would come from the HUD office in Greensboro as well as the Planning and Zoning Commission and the Asheville City Council.

Mayor Ochsenreiter informed Mrs. Elrod that she would be kept informed of each step taken in this project and she would be allowed to speak on the matter.

PUBLIC EMPLOYEES COMMITTEE - JIM OWEN - PROPOSALS

Jim Owen of the Police Department, spokesman for the public employees commitee presented the following proposals:

Proposals for Nonsupervisory City Employees - City of Asheville, N. C.

1. Have a workable grievance procedure with an impartial person or persons to make decisions.

2. Ask for salary increase for all except advisory personnel.

$100.00 month - police
$125.00 month - street and sanitation workers, water department employees, meter repairmen, sign shop workers, painters, cemetary workers, meter readers.
$130.00 month - clerk typist, meter maids.

IMPROPER MUFFLERS - REPORT

In response to a complaint received from Mr. E. R. McCarthy at last weeks meeting Chief Hall made the following report:

1975 - 269 arrested for improper mufflers
Conviction rate of 218

First 3 months of 1976 - 42 arrested for improper mufflers
April, 1976 - 17 arrested for improper mufflers.

Chief Hall said the Police Department was doing their best to enforce the noise control ordinance relative to mufflers however it was very difficult to enforce improper mufflers on motorcycles.

REQUEST OF MERCHANTS ASSOCIATION - FREE ON-STREET PARKING - APRIL 19, 1976

The City Manager read a request from the Asheville Merchants Association requesting that free on-street parking be granted on Monday, April 19, 1976 beginning at 10:00 a. m.

Councilman Morris moved to approve the request of the Asheville Merchants Association for free on-street parking on Monday, April 19, 1976 beginning at 10:00 a. m. This motion was seconded by Vice-Mayor Horton and carried unanimously.

DISCHARGING OF FIREARMS IN THE CITY LIMITS

Councilwoman Swilling said at a meeting she attended at Aycock School someone wanted information relative to the discharging of firearms in the City Limits. She said under the Asheville City Charter it is illegal to discharge firearms in the City Limits and this information had been forwarded to the party. She said she was bringing this information to the public's attention in order to prevent further discharging of firearms in the City Limits.

COMPLAINT RELATIVE TO CHARGES AT THE ASHEVILLE CIVIC CENTER

Mr. Brooks, appeared before Council complaining about the additional charge of $2.00 per table charged in connection with dances and similar functions at the Asheville Civic Center. He asked that this additional charge be eliminated.

Mayor Ochsenreiter said this matter would be investigated by the Department Head for the Civic Center.

PETITION - ECHO HILLS - FIRE HYDRANTS

Mr. Don Hutton presented a petition from the property owners in Echo Hills requesting the city to provide adequate fire protection to their area. Mr. Hutton proceeded to read the petition which contained approximately 28 names.

The City Manager advised that this request would be included in the 1976-77 Budget.

Thursday- April 22, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., Gene E. Rainey, J. W. Hoyle, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Bill B. Horton and Councilman Otis B. Michael

1. Approval of the minutes of the April 15, 1976 meeting.

Councilman Rainey noted that the minutes should be corrected to reflect a vote of 4-1 on Ordinance No. 883 instead of a vote of 4-0.

Upon motion of Councilwoman Swilling, seconded by Councilman Hoyle, the minutes of the April 15, 1976 meeting were approved as corrected.

ORDINANCE NO. 884 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (property at the corner of North Louisiana Avenue and Emma Road)

2. Consideration was given to the third reading of Ordinance No. 884, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (property at the corner of North Louisiana Avenue and Emma Road from R-3 Residential District to Commercial Highway District).

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 884 passed on its third and final reading.

Complete text of Ordinance No. 884 will be found in Ordinance Book No. 6 at page 7.

ORDINANCE NO. 885 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1976 AND ENDING JUNE 30, 1977

3. Consideration was given to the third and final reading of Ordinance No. 885, an ordinance levying, assessing, imposing and defining the license and privilege taxes of the City of Asheville for the Fiscal Year beginning July 1, 1976 and ending June 30, 1977.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 885 passed on its third and final reading.

Complete text of Ordinance No. 885 will be found in Ordinance Book No. 6 at page 8.

Substantial increase for rest of nonsupervisory employees.

3. City of Asheville should pay full cost of all S & A (hospital insurance). Increase each year death benefits to $5,000.00.

4. Longivity.
   2 years - 1%
   5 years - 2-1/2%
   10 years - 4 %
   15 years - 6%
   20 years - 7-1/2%

5. Street, sanitation, etc. pension of 3% to be based on a 40 hour work week only. No pension to be deducted from overtime.

6. Time and a half pay or compensatory time back for court appearance for police when not on active duty. (as other cities in North Carolina have)

7. Change present pension language concerning city employees death benefits to read that pension go to child or children until age 18 even if spouse dies or remarries.

8. A cost of living increase.

Signed: City of Asheville Public Employees

" Referring to the Asheville Policemen and Firemen Pension Fund, After a cursory examination of the pension fund ordinance, we seriously question that there are sufficient funds to meet the obligations due to the employees of the City of Asheville. To the best of our knowledge, we have never had a report or an audit or account of the pension and we don't believe there is enough funds to meet individual accounts in the pension system. We would appreciate your answer to this statement."

Vice-Mayor Horton requested that the City Manager prepare a general statement for next week's meeting relative to the question of the Policemen and Firemen's Pension Fund.

APPOINTMENT OF RONALD J. SHIGLEY TO THE MAYOR'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED

Mayor Ochsenreiter announced the appointment of Mr. Ronald J. Shigley as Chairman of the Mayor's Committee on Employment of the Handicapped.

Adjournment.

Eugene B. Ochsenreiter Jr.
MAYOR

Norman J. Malcolm, Jr.
CITY CLERK

Bid Summary

Bidder	Bid Unit	Total
Supply Specialties	$302.00	$7,248.00
Pump & Lighting	353.40	8,481.60
Davis Meter and Supply	299.89	7,197.36
Silverman Company	235.00	5,640.00
U. S. Pipe & Foundry Co.	331.85	7,964.40
American-Darling Valve & Manfg.	279.50	6,708.00

BIDS - ONE (1) TOTAL COPY SYSTEM FOR SERVICE AND INFORMATION OFFICE

7. Consideration was given to bids received April 20, 1976 for one (1) total copy system for Service and Information Office.

The City Manager read a memorandum from the Purchasing Agent which stated that two bids were received. However, only one bid, submitted by Addressograph Multigraph Corporation was responsive. The bid submitted by Gray and Creech, Inc. for an A-B Dick Model 1600 Copier/Printer does not meet specifications. Therefore, it was recommended that the second low bid of Addressograph Multigraph Corporation in the amount of $19,800.00, be accepted.

The City Manager also read a memorandum from Jim Robinson, Public Information Officer, stating that after meeting with representatives of both bidding companies he would recommend the acceptance of the bid submitted by Addressograph Multigraph. He said the bid specifications requested that the master making portion of the system use the dry electrostatic process, and the A-B Dick system does not meet this specification. He said he had personally observed both systems in operation and the dry process is far more superior than the wet process. He said there is no trained serviceman available in the area for the A-B Dick 1600. He said the Addressograph Multigraph machine meets all of the specifications requested in the notice and they have a qualified, trained serviceman for the machine in Asheville as a property owner and he can be contacted 24 hours a day and can be available at a moment's notice. He said, for these reasons he would recommend the second low bid of Addressograph Multigraph in the amount of $19,800.00.

Upon inquiry of Councilman Rainey, Jim Robinson, Public Information Officer, explained that this machine was being purchased to provide an in-house printing shop. He said in a survey made, in excess of $47,000 was spent for outside printing last year. He said he felt the City would be in a position to do most of the printing for all city offices if this machine was purchased.

Councilman Rainey moved to table the matter until next week until some justification for the purchase could be presented. This motion was seconded by Councilman Hoyle and carried unanimously.

BIDS - TWO (2) DIESEL TRACTORS FOR PARKS AND RECREATION DEPARTMENT

8. The City Manager advised that consideration of this bid would be presented at the April 29, 1976 meeting.

RESOLUTION NO. 76-69 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA BOARD OF TRANSPORTATION FOR AN 8-INCH WATER LINE CROSSING NORTH CAROLINA 191 (BREVARD ROAD)

4. Consideration was given to a resolution authorizing the Mayor to execute right-of-way encroachment agreement with the North Carolina Board of Transportation for an 8-inch water line crossing North Carolina 191 (Brevard Road).

The City Manager read the resolution and explained that this resolution was necessary for an 8-inch water line crossing Brevard Road for a connection to serve the proposed Western North Carolina Farmers Market complex.

Upon motion of Councilman Morris, seconded by Councilman Rainey, Resolution No. 76-69 was unanimously adopted.

Complete text of Resolution No. 76-69 will be found in Resolution Book No. 9 at page 24.

BIDS - ONE (1) FOUR DOOR SEDAN FOR COMMUNITY DEVELOPMENT PROJECT

5. Consideration was given to bids received April 20, 1976 for one (1) four door sedan for the Community Development Project.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Apple Tree Chevrolet in the amount of $4,007.16.

Logan Delany, Community Development Coordinator, said the automobile will be used by the Administrative staff of the Community Development Project.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bid to Apple Tree Chevrolet in the amount of $4,007.16. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

Bidder	Bid
Apple Tree Chevrolet	$4,007.16
Dorato Motors, Inc.	$4,013.36

BIDS - FIRE HYDRANTS FOR WATER AND SEWER DEPARTMENT

6. Consideration was given to bids received April 20, 1976 for twenty-four fire hydrants for the Water and Sewer Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Silverman Company in the amount of $235.00 per unit totaling $5,640.00.

Bill Edens, Water and Sewer Director, said the new hydrants would be used to replace [illegible] hydrants in the City Limits.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to Silverman Company in the amount of $235.00 per unit totaling $5,640.00. This motion was seconded by Councilman Rainey and carried unanimously.

REQUEST FOR PARK BENCHES - BILTMORE VILLAGE ASSOCIATION

Mr. Bernard August, representative of the Biltmore Village Association, asked if the City would donate any old park benches to the Association for placement in Biltmore Village.

Mayor Ochsenreiter instructed the City Manager to look into the request of the Biltmore Village Association.

PROCLAMATION - PRIVATE PROPERTY WEEK - APRIL 18-24, 1976

Mayor Ochsenreiter proclaimed the week of April 18-24 as Private Property Week.

PROCLAMATION - FAIR HOUSING MONTH - APRIL

Mayor Ochsenreiter proclaimed the month of April as Fair Housing Month.

ANTHONY REDMON - BIDS ON TOTAL COPY SYSTEM

Mr. Anthony Redmon, attorney for Gray and Creech, Inc., appeared before Council to speak on behalf of the bid submitted by Gray and Creech, Inc.

Councilman Morris informed Mr. Redmon that this matter would be considered at the meeting on April 29, 1976.

Councilman Morris also requested that the staff provide Council with copies of the specifications for the total copy system machine.

CAL JONES - BUNCOMBE COUNTY VETERANS COUNCIL

Mr. Cal Jones, Buncombe County Veterans Council, asked if the City would fly their flags during the Bicentennial year.

Mayor Ochsenreiter instructed the City Manager to look into the request of Mr. Jones.

COUNCIL NIGHT - APRIL 26, 1976 - EAST ASHEVILLE COMMUNITY CENTER

James Robinson, Public Information Officer, advised that Council Night would be held on April 26, 1976 at the East Asheville Community Center at 7:30 p. m.

Adjournment.

Eugene S. Ochsenreiter
MAYOR

Miriam S. McCracken
CITY CLERK

MORRIS BRUCE KING - APPEAL FROM DECISION OF CIVIL SERVICE BOARD - DISCHARGE

Councilman Morris moved to schedule the appeal of Morris Bruce King of the Civil Service Board's ruling on his discharge for April 29, 1976. This motion was seconded by Councilwoman Swilling and carried unanimously.

CLAIM - ROBIN G. EDWARDS LAKE

The City Manager presented a claim received from William A. Parker, Attorney for ROBIN G. EDWARDS LAKE for damages.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - LAMBERT FRANKLIN MELTON

The City Manager presented a claim received from Robert B. Willson, Attorney for LAMBERT FRANKLIN MELTON for damages.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

PROPOSED SOUTHWEST R-5 RESIDENTIAL DISTRICT

Verl Emrick, Planning Director, requested that Council set a public hearing date to consider a proposed Southwest R-5 Residential District.

Councilman Hoyle moved to schedule a public hearing on the matter for May 13, 1976. This motion was seconded by Councilman Morris and carried unanimously.

REPORT RELATIVE TO POLICE AND FIRE PENSION FUNDS

At the request of Council, Michael Smith, Personnel Director, presented a report to members of Council relative to the police and fire pension funds and reviewed the provisions of such funds. He covered such areas as contributions to the fund, benefits, disability, retirements, deficits, etc.

Mr. Smith answered general questions from members of Council relative to funding and auditing of the accounts for each pension fund.

WESTERN NORTH CAROLINA AIR POLLUTION AGENCY

Mrs. Aileen Highsmith, a member of the Board, and Ronald Boone, Executive Director of the Agency, reviewed their 1976-77 budget and requested Council to continue their financial support of the program. They said Council's support was necessary in order to proceed with their submission of an application for federal funding for the agency.

Council was reluctant on such short notice to take any immediate action but assured them that they would give the program every consideration as they reviewed the upcoming 1976-77 budget.

and we feel that this standing alone with no further evidence does not warrant the dismissal of this employee. Now I would also point out and I think it is important to note, I think it is important from the Councils' position to note that if this was such an important problem or an offense or omission on the part of individual why is it that the man who is his immediate supervisor and who the record indicates shares the same office with him did not open his mouth and mention one word about it until it came out in a letter of dismissal. To me, this is not management of an office.

Now, the third and final item is the allegation that Mr. King was suppose to have told somebody that they could put a trailer or mobile home in the City Limits of Asheville. The only evidence that appears anywhere in the record to support this is the statement by Mr. Lance that Mr. King told him this, that he had done this. Well, this on itself would be nothing more than a naked confession which standing alone would not mean anything. Any more than I could come in and say I murdered somebody but without a body we haven't got a crime. Where is this trailer, where is this individual, who is this individual, the City could not come forth with that. Now these are the technical points that I wish to bring to City Council's attention. The other concern that I have is probably more broadly based. I have found that if you want to get rid of an employee, thats no problem, you can make life miserable enough to get rid of an employee. But what we are dealing with here is an employee of a technical area of the City. A Building Inspector, and I believe it is the responsibility of the City of Asheville to provide the best building inspectors that can possibly be found to fill these jobs. The best available that money will buy. Every witness on behalf of Mr. King came in and stated that he was a good building inspector, a hard building inspector, that he was tough, thats what he's being paid for, if there are personality problems, of which I think this thing boils down to; a personality and an attitude problem, the solution to that is to not throw the baby out with the bath water. But to try and resolve those problems within the department before it reaches a dismissal state. The testimony as set forth in the record clearly indicates, from questioning of Mr. Smith, the Personnel Director, right on through that these problems were never discussed with Mr. King. That nothing was done to try to resolve this problem in order to presever Mr. King's technical ability for the taxpayers in the City of Asheville. This is the reason that we have brought this appeal forward. Hoping that reconsideration will be given for the purpose of returning this man to his job where he can perform a valuable city function. We feel that much in the way of morale for many city employees rest in this case. Because as this case shows a man never knows where he stands with his supervisor. For these reasons we respectfully submit and request and pray that the ruling of the Civil Service Board be reversed. I would add that the other findings of fact, standing either alone or together, would in no way warrant the dismissal of anybody. Thank you very much."

Corporation Counsel Moore read Section 38 of the City Charter outlining the procedures for such cases. He pointed out that Council shall vote on the approval or disapproval of the Civil Service Boards report. It shall require the affirmative vote of five (5) members of Council to disapprove the report. Lacking such five (5) votes the report shall be approved. In either event the action of the City Council is final.

Mayor Ochsenreiter then requested the City Clerk to call the roll and requested that each member state whether they approve or disapprove of the Civil Service Board's report.

Thursday - April 29, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., Gene E. Rainey, J. W. Hoyle, Otis B. Michael, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the April 22, 1976 meeting.

Upon motion of Councilwoman Swilling, seconded by Councilman Hoyle, the minutes of the April 22, 1976 meeting were approved as submitted.

APPEAL OF BRUCE KING FROM DECISION OF CIVIL SERVICE BOARD

2. Mayor Ochsenreiter advised that members of Council had previously received proceedings of the hearing held before the Civil Service Board.

Mr. Buck Talman, attorney for Bruce King, made the following presentation:

"I will be directing my comments primarily to three of the findings of fact. I believe Council has been furnished with a brief summary of the exceptions to the findings of fact and conclusions of law that were contained in the order of the Civil Service Board. The first allegation with which we take exception and took exception at the hearing and believe objected to at its being considered at that time and reserved my objections for the purpose of this meeting is this.

On February 5, 1975, Mr. King was accused of and allegedly used profanity to a female employee of the City of Asheville at the Fire Department. He was placed on ninety (90) days' probation as a result of that alleged conduct. Those ninety (90) days' expired and since that first incidence, in February, 1975, there has been no allegation of any reoccurence of any such conduct and we vigorously take exception to it being included at this juncture as a reason for his dismissal. Some 11 months later. I strongly feel that if this type of policy is allowed then there will be no such thing as ever getting off probation for any City employee and from the stand point of equity, what is right, both from the standpoint of moral for other city employees I feel that this should be stricken from his record as a cause of this dismissal.

Our second concern is the findings of fact in regard to an alleged refusal to make an inspection. I would point out that no where in the record does it indicate that this directive was issued to Mr. King by any individual in a supervisory capacity over Mr. King. That the statute that was relief upon by Mr. Gary Lance, of the Building Inspection Office, which I requested that he read into the record makes that inspection a permissive one, not a mandatory inspection, and it should be only reasonably concluded that a building inspector is in a better position to determine when an inspection should be made than a secretary in an office. It is to be pointed out that this particular project was under the supervision of an architect that the inspection was made shortly afterward by the inspector that normally did that work and that no indication that any ordinance was violated, any regulation was violated, and certainly no General Statute was violated

Mayor Ochsenreiter opened the public hearing at 3:20 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, reported that the Planning and Zoning Commission had recommended approval of the site plan subject to the following:

1) Compliance with the recommendations from the Water and Sewer Department; and
2) Submission of a satisfactory Erosion Control Plan.

He said these conditions had been satisfied to the Planning and Zoning Commission's satisfaction.

By the use of a map, Mr. Emrick reviewed the locaton of the proposed center.

Ray Bailey, of the Asheville-Buncombe Technical Institute, answered general questions relative to the use of the facilities.

Mayor Ochsenreiter closed the public hearing at 3:25 o'clock p. m.

Councilman Morris moved to approve the site plan of the proposed Learning Resource Center at Asheville-Buncombe Technical Institute. This motion was seconded by Councilman Hoyle and carried unanimously.

PRESENTATION OF REQUEST BY CITIZENS OF FRANCES AND METCALF STREETS FOR THE ESTABLISHMENT OF A MINI-PARK

5. The City Manager read a letter from the Parks and Recreation Advisory Board which recommended that the City purchase and develop the property at the corner of Frances Street and Metcalf Street for the purpose of establishing a small mini-park tot lot for the residents of West Asheville in this area.

Mr. Ray Kisiah, Director of Parks and Recreation, read a petition from residents in the Frances and Metcalf Streets area which requested the City to provide a play area for the children in the area. The petition stated that if the City would acquire the lot at the corner of Frances and Metcalf Streets for this purpose, voluntary labor by residents in the area would be provided for the clean up of the lot.

Mr. Kisiah recommended approval of this request and said this could be accomplished for a cost of approximately $7,500.

Mrs. Aileen Ingram, of Frances Street, spoke to Council on the need for such a mini-park.

After discussion relative to budget preparation, leasing, and liability of the City, the City Manager was instructed to review the matter and report his findings back to Council.

PRESENTATION BY LAWLER-WOOD ASSOCIATES - DEVELOPMENT OF FORMER OTEEN VA HOSPITAL FACILITIES INTO APARTMENT FACILITIES

6. Rodney Lawler, President of Lawler-Wood and Associates of Knoxville,

Councilman Rainey - "I approve" - stating that he approved but he felt the grounds for dismissal was marginal. The evidence was not over whelmingly convincing but he found enough convincing evidence to approve of the report. He said in future cases, he requested that it contain more than one incidence of alleged violations.

Councilman Hoyle - "I approve"
Councilwoman Swilling - "I approve"
Vice-Mayor Horton - "I approve"
Councilman Michael - "I approve"
Councilman Morris - "I approve"

Mayor Ochsenreiter declared the ruling of the Civil Service Board upheld in regard to the Bruce King appeal.

PUBLIC HEARING - CLOSING STREETS LOCATED WITHIN GROUNDS OF MEMORIAL MISSION HOSPITAL

RESOLUTION NO. 76-70 - RESOLUTION TO CLOSE THE STREETS LOCATED WITHIN THE GOUNDS OF THE MEMORIAL MISSION HOSPITAL OF WESTERN NORTH CAROLINA, INCORPORATED AS SHOWN AND DESCRIBED ON PAGE 95 OF PLAT BOOK 34 IN THE OFFICE OF THE REGISTER OF DEEDS FOR BUNCOMBE COUNTY

3. A public hearing was held relative to the closing of streets located within the grounds of Memorial Mission Hospital.

Mayor Ochsenreiter opened the public hearing at 3:10 o'clock p. m.

The City Manager read Resolution No. 76-53 which took the form of the notice advertised setting the time and date for the public hearing and the affidavit of publication. He also reported the receipt of an affidavit from Richard Runion stating that the provisions set forth in the resolution as it relates to the advertising and to the posting of notices have been complied with.

James W. Williams, Attorney for Memorial Mission Hospital, Leon Bennett, Assistant Administrator of the Hospital and John Rogers, Six Associates, architects were present to answer any questions from members of Council.

There being no questions, Mayor Ochsenreiter closed the public hearing at 3:15 o'clock p. m.

The City Manager read the resolution closing said streets.

Upon motion of Vice-Mayor Horton, seconded by Councilman Morris, Resolution No. 76-70 was unanimously adopted.

Complete text of Resolution No. 76-70 will be found in Resolution Book No. 9 at page 25.

PUBLIC HEARING - SITE PLAN OF PROPOSED LEARNING RESOURCE CENTER AT ASHEVILLE-BUNCOMBE TECHNICAL INSTITUTE

4. A public hearing was held relative to the site plan of the proposed Learning Resource Center to be constructed at Asheville-Buncombe Technical Institute.

it was recommended that the second low bid of Addressograph Multigraph Corporation in the amount of $19,800.00, be accepted.

Mr. Bill Snipes, Manager for Gray and Creech, Inc. for this area, strenously took exception to their bid not meeting specifications stating that the specifications specified a Model No. 4250 or equal. He said the A-B Dick Model 1600 is equal in the sense that it produces the same final document. He said he felt the manner in which the bids were prepared was not in keeping with the intent of the bid laws to insure good competition. He pointed out that the bid specified a dry copier which wrote out any company except the Addressograph Multigraph Corporation.

At the request of Council, Jim Robinson, Public Information Officer, presented facts for requesting the dry copier in lieu of the wet copier.

After discussion, Councilman Michael moved to accept the recommendation of the Purchasing Agent and award the bid to the Addressograph Multigraph Corporation in the amount of $19,800.00. This motion was seconded by Councilman Morris, which motion carried.

Councilman Michael suggested that the City Manager investigate the possibility of using Water Account Funds for 25% of the cost of the machine.

Bid Summary

Bidder	Bid
Gray & Creech, Inc.	$19,500.00 (Does not Meet Specifications)
Addressograph Multigraph	$19,800.00

Tom Hollingsworth, Sales Manager for Gray and Creech, said he would like to go on record as protesting the bid acceptance.

BIDS - TWO (2) DIESEL TRACTORS FOR USE IN PARKS AND RECREATION DEPARTMENT

9. Consideration was given to bids received April 20, 1976 for two (2) diesel tractors for use in Parks and Recreation Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the the lowest over-all bid for Items 1 and 2, submitted by Farm Equipment Company, in the amount of $13,388.00. The memorandum stated that Farm Equipment Company was low bidder on Item No. 1 in the amount of of $7,294.00 and that Arden Equipment Company was low bidder on Item No. 2 in the amount of $5,692.00. However, Farm Equipment Company was over-all low bidder in the amount of $13,388.00. It was noted that the Farm Equipment Company bid specified a Ford Tractor and the Arden Equipment Company specified a Case Tractor. The City Manager also read a memorandum from Ray Kisiah, Parks and Recreation Director, which stated the following reasons for recommending the Ford tractor:

1. We now have four (4) Ford Tractors. Parts (such as oil filters, air filters, fuel filters, etc.) are interchangable between the Ford tractors. After using these tractors in the past, I can verify that all have been very satisfactory. Parts have been easily accessible since the local Ford Tractor dealer has them in stock. Therefore, our breakdown time is kept to a minimum.

along with Pat Wood and Tom Howard of the firm requested Council's endorsement of a proposal to redevelop and rehabilitate the former Oteen VA Hospital property into an apartment complex for housing for the elderly. He said his firm believes that this proposed project would offer the community a viable housing project under the HUD Section 8 Program. He said the program provides to the owners certain rent subsidys in order that rent can be based on an individual's ability to pay. He said the federal government has encouraged private developers to own, manage and operate these housing facilities for those who can not afford market rents, but needs some type of subsidy. He said their first phase of development would provide 250 housing units. He said it was also their intention to develop a transportation system as an activity of this project.

Mr. W. C. King, Executive Director of the Asheville Housing Authority, expressed the city's need for such elderly housing developments and recommended Council's endorsement of the project.

After discussion, Councilman Morris moved to endorse the proposal of Lawler-Wood Associates contingent upon the developers including a transportation system as a part of the project. This motion was seconded by Vice-Mayor Horton and carried unanimously.

RESOLUTION NO. 76-71 - RESOLUTION REGARDING AUDITING CONTRACT (A. M. Pullen and Company)

7. Consideration was given to a resolution regarding auditing contract.

The City Manager read the resolution and explained that this would direct the City Manager to execute a contract with the auditing firm of A. M. Pullen and Company for an audit of financial accounts and records of the City of Asheville for the fiscal year ending June 30, 1976.

Upon motion of Councilwoman Swilling, seconded by Councilman Rainey, Resolution No. 76-71 was unanimously adopted.

Complete text of Resolution No. 76-71 will be found in Resolution Book No. 9 at page 26.

BIDS - ONE (1) TOTAL COPY SYSTEM FOR SERVICE AND INFORMATION OFFICE

8. Further consideration was given to bids received April 20, 1976 for one (1) total copy system for Service and Information Office.

Mayor Ochsenreiter advised that consideration was given to these bids on April 22, 1976 and was postponed for further justification and need for the copy system.

Larry Fisher, Director of Finance, furnished members of Council with detailed survey materials and a memorandum from the Service and Information Office relative to the justification of an In-House Print Shop.

The City Manager again read a memorandum brom the Purchasing Agent which stated that two bids were received. However, only one bid, submitted by Addressograph Multigraph Corporation was responsive. The bid submitted by Gray and Creech, Inc. for an A-B Dick Model 1600 Copier/Printer does not meet specifications. Therefore,

MRS. ROY ROGERS - TRANSPORTATION

Mrs. Roy Rogers asked if the Transit Authority was going to continue the practice of reduced rates for senior citizens on an all day basis. She said she understood that it was to be discontinued as of April 30, 1976.

It was the consensus of Council to transmit to the Asheville Transit Authority that they continue the reduced rate practice until a final report on the project has been presented to Council.

STREET LIGHT REQUEST - MORGAN STREET

A resident of South Grove Street requested that a street light be installed on Morgan Street.

MR. BROOKS - COMPLAINTS AND RECOMMENDATIONS

Mr. Brooks asked Council if they could provide more housing for low income families, have more black job placements, and have a Hall of Fame built in the City of Asheville. He also asked if Council had done anything about the high rental rates at the Asheville Civic Center.

Mayor Ochsenreiter informed Mr. Brooks that the department head of the Asheville Civic Center would be giving Council a report on the matter.

PROCLAMATION - MAY 1 - LOYALTY DAY

Mayor Ochsenreiter proclaimed May 1, 1976 as Loyalty Day in the City of Asheville.

ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL - YOUTH DAY

In observance of Youth Day, members of the Asheville-Buncombe County Youth Council held their Council meeting discussing such issues as city revenue ordinance, dog law, recreation, and youth involvement.

Adjournment.

Eugene Ochsenreiter
MAYOR

William F. Maccate
CITY CLERK

2. We purchased a Case Crawler in July, 1975. We had various maintenance problems with this equipment. Parts could not be obtained readily because of the local dealer not having them in stock.

3. We purchased a Case Tractor in July, 1975. It has been difficult to get service and parts on this tractor also.

4. Although both tractors meet our specifications, the Ford has a displacement of 175 cu. in. and the Case has a displacement of 164.4 cu. in.

He said in his opinion, these reasons warrant the purchasing of the Ford Tractor.

Corporation Counsel Moore stated that the reasons given by Mr. Kisiah for prefering the second low bid were sound and reasonable to warrant the acceptance of the second low bid for this piece of equipment.

Councilman Rainey suggested that Council vote on the bid items separately.

Councilman Morris moved to accept the low bid of Farm Equipment Company on Item No. 1, in the amount of $7,294.00. This motion was seconded by Councilwoman Swilling and carried unanimously.

Councilman Morris then moved to accept the second low bid of Farm Equipment Company on Item No. 2, in the amount of $6,094.00. This motion was seconded by Councilman Michael, which motion carried, with Councilman Rainey voting "no",

Councilman Rainey stated that he felt Council should not always accept the personal preference of the administration in deleting the low bid.

Bid Summary

Bidder	Bid		
	Item 1	Item 2	Total
Farm Equipment Co.	$7,294.00	$6,094.00	$13,388.00
Arden Equipment Co.	8,427.00	5,962.00	14,389.00
Bruce Construction & Machinery	8,755.56	7,732.80	16,488.36
Western Carolina Tractor	7,917.72	6,802.22	14,719.94
Blue Ridge Tractor	7,343.00	No Bid	-

PROCLAMATION - RESPECT FOR LAW WEEK - MAY 1 - 7

Mayor Ochsenreiter proclaimed the week of May 1 - 7 as Respect for Law Week.

PROCLAMATION - BE KIND TO ANIMALS WEEK - MAY 2 - 8

Mayor Ochsenreiter proclaimed the week of May 2 - 8, as Be Kind to Animals Week.

RESOLUTION NO. 76-72 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES TO PROVIDE GENERAL CONSULTING SERVICES FOR PERSONNEL MANAGEMENT AND EMPLOYEE RELATIONS

3. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with the North Carolina League of Municipalities to provide general consulting services for personnel management and employee relations.

The City Manager read the resolution.

Mike Smith, Personnel Director, explained that this agreement would provide the city with specialized consulting services in the area of personnel management and employee relations. He said the North Carolina Leauge of Municipalities has recently established a new Personnel Management and Employee Relations Service to provide such specialized consulting assistance. He said the contract price is $1,313.00.

Upon motion of Vice-Mayor Horton, seconded by Councilman Morris, Resolution No. 76-72 was unanimously adopted.

Complete text of Resolution No. 76-72 will be found in Resolution Book No. 9 at page 29.

RESOLUTION NO. 76-73 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE NECESSARY DOCUMENTS TO SELL THE VACANT CITY PROPERTY ON DEPOT STREET AND LYMAN STREET TO THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE

4. Consideration was given to a resolution authorizing the Mayor to sign the necessary documents to sell the vacant city property on Depot Street and Lyman Street to the Housing Authority of the City of Asheville.

The City Manager read the resolution.

Larry Holt, with the Asheville Housing Authority, explained that the City owns property scheduled for acquisition under the East Riverside Urban Renewal plan designated as: Depot Street, Lot 113, Sheet 5, Ward 4 by Register of Deeds Office, and Block 11, Parcel 12 by the Housing Authority; and Lyman Street, Lot 95, Sheet 5, Ward 4 by the Register of Deeds office and Block 10, Parcel 12 by the Housing Authority. He said the property has been appraised by two independent and competent appraisers and an offer has been made by the Housing Authority of $1,900.00 for the lot on Depot Street and $1,675.00 for the lot on Lyman Street.

Upon motion of Councilwoman Swilling, seconded by Councilman Rainey, Resolution No. 76-73 was unanimously adopted.

Complete text of Resolution No. 76-73 will be found in Resolution Book No. 9 at page 30.

Thursday - May 6, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., Gene E. Rainey, J. W. Hoyle, Acting Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Otis B. Michael and Corporation Counsel William C. Moore.

1. Approval of the minutes of the April 29, 1975 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, the minutes of the April 29, 1976 meeting were approved as submitted.

ORDINANCE NO. 886 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1975-76 (Pack Memorial Library funds)

2. Consideration was given to an ordinance amending the operating budget of the City of Asheville for fiscal year 1975-76 appropriating Pack Memorial Library funds.

The City Manager read the ordinance.

Nancy Hammonds, of the Library Staff, explained that the funds in the amount of $7,580 were made available from Title I of the Library Services and Construction Act, which is a federal program under the Health, Education and Welfare Department. She said the funds were appropriated to our individual library through the North Carolina State Library and must be expended before June 30, 1976.

Councilwoman Swilling moved for the adoption of Ordinance No. 886. This motion was seconded by Councilman Rainey.

On a roll call vote of 5-0, Ordinance No. 886 passed on its first reading.

In the essence of time, Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 886. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 886 passed on its second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 886. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 886 passed on its third and final reading.

Complete text of Ordinance No. 886 will be found in Ordinance Book No. 7 at page 21.

RESOLUTION NO. 76-76 - RESOLUTION TERMINATING A COMMUNITY DEVELOPMENT CONTRACT WITH THE OPPORTUNITY CORPORATION OF MADISON AND BUNCOMBE COUNTIES ENTITLED SHILOH MULTI-PURPOSE CENTER

7. Consideration was given to a resolution terminating a community development contract with the Opportunity Corporation of Madison and Buncombe Counties entitled Shiloh Multi-Purpose Center.

The City Manager read the resolution.

Ken Michalove, Assistant City Manager, explained that in implementing the Community Development Program, a program was subcontracted with the Opportunity Corporation of Madison and Buncombe Counties entitled "Shiloh Multi-Purpose Center" and the total budget approved for support of the program was $25,000. He said the purpose of this program was designed to support some minor capital and program equipment improvements in the Shiloh Multi-Purpose Center. He said in a communication from the Director of the Opportunity Corporation dated April 20, 1976 a request was made to terminate the previous contract. He said they felt the program could best be carried out under the supervision and direction of the Parks and Recreation Department at no additional cost and that the Opportunity Corporation would continue to occupy the building and provide services.

Upon motion of Councilman Rainey, seconded by Councilwoman Swilling, Resolution No. 76-76 was unanimously adopted.

Complete text of Resolution No. 76-76 will be found in Resolution Book No. 9 at page 33.

DOWNTOWN PROPOSAL - CHARLES KERN

Mayor Ochsenreiter announced that the downtown proposal submitted by Mr. Charles Kern and the Center City Committee has been turned over to the Planning and Zoning Commission for study and report back to Council.

DELLEGER SHOW - CARNIVAL - APPROVAL

The City Manager presented a request of the Delleger Shows for approval for the holding of a carnival on Amboy Road from May 18-23, 1976. He said by authority of the Code of Ordinances the City Council is required to approve or disapprove such a carnival. He said the privilege license for the week amounts to $150.00 and in addition, by ordinance, the Council has been requiring a deposit of $250.00 to be made to the City of Asheville to provide for expenses for clean up after the show, if necessary. He said during previous carnivals no problems have been encountered with the Delleger Shows.

Councilman Hoyle moved to approve the request of the Delleger Shows to hold a carnival on Amboy Road from May 18-23, 1976. This motion was seconded by Councilman Rainey and carried unanimously.

CLAIM - ROBERT Y. PRAYTOR

Claim for damages from surface water presented by City Manager was referred to Corporation Counsel for investigation and action.

RESOLUTION NO. 76-74 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE REGARDING THE RENOVATION AND USE OF SPACE AT THE LIVINGSTON STREET NEIGHBORHOOD FACILITY

5. Consideration was given to a resolution authorizing the Mayor to enter into a lease agreement with the Housing Authority of the City of Asheville regarding the renovation and use of space at the Livingston Street Neighborhood Facility.

The City Manager read the resolution.

Ken Michalove, Assistant City Manager, explained that the City of Asheville had previously entered into a contract with the Department of Housing and Urban Development for the purpose of acquiring the Livingston Street School and renovating the building for use as a Neighborhood Facility. He said in order to renovate the facility the Housing Authority of the City of Asheville agreed to make $150,000 available for renovation provided that they could use a portion of the facility as "community space" for public housing projects that were being constructed in that area and in order for the Housing Authority to convey the $150,000 to the City for the renovation along with some additional funds for sharing the costs of operation the lease agreement must be executed by the City and the Housing Authority.

Upon motion of Councilman Morris, seconded by Vice-Mayor Horton, Resolution No. 76-74 was unanimously adopted.

Complete text of Resolution No. 76-74 will be found in Resolution Book No. 9 at page 31.

RESOLUTION NO. 76-75 - RESOLUTION SUPPORTING THE REDESIGNATION OF REGIONS A AND B AS A SEPARATE AND DISTINCT HEALTH SERVICE AREA

6. Consideration was given to a resolution supporting the redesignation of Regions A and B as a separate and distinct health service area.

The City Manager read the resolution.

Mayor Ochsenreiter read a letter from Mr. Charles R. Worley, Region B Co-Chairman, requesting Council's endorsement of requesting the redesignation of Regions A and B as separate and distinct health service areas.

Ken Michalove, Assistant City Manager, explained that in the beginning the State of North Carolina was divided into regions in 1970, with Regions A, B. C. D, and E, consisting of 26 counties. He said Regions A and B consist of 11 counties including Madison, Henderson, Buncombe and Transylvania in Region B and everything west of that is Region A. He said Regions A and B meet federal waiver guidelines to be designated a separate and distinct health service areas.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 76-75 was unanimously adopted.

Complete text of Resolution No. 76-75 will be found in Resolution Book No. 9 at page 32.

Thursday, May 13, 1976, 3:00 o'clock p.m.

Regular Meeting

Present: Vice Mayor Bill B. Horton, presiding; Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., Gene E. Rainey, J. W. Hoyle, Corporation Counsel William C. Moore, Assistant City Manager William F. Wolcott, Jr., Acting City Clerk Carol Hensley.

Absent: Mayor Eugene C. Ochsenreiter, Jr., Councilman Otis B. Michael and City Manager Ernest J. Ward.

1. Approval of the minutes of the May 6, 1976 meeting.

Upon motion of Councilwoman Swilling, seconded by Councilman Hoyle, the minutes of the May 6, 1976 meeting were approved as submitted.

PUBLIC HEARING - REZONING PROPERTY ON SWANNANOA RIVER ROAD

2. A public hearing was held relative to rezoning property on Swannanoa River Road.

Vice Mayor Horton opened the public hearing at 3:01 o'clock p.m.

Assistant City Manager William F. Wolcott, Jr., read the notice to the public setting the time and date for the public hearing and the affadavit of publication.

Verl Emrick, representative of the Planning and Zoning Commission advised that they had voted to recommend the approval to City Council for the proposed rezoning, and described the property and showed the location on a map for benefit of Council.

Councilman Michael joined the Council meeting at 3:07 o'clock p.m.

No one from the public offered any opposition to the rezoning proposal.

Vice Mayor Horton closed the hearing at 3:10 o'clock p.m.

Assistant City Manager William F. Wolcott, Jr., read the ordinance rezoning the property as petitioned.

Upon motion of Councilman Rainey, seconded by Councilman Michael, Ordinance No. 887 was adopted as amended.

On a roll call vote of 5-0, Ordinance No. 887 passed on its first reading.

PUBLIC HEARING - REZONING PROPERTY BOUNDED ON THE WEST AND NORTH BY SAND HILL ROAD, ON THE SOUTH BY THE I-40 AND I-26 INTERCHANGE, AND ON THE EAST BY SOUTH BEAR CREEK ROAD

3. A public hearing was held relative to rezoning property bounded on the west and north by Sand Hill Road, on the South by the I-40 and I-26 Interchange, and on the east by South Bear Creek Road.

Vice Mayor Horton opened the public hearing at 3:13 o'clock p.m.

Assistant City Manager William F. Wolcott, Jr., read the notice to the public setting the time and date for the public hearing and the affadavit of publication.

E. R. McCARTHY

Suggested that in order to cut costs of carrying in and out of garbage cans that Sanitation carry cans out and not carry them back.

MRS. GORDON AND ATTORNEY WARDIMAN RE BEAUCATCHER TUNNEL

Mrs. Gordon introduced Attorney Wardiman who is representing the Beaucatcher Defense Association. Mr. Wardiman spoke on the upcoming court case concerning whether a cut would or would not be made through Beaucatcher Mountain. He presented a booklet and petitions to Council.

BUS RATES EXTENDED FOR SENIOR CITIZENS

Mayor Ochsenreiter presented members of press with memorandum regarding bus rates for senior citizens being extended until final decision is made as to hours of the day this special fare is legal.

The meeting was adjourned.

CITY CLERK

MAYOR

RESOLUTION NO. 76-77 - RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT VARIOUS APPLICATIONS TO THE APPALACHIAN REGIONAL COMMISSION

4. Consideration was given to a resolution authorizing the Mayor to submit various applications to the Appalachian Regional Commission.

The Assistant City Manager read the resolution.

Verl Emrick, Planning Director, explained that this resolution would enable to City to file applications with the Appalachian Regional Commission for Federal assistance funds for capital improvement purposes in the Oakley, Deaverview and Chestnut Street areas.

Upon motion of Councilman Morris, seconded by Councilwoman Swilling, Resolution No. 76-77 was unanimously adopted.

Complete text of Resolution No. 76-77 will be found in Resolution Book No. 9 at page 34.

RESOLUTION NO. 76-78 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A 3-INCH WATER LINE ON YOUNG DRIVE

5. Consideration was given to a resolution authorizing Mayor to execute right-of-way encroachment agreement with the North Carolina Department of Transportation for a 3-inch water line on Young Drive.

The Assistant City Manager read the resolution.

Don Walsh, of the Water and Sewer Department, said it was necessary to get an encroachment from the State on Young Drive for an existing 3-inch water main owned by the City of Asheville. He said the State has taken this road into its system for ownership, therefore the previous right-of-way is invalid.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 76-78 was unanimously adopted.

Complete text of Resolution No. 76-78 will be found in Resolution Book No. 9 at page 35.

GROUP DEVELOPMENT - WESTERN NORTH CAROLINA FARMERS MARKET

6. The Assistant City Manager read a letter from the Planning and Zoning Commission which recommended approval of the group development site plan for the Western North Carolina Farmers Market.

Councilman Rainey moved to schedule a public hearing on the matter for June 3, 1976. This motion was seconded by Councilman Morris and carried unanimously.

Verl Emrick, Planning Director, explained that the request for the Southwest R-5 District was brought out in the initial discussion of establishing the R-5 District. However, due to a procedural error in advertising it was carried forward. He said zoning the southwest R-5 District would complete the proposal as first presented. He said all the property owners in the area had been notified, by registered mail, of this zoning and no oppositions had been received. He said it was the Planning and Zoning Commission's contention that the rezoning of this area would have a positive effect on the R-5 zoning district. He said the Commission was also recommending that Lots 298-310, Sheet 32, Hazel Ward, be zoned R-5 Residential, upon the request of Richard Snyder, of 552 Deaverview Road, to allow for a proposed mobile home.

Several Council members objected to rezoning the Southwest District when some of the lots did not meet the minimum (10,000 square feet) lot size requirement.

Mr. Emrick explained that under the Zoning Ordinance, property owners had the right to appeal to the Board of Adjustments for a variance on lot sizes. Therefore, a mobile home could be placed on a lot not meeting the required lot size, if the Board of Adjustment approved such a variance.

Mr. Richard Snyder, of 552 Deaverview Road, spoke in favor of the zoning amendment.

Mr. Hal Brooks, objected to zoning areas in the County to provide for mobile homes when they could not be placed in the City, referring particularly to the Urban Renewal area.

After discussion, Vice-Mayor Horton closed the public hearing at 3:50 o'clock p. m.

The Assistant City Manager read the ordinance, which zoned the property as recommended by the Planning and Zoning Commission.

Councilman Rainey then moved to amend the ordinance by striking the words "property bounded on the west and north by Sand Hill Road, on the south by the I-40 and I-26 interchange, and on the East by South Bear Creek Road" and further moved that a public hearing on the Southwest District be held at a later date. This motion was seconded by Councilman Hoyle and carried unanimously.

Councilwoman Swilling moved to approve the ordinance as amended. This motion was seconded by Councilman Rainey.

On a roll call vote of 5-0, Ordinance No. 888, as amended, passed on its first reading.

Councilman Michael left the meeting at 4:00 o'clock p. m.

Councilman Morris moved to schedule a public hearing on the R-5 Southwest District for June 3, 1976. This motion was seconded by Councilwoman Swilling and carried unanimously.

the development of a mini park at the corner of Frances and Metcalf Streets. He said this action was in response to a petition received from the residents of Frances and Metcalf Streets during a recent "Mayor's Night."

Mr. Kisiah reported that the respresentative of the Housing and Urban Development office in Greensboro had been contacted relative to using Community Development funds for the project and was informed that the project was an allowable expenditure for community development funds. However, the cost of the project could not exceed 10% of the allocated community development funds for the Parks and Recreation Department. He said the costs for such a mini park would be under the 10% limitation.

Mr. Kisiah said in order to acquire the three pieces of property, fence the area for safety purposes and develop it into a child playground area, concrete basketball court and a picnic shelter would cost approximately $20,000 to $25,000 depending upon appraisal and attorney fees.

Mr. Logan Delany, Community Development Coordinator, advised that the funds would have to come from the balance of contingency funds set aside in the community development budget.

Councilman Rainey suggested that Mr. Kisiah obtain appraisal on the properties in question and asked that appraisals be on each lot individually.

Mr. George Payne and Mr. K. E. Haynes spoke in opposition to the project and requested that they be informed before any action was taken.

Councilman Rainey again emphasized that the Physical Enviromental Inspector should be directed to strictly enforce the ordinance for property owners to clean up their vacant property and to issue warrants for people who do not clean up their property.

After discussion, Council instructed Mr. Kisiah to proceed with obtaining appraisals on the properties in question and return to Council with a resolution relative to appropriating such community development funds for such a project.

PRESENTATION OF QUARTERLY AFFIRMATIVE ACTION REPORT

Mr. Sam Graves of the Personnel Division, presented members of Council with copies of the quarterly affirmative action report. He briefly explained the contents of the report stating that it was made up of two parts, quantitative data dealing with the workforce, applications received, new hires, promotions, employee training, terminations, and civil service examinations. The second part of the report deals with qualitative data that the Personnel Division has been involved in to date in support of the Affirmative Action Program by the City. He also presented recommended guidelines and content for Affirmative Action Program Workshops for the City of Asheville Management/Supervisory Personnel.

PETITION - PROTESTING THE OPENING OF GRANDVIEW PLACE

Corporation Counsel William C. Moore read a petition from residents and taxpayers of Grandview Place which protested any further opening of Grandview Place.

Council instructed that before any further opening of Grandview Place is begun that the property owners be notified of any such action.

Councilman Michael returned to the meeting at 4:14 o'clock p. m.

GROUP DEVELOPMENT - INGLE'S SHOPPING CENTER COMPLEX -U. S. 19-23

7. The Assistant City Manager read a letter from the Planning and Zoning Commission which recommended approval of the group development site plan of Ingle's Shopping Center Complex located on U. S. 19-23 (near the Intersection of I-40), subject the following conditions:

1. That the developer buffer the side and read property lines in accordance with Section 30-3-15, Item 1 outlined on Page 30 of the City of Asheville Zoning Ordinance.

2. That the developer correct existing erosion problems along the property line adjacent to Apple Tree Chevrolet.

3. Submission of a satisfactory erosion control plan to the City of Asheville Division of Inspections.

4. Compliance with all recommendations of the City of Asheville Water Department and the Buncombe County Public Safety Depatment relative to water and sewer line installation and connections.

Councilman Rainey moved to schedule a public hearing on the matter for June 10, 1976. This motion was seconded by Councilman Morris and carried unanimously.

REZONING REQUEST - MRS. RUTH GEDDINGS, ET AL - WARD 1, SHEET 8, LOTS 70-76

8. The Assistant City Manager read a letter from the Planning and Zoning Commission which recommended approval of the request of Mrs. Ruth Geddings and adjoining property owners that the property located in Ward 1, Sheet 8, Lots 70-76 be rezoned from OI (Office Institutional) to R-3 Residential District.

Councilman Rainey moved to schedule a public hearing on the matter for June 10, 1976. This motion was seconded by Councilman Morris and carried unanimously.

REZONING REQUEST - DYNATEX, INC. - CARIBOU ROAD

9. The Assistant City Manager read a letter from the Planning and Zoning Commission which recommended approval of the request submitted by Dyna-Tex, Inc. that the property being Lot 2 located on Sheet 50 of Ward 7 be rezoned from R-3 Residential District to HI (Heavy Industrial). The Commission further recommended that the abutting property to the north being Lots 212, 213, and a portion of Lot 1, on Sheet 15 of Ward 7 be rezoned to HI (Heavy Industrial) and that the property owners be notified fo the recommended change.

Councilman Rainey moved to schedule a public hearing on the matter for June 3, 1976. This motion was seconded by Councilman Morris and carried unanimously.

STAFF REPORT - MINI PARK REQUESTED AT THE CORNER OF FRANCES AND METCALF STREETS

10. Mr. Ray Kisiah, Parks and Recreation Director, said as previously stated the Parks and Recreation Advisory Board had recommended to Council that the City purchase one lot, and the possibility of two other lots, for acquisition for

THEREFORE, ON BEHALF OF THE TAXPAYERS OF THE ASHEVILLE SCHOOL DISTRICT AND FOR THE BENEFIT OF THE CITY COUNCIL, I SHOULD LIKE TO DIRECT THE CITY CLERK TO IMMEDIATELY OBTAIN FROM THE ASHEVILLE BOARD OF EDUCATION A DETAILED BREAKDOWN OF THE PROPOSED USE OF THESE REQUESTED ADDITIONAL FUNDS ALONG WITH A WRITTEN JUSTIFICATION FOR THE REQUESTED INCREASE IN THE SPECIAL TAX LEVY.

IT IS MY SINCERE HOPE THAT THE BOARD OF EDUCATION WILL REVIEW ITS BUDGETARY SITUATION AGAIN AND SIGNIFICANTLY REDUCE THIS ALREADY UNPOPULAR AND QUESTIONABLE REQUEST FOR AN EIGHT CENT INCREASE IN THE SPECIAL SCHOOL TAX SUPPLEMENT.

I ALSO DIRECT THAT COPIES OF THIS STATEMENT BE FORWARDED TO THE CHAIRMAN OF THE ASHEVILLE BOARD OF EDUCATION AND TO EACH OF THE COUNTY COMMISSIONERS.

Bill B. Horton
VICE-MAYOR, CITY OF ASHEVILLE

Councilman Rainey stated that he agreed with the intent of Vice-Mayor Horton's statement, but said he did not agree with the language used by Vice-Mayor Horton and he would like the record to show that Vice-Mayor Horton was speaking for himself and not for Council as a whole.

TRIBUTE TO MR. WILLIAM MICHALOVE

Council took a moment to pay tribute to Mr. William Michalove, father of Assistant City Manager Ken Michalove, and recognized his untiring support for the police and fire department of our City and the many hours he spent in volunteer services which he performed as an interested and dedicated resident of the City of Asheville.

REV. H. H. MAPP - CONTROL OVER THE HOSPITALS

Rev. H. H. Mapp, speaking concerning the death of the Mapp child, said the City of Asheville City Council should have some jurisdiction over the hospitals in the City.

Councilman Michael said, in his opinion, Council should have at least some advisory capacity over the hospitals. He said Council is responsible to the citizens of Asheville and should be responsible for their medical care. He said with this being a tourist town, it was his opinion, that the hospital emergency room is under staffed and the facilities are not what they should be for a tourist town.

CLAIM- MRS. LURA A. DENNIS

The Assistant City Manager presented a claim received from Henry C. Fisher, attorney for Mrs. Lura A. Dennis for damages to a fence around her property.

Vice-Mayor Horton referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - DOLLY V. WILLIAMS

The Assistant City Manager presented a claim received from Dolly V. Williams for damages.

Vice-Mayor Horton referred the claim to the Corporation Counsel for investigation and recommendation.

STATEMENT BY VICE-MAYOR BILL B. HORTON - RE: REQUEST BY THE ASHEVILLE BOARD OF EDUCATION FOR INCREASE IN SPECIAL SCHOOL TAX LEVY

Vice-Mayor Horton made the following statement:

MAY 13, 1976.

STATEMENT BY VICE-MAYOR BILL B. HORTON

THERE HAS BEEN CONSIDERABLE PUBLIC REACTION TO THE REQUEST BY THE ASHEVILLE BOARD OF EDUCATION FOR A FORTY-SEVEN PER CENT INCREASE IN THE SPECIAL SCHOOL TAX LEVY FOR THE ASHEVILLE SCHOOL DISTRICT.

NOT ONLY IS THIS AN UNPALATABLE AND UNTIMELY REQUEST -- DUE TO THE PRESENT UNCERTAIN ECONOMY -- BUT IT APPEARS TO BE EXCESSIVE AND UNREASONABLE AS WELL.

UNFORTUNATELY, THIS COUNCIL DOES NOT HAVE THE STATUTORY RIGHT TO ACT ON THIS PROPOSED TAX LEVY...BUT, IT DOES HAVE THE MORAL RIGHT AND OBLIGATION TO REACT TO ANY SUCH REQUEST THAT APPEARS UNREASONABLE AND EXCESSIVE.

Thursday, May 20, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., Otis B. Michael, Gene E. Rainey, J. W. Hoyle, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the May 13, 1976 meeting.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, the minutes of the May 13, 1976 meeting were approved as submitted.

PUBLIC HEARING - REZONING PROPERTY ON SWEETEN CREEK ROAD - CLYDE J. LEESON AND OTHERS

2. A public hearing was held relative to rezoning property on Sweeten Creek Road from R-3 Residential to CS Commercial Service District, property owned by Clyde J. Leeson and Others.

Mayor Ochsenreiter opened the public hearing at 3:03 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, advised that the Planning and Zoning Commission had recommended that the request be denied and that the property remain as it is now zoned. He said the property in question became subject to zoning controls in March of 1975 when the City of Asheville adopted the new Zoning Ordinance and extended extraterritorial zoning into the one-mile perimeter. At that time, even though some commercial uses did exist, the predominant land use in this area was and still is residential with a considerable amount of open space. Therefore, the Planning and Zoning Commission and the City Council gave the property a residential classification. Given this decision by both bodies, a definite growth plan has been established which excludes opening the area to a variety of commercial uses which could be inconsistent with community interest as well as established plans and policies. He said since the submission of the petition the staff has notified the adjoining property owners by certified mail of the proposed change and the result of this notification has resulted in substantial opposition to the proposal and to date the staff has received a written petition bearing some 53 signatures and 6 letters from property owners in the area stating their opposition to the proposed change. He said the results of the petition and the letters will invoke the 20% rule set forth in Section 30-10-3 of the Zoning Ordinance, meaning that approval of this rezoning could not be granted except by favorable vote of three-fourths (3/4) of all members of the City Council. He said there were three property owners whose lots were included in the original petition who have refused to sign or have withdrawn their support of the petition. He said this would create three (3) separtate spot zoning situations, which is counter to Planning and Zoning Commission policy and North Caroling court edicts. Therefore, 1) given the initial action by the Planning and Zoning Commission and City Council relative to the original zoning of this area; 2) lack of support by the community for the change; and 3) the spot zoning involved, the Planning and Zoning Commission recommended denial of the petition.

VIRGIL McCONNEL - SOUTH ASHEVILLE COMMUNITY CENTER

Virgil McConnel, representing members of the South Asheville Advisory Group of the South Asheville Community Center and Concerned Citizens of the Shiloh Area, read a memorandum to members of Council relative to the slowdown of the Community Development Renovations of the South Asheville Community Center. He presented a list of complaints and recommendations relative to the project.

Mr. Ray Kisiah, Parks and Recreation Director, and Logan Delany, Community Development Coordinator, explained that one of the reasons for the delay in the renovations was due to the fact that the City of Asheville does not own the property and was in the process of trying to acquire the property before the improvements were made.

Vice-Mayor Horton instructed that the complaints and recommendations be investigated by the staff and for the staff to be prepared to answer their questions at a scheduled meeting to be held on May 17, 1976 relative to the matter.

Mr. McConnel said it was his hope that the renovations could be completed in time for the summer programs scheduled at the center.

Adjournment.

MAYOR

CITY CLERK

PUBLIC HEARING - REZONING REQUEST - U. S. HIGHWAY 70 - MR. GUS BARLAS AND MR. JOHN BARLAS

3. A public hearing was held relative to the rezoning of property on U. S. Highway 70 from R-3 Residential District to CH Commercial Highway District, property owned by Mr. Gus Barlas and Mr. John Barlas.

Mayor Ochsenreiter opened the public hearing at 3:46 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and affidavit of publication.

Verl Emrick, Planning Director, reported that the Planning and Zoning Commission had recommended approval of the request due to the trend of the area being predominately commercial.

Mr. Emrick stated that since the meeting of the Planning and Zoning Commission on April 7, 1976, the Planning staff has received several telephone calls in opposition to the rezoning.

Mr. Emrick presented a map of the area showing the property located on the north side of U. S. 70 at Oteen.

He then presented the Staff report, for information to Council members, which recommended that the request be denied for the following reasons:

"1. There has been no convincing demonstration that this change will be in the best interest of the general public.

   a. The proposed zoning change will in fact contribute to the congestion of an already hazardous intersection, U. S. 70 and N. C. 81.

   b. The proposal would in staff's opinion further expand the strip development of U. S. 70 which is not in the City's best interest.

2. There has been no convincing demonstration that the character of the neighborhood North of U. S. 70 would not be materially or adversely affected by any use permitted in the requested Commercial zone.

   a. The land immediately surrounding the area to be rezoned has been and is used primarily for residential purposes and supporting public facilities (Bell School). This was the primary reason for zoning the property R-2 and R-3 when the plan was adopted in March of 1975.

   b. In adopting the plan, the Commission and the Council established U. S. 70 in this particular area as the dividing line between the Commercial and Residential areas and in staff's opinion this should not change.

Mr. Emrick pointed out that even though the Staff had recommended to the Commission that the petition be denied that the Commission had recommended that the property be rezoned as petitioned, which was forwarded to Council.

Mr. Emrick stated that in addition a petition had been received from McGuire, Wood, Erwin and Crow, representing Mr. John McDuffie and others, (owners of property designated as Lots 178-1/2, 261, 262, 338, and 172, Sheet 23, Ward 7), requesting that the Council rezone their lots from R-3 Residential District to CS Commercial Service District, notwithstanding and separate from any action which the Council might take with reference to the presently pending petition to have said properties, together with other properties along the westerly margin of Sweeten Creek Road and lying south of Rock Hill Road, be so rezoned. In essence, withdrawing their properties from the original petition. They further requested that the Council refer back to the Planning and Zoning Commission for further study and recommendation the possible rezoning to CS Commercial Service District of the property lying on both the west and east sides of Sweeten Creek Road and north of Rock Hill Road.

Mr. Emrick said in his opinion Council would be considering two petitions with two separate and distinct pieces of property.

Richard Wood, of McGuire, Wood, Erwin and Crow, representing Mr. John McDuffie, owner of the Bolts and Nuts, Inc. on Sweeten Creek Road, said that Mr. McDuffie had purchased his property in 1972 prior to the zoning of the property and purchased the land for the purpose of building a new distribution building. He said the property owned by the petitioners is, in fact, used for purposes which would be permissible within the CS Commercial Service District and would be or are non-conforming uses of the property as zoned by the Council in connection with the new Zoning Ordinance which was effective March 7, 1975. He said they would also point out that the properties lying on the east side of Sweeten Creek Road and north of Rock Hill Road are also substantially used for commercial purposes not in keeping with the present residential zoning of the area. Mr. Wood proposed that Council either consider as part of this petition but stike from the ordinance as written the zoning of only those lots on the north side of Rock Hill Road for Commercial Service District, excluding from the proposed ordinance everything south of Rock Hill Road or that at least, as far as to the property to the north of Rock Hill Road is concerned, to send the matter back to the Planning and Zoning Commission in order that the Commission could take a look at the question of the proper zoning at the north of Rock Hill Road.

Mr. Clyde Leeson said he had also purchased his property prior to the zoning in March of 1975 and proposed to lease or sell the property to Grove Printing Company. He supported the ordinance as written.

Mr. Ken Lanning and Mrs. Oliver Davis, property owners in the area, opposed the rezoning.

Councilman Michael questioned if the rezoning would affect the main traffic into the Shiloh Community.

After discussion, Vice-Mayor Horton moved that the request for rezoning be remanded to the Planning and Zoning Commission for further study and hearing, if necessary, and that the petitions be considered as two seperate requests and that they be brought back to Council as two separate public hearings. This motion was seconded by Councilman Morris and carried, with Councilman Michael voting "no".

Council instructed that the Planning Staff notify each of the property owners, by registered mail, of the proposed rezoning.

Mayor Ochsenreiter closed the public hearing at 3:45 o'clock p. m.

He said the amendment would be as follows:

That Article 6, Section 30-6-1 be amended to read as follows:

Add Paragraph "E" entitled Exemptions to read as follows:

Exemptions: In some instances, an additional building and/or use may be added on a lot having existing uses or buildings. This addition, depending upon its nature and potential impact on the surrounding area, may be exempt from Group Development review provided that the following conditions are satisfied:

1. The proposed building(s) (does) (do) not exceed 5,000 square feet in gross floor area.

2. The proposed building(s) or use does not substantially alter the general character of the area in which it is located. (Example- increase in vehicular or pedestrian traffic, congregation of large numbers of people on a regular basis, substantial land disturbing activities, etc.

3. The proposed building(s) or use is reviewed and approved by the Building Inpsector of the City of Asheville and the staff of the Asheville Planning and Zoning Commission.

4. Compliance with the remainder of the City of Asheville Zoning Ordinance. The proposed building(s) or use shall be limited to those uses permitted within the zoning district in which it is to be located and shall comply with established development standards for the district.

5. Compliance with other State and local codes as applicable.

After dicussion, Mayor Ochsenreiter closed the public hearing at 4:30 o'clock p. m.

The City Manager read the ordinance, which amended Zoning Ordinance No. 322, as recommended by the Planning and Zoning Commission.

Councilman Rainey moved for the adoption of Ordinance No. 889. This motion was seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 889 passed on its first reading.

ORDINANCE NO. 887 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Swannanoa River Road)

5. Consideration was given to the second reading of Ordinance No. 887, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, property on Swannanoa River Road.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 887 passed on its second reading.

Mr. Carl Hyldburg, attorney representing Mr. Gus Barlas and Mr. John Barlas, spoke in favor of the petition as requested. He said the property owners had purchased the property prior to the zoning in March of 1975. He said it was their opinion that the property was not desirable for residential use and, therefore, the owners were being denied the use of their property.

Councilman Michael questioned the direct reasons for the Planning and Zoning Commission approving the request for rezoning.

After discussion, Mayor Ochsenreiter closed the public hearing at 4:10 o'clock p. m.

The City Manager read the ordinance, which would rezone the property as petitioned.

Councilman Michael moved that the rezoning request be remanded to the Planning and Zoning Commission for further consideration, due to the fact that Council had not received any direct reasons from Planning and Zoning Commission for approving the request. This motion was seconded by Councilwoman Swilling which motion carried, with Councilman Morris voting "no".

PUBLIC HEARING - WORDING AMENDMENTS - ZONING ORDINANCE NO. 322

4. A public hearing was held relative to wording amendments to: (1) Article 4, Section 30-4-5, and (2) Article 6, Section 30-6-1 of the Zoning Ordinance No. 322.

Mayor Ochsenreiter opened the public hearing at 4:12 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and affidavit of publication.

Verl Emrick, Planning Director, reported that the Planning and Zoning Commission had recommended approval of the following wording amendments to Article 4, Section 30-4-5 of the Zoning Ordinance.

Corner Lots and Through Lots

"Corner Lots: In any zoning district, the second street side of a corner lot shall be considered a front yard, but shall be 50% of the front yard requirements in that particular zone."

Mr. Emrick pointed out that when the Zoning Ordinance was amended in March, 1975, it provided for set back on corner lots in residential districts, but not in commercial districts.

Mr. Emrick reported that the Planning and Zoning Commission was also recommending that Article 6, Section 30-6-1 be amended to permit staff's review of additions to small businesses. He said there were too many small businesses being considered as group developments which could be more logically done through staff review and would allow the Building Inspection Division to issue a permit of additional buildings which does not exceed 5,000 square feet in gross floor area.

Mr. Emrick, Planning Director, said the Planning and Zoning Commission had recommended approval of the plan subject to the following conditions:

1) That the developer submit a satisfactory Erosion Control Plan to the City of Asheville's Division of Inspection.

2) Compliance with recommendations of Water and Sewer Department.

3) Developer comply with final recommendations as submitted by the North Carolina Department of Transportation and the City of Asheville relative to relocating Hazel Mill Road and realignment of the existing intersection.

He said at the March 4, 1976 meeting, Council continued the public hearing since the plans for the relocation of Hazel Mill Road had not been finalized nor the responsibility for the cost determined. He said he had been advised by the Department of Transportation that the preliminary estimate of realigning the intersection would be $14,000, with the City's share being $7,000. He said it was his indication from the Department of Transportation that they would do the work and bill the City for the services. He said it would be his recommendation for Council to consider approval of the plan at this time.

After discussion, Councilman Morris moved to approve the site plan of the proposed Regent Park to be located on Patton Avenue near the Hazel Mill Road intersection. This motion was seconded by Councilman Hoyle and carried unanimously.

GROUP DEVELOPMENT - ONE OAK PLAZA OFFICE BUILDING

9. The City Manager presented a letter from the Planning and Zoning Commission which recommended approval of the site plan of the proposed One Oak Plaza Office Building, subject to the following conditions:

1. Satisfactory erosion control plan;

2. Location of any electrical facilities such as transformers, parking lot illumination, etc.; and

3. Seal and signature of appropriate professional certifying that the plan complies with the Asheville Codes and Ordinances.

Councilwoman Swilling moved to schedule a public hearing on the matter for June 10, 1976. This motion was seconded by Councilman Michael and carried unanimously.

PROCLAMATION - OLDER AMERICANS MONTH - MAY

Mayor Ochsenreiter proclaimed the month of May as Older Americans Month.

CLAIM - MRS. ZENNIE BRADLEY

The City Manager presented a claim received from Mrs. Zennie Bradley for injuries received during a fall.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

ORDINANCE NO. 888 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Deaverview Road)

6. Consideration was given to the second reading of Ordinance No. 888, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, property on Deaverview Road.

Mayor Ochsenreiter advised that members of Council had previously been furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 888 passed on its second reading.

Mr. Emrick said that Mr. Snyder, owner of the property, had requested that Council suspend the rules and proceed to the third and final reading of the ordinance.

Vice-Mayor Horton moved to suspend the rules and proceed to the third and final reading of Ordinance No. 888. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 888 passed on its third and final reading.

Complete text of Ordinance No. 888 will be found in Ordinance Book No. 7 at page 15.

ORDINANCE NO. 890 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1975-76

7. Consideration was given to an ordinance amending the operating budget of the City of Asheville for the Fiscal Year 1975-76.

The City Manager read the ordinance.

Larry Fisher, Director of Finance, said the operating budget of the City of Asheville for Fiscal Year 1974-75, did appropriate certain funds for renovation of the City Hall Building and acquisition of land for fire stations, however these funds were not expended as of June 30, 1975 and the reserves were transferred to a Fund Balance by action of outside auditors and were not included in the Fiscal Year 1975-76 operating budget. Therefore a journal entry is necessary to appropriate from the Revenue Sharing Trust Fund additional funds for the Capital Outlay of Facility Service in the amount of $40,236 and Capital Outlay of Fire in the amount of $23,500.

Vice-Mayor Horton moved for the adoption of Ordinance No. 890. This motion was seconded by Councilman Morris.

On a roll call vote of 6-0, Ordinance No. 890 passed on its first reading.

CONTINUATION OF PUBLIC HEARING - SITE PLAN REGENT PARK

8. A public hearing relative to the approval of a site plan of the proposed Regent Park to be located on Patton Avenue near the Hazel Mill Road intersection, was continued.

Thursday - May 27, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., Otis B. Michael, Gene E. Rainey, J. W. Hoyle, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the May 20, 1976 meeting.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Horton, the minutes of the May 20, 1976 meeting were approved as submitted.

ORDINANCE NO. 887 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Swannanoa River Road)

2. Consideration was given to the third and final reading of Oridnance No. 887, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, property located on Swannanoa River Road.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 887 passed on its third and final reading.

Complete text of Ordinance No. 887 will be found in Ordinance Book No. 7 at page 14.

ORDINANCE NO. 889 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Wording Amendments)

3. Consideration was given to the second reading of Ordinance No. 889, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Wording Amendments to Article 4, Section 30-4-5 and Article 6, Section 30-6-1).

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 889 passed on its second reading.

ORDINANCE NO. 890 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1975-76

4. Consideration was given to the second reading of Ordinance No. 890, an ordinance amending the operating budget of the City of Asheville for the Fiscal Year 1975-76, relative to audit changes.

CLAIM - MR. AND MRS. JOSEPH G. HAMLIN

The City Manager presented a claim received from Mr. and Mrs. Joseph G. Hamlin, for damages to property.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

REPORT BY CITY MANAGER - RE: WILLIAM E. EDENS, WATER AND SEWER DIRECTOR

The City Manager read the following statement:

"I am this date announcing the transfer of Mr. William E. Edens from the position of Water and Sewer Services Director at a salary of $25,200 per year to the position of City Engineer at a salary of $17,862 per year. It is my opinion that this transfer is in the best interest of the City of Asheville. I intend to review the job descriptions, purchasing, and entire operations of all of the departments of the City of Asheville beginning with the Water Department. I feel that better service and better relations with the public can be obtained by an updating of all procedures and manuals now in use.

We will begin immediately to recruit a qualified individual to fill the position of Director of Water and Sewer Services. Until such time as a new director is employed all divisions of the Water and Sewer Departments will be coordinated by Mr. William F. Wolcott, Jr., Assistant City Manager."

Ernest J. Ward
City Manager
City of Asheville

PROCLAMATION - NATIONAL TRANSPORTATION WEEK - MAY 24 - 28

Mayor Ochsenreiter proclaimed the week of May 24 - 28 as Transportation Week.

Adjournment.

Eugene C. Ochsenreiter Jr.
MAYOR

William F. Wolcott Jr.
CITY CLERK

Mr. Michalove, Assistant City Manager, explained that on January 13, 1976 the City of Asheville entered into an agreement with the Housing Authority of the City of Asheville for Relocation Services and that this proposed addendum would provide for the Housing Authority of the City of Asheville to acquire real property for the City of Asheville in connection with federal projects that are governed by the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. He said this would insure a uniform, fair and equitable system of acquiring real property as a result of these projects and would carryout the coordination and administration of real property acquistion activities on a centralized basis. He said the City would reimburse the Housing Authority for the time involved in such acquisitions.

Councilman Michael questioned the estimated cost to the Housing Authority for such services.

After discussion, Councilman Morris moved to table the resolution until the meeting of June 3, 1976, and requested that Mr. Michalove obtain estimated cost figures of the project. This motion was seconded by Councilman Michael and carried unanimously.

RESOLUTION NO. 76-80 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH HARRY P. CLAY CONSTRUCTION COMPANY FOR THE PROJECT KNOWN AS OAK, WOODFIN, AND VALLEY STREET IMPROVEMENTS

8. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Harry P. Clay Construction Company for the project known as Oak, Woodfin and Valley Street Improvements.

The City Manager read the resolution.

Mr. Edens, City Engineer, explained that this is the last element in the Urban Renewal Project that is taking place in the Oak, Woodfin and Valley Street area. He said this project entails the subgrade preparation which includes removal and disposal of old pavement, street car tracks, sidewalk and curb, adjustment of utility appurtenances, grading and the construction of new concrete curb and gutter and sidewalks. He said bids were received on May 17, 1976 for the project and Harry P. Clay Construction Company submitted the low bid in the amount of $71,683.50 and it would be his recommendation to accept the low bid.

After discussion, Councilman Michael moved for the adoption of Resolution No. 76-80. This motion was seconded by Councilman Morris and carried unanimously.

Complete text of Resolution No. 76-80 will be found in Resolution Book No. 9 at page 37.

BIDS - UNIFORMS FOR CITY OF ASHEVILLE FIRE DEPARTMENT

9. Consideration was given to bids received May 24, 1976 for uniforms for the City of Asheville Fire Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by the Asheville Army Store, in the amount of $4,918.50.

Vice-Mayor Horton moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Asheville Army Store, in the amount of $4,918.50. This motion was seconded by Councilman Hoyle and carried unanimously.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 890 passed on its second reading.

RESOLUTION NO. 76-79 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT BETWEEN THE CITY OF ASHEVILLE AND THE UNITED STATES OF AMERICA

5. Consideration was given to a resolution authorizing the Mayor to sign a contract between the City of Asheville and the United States of America.

The City Manager read the resolution.

Mr. Michalove, Assistant City Manager, explained that this resolution would authorize the Mayor to sign the contract and documents necessary to implement a grant program to provide for an operating subsidy to the Asheville Transit Authority. He said this grant program would provide for approximately $253,601.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 76-79 was unanimously adopted.

Complete text of Resolution No. 76-79 will be found in Resolution Book No. 9 at page 36.

DECISION BY COUNCIL REGARDING CONTINUATION OF REDUCED BUS FARES FOR SENIOR CITIZENS

6. The City Manager presented a letter, addressed to the Mayor, from the Asheville Transit Authority, stating that to continue the reduced bus fares for Senior Citizens on an all-day basis would cost approximately $18,644.80. He said this amount would be reduced by one-half through a grant provided by the Urban Mass Transportation Administration.

After discussion, Councilman Morris moved to request the Asheville Transit Authority to continue with the reduced fares for senior citizens on a full-time basis. This motion was seconded by Councilwoman Swilling.

Councilman Michael said since the City of Asheville is responsible for the funding of the Authority he would make a substitute motion to instruct the Asheville Transit Authority to continue granting the senior citizens half-fare rates on a full time basis. This motion failed for lack of a second.

On a voice vote of 5-1, Councilman Morris's motion carried, with Councilman Michael voting "no".

RESOLUTION NO. _____ - RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN ADDENDUM TO THE RELOCATION SERVICES CONTRACT BETWEEN THE CITY OF ASHEVILLE AND THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE

7. Consideration was given to a resolution authorizing the Mayor to sign an addendum to the Relocation Services Contract between the City of Asheville and the Housing Authority of the City of Asheville.

The City Manager read the resolution.

The City Manager also presented petitions received from residents in West Asheville requesting the City of Asheville's support in leasing or purchasing the West Asheville YMCA property for the use of Little League Baseball, Babe Ruth Baseball and Youth Football.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 76-82 was unanimously adopted.

Complete text of Resolution No. 76-82 will be found in Resolution Book No. 9 at page 39.

Dr. Dunn, representing the citizens of West Asheville, expressed appreciation for Council's prompt action of the lease agreement with the YMCA for the leasing of the West Asheville Branch YMCA property on Deaverview Road. He said the Little League Baseball, Babe Ruth Baseball and Youth Football teams were in desperate need for the Deaverview Road property.

PRESENTATION OF THE 1976-77 BUDGET

12. The City Manager read a prepared budget letter in submitting the 1976-77 budget to members of Council.

The City Manager said it is required that notice be given, by the City Clerk, that the budget has been presented to Council and that a public hearing would be held by Council prior to its adoption.

Councilman Rainey moved to schedule a public hearing on the 1976-77 budget for June 3, 1976. This motion was seconded by Courcilwoman Swilling and carried unanimously.

Councilman Rainey moved to sell extra copies of the budget to the citizens for $6.50. This motion was seconded by Councilman Michael and carried unanimously.

Councilmen Michael and Hoyle commented that they would be opposed to any tax increase in the budget.

Vice-Mayor Horton requested that the City Manager obtain cost estimates for the addition of one police cruiser around the clock and the addition of reasonable foot patrolmen downtown during business hours, for possible inclusion into the budget.

RESOLUTION NO. 76-83 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT FOR CONSULTING SERVICES FOR PREPARING AND ANALYZING GROUP HEALTH AND LIFE INSURANCE BIDS

13. Consideration was given to a resolution authorizing the City Manager to sign a contract for consulting services for preparing and analyzing group health and life insurance bids.

The City Manager read the resolution.

Mr. Mike Smith, Director of Central Services, explained that the City is desirous of making changes in its group health and life insurance program and the services of a consulting firm to analyze needs and draw specifications for bids is needed.

Upon motion of Councilman Morris, seconded by Councilwoman Swilling, Resolution No. 76-82 was unanimously adopted.

Complete text of Resolution No. 76-82 will be found in Resolution Book No. 9 at page 40

Bid Summary

Bidder	Bid
Stinnette Uniform Sales, Inc.	$5,513.10
Asheville Army Store	4,918.50

RESOLUTION NO. 76-81 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH CAROLINA COURTS AND TRACKS, INC. FOR THE PROJECT KNOWN AS SIX TENNIS COURTS AT ASTON PARK

10. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Carolina Courts and Tracks, Inc. for the project known as six tennis courts at Aston Park.

The City Manager read the resolution and presented the bids received on May 24, 1976 in which Carolina Courts and Tracks, Inc. was low bidder, in the amount of $36,440.00.

Ray Kisiah, Parks and Recreation Director, said this would allow for a 12 court complex at Aston Park. He said funds for this project would come from Community Development funds.

Councilman Rainey asked Mr. Kisiah to check on how many intercity citizens were using the tennis courts opposed to county residents. He said he felt the City was providing county residents recreation with Community Development funds.

Councilman Hoyle commented that Community Development funds should be used in other areas other than recreation needs.

After discussion, Councilman Morris moved for the adoption of Resolution 76-81, awarding the bid to Carolina Courts and Tracks, Inc. in the amount of $36,440.00. This motion was seconded by Councilman Horton, which motion carried, with Councilman Hoyle voting "no."

Bid Summary

Bidder	Bid
Paving Enterprises, Inc.	$59,290.00
Carolina Courts and Tracks, Inc.	$36,440.00
Van Summer, Inc.	$38,885.00

Complete text of Resolution No. 76-81 will be found in Resolution Book No. 9 at page 38.

RESOLUTION NO. 76-82 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE LEASE AGREEMENTS FOR THE USE OF THE WEST ASHEVILLE BRANCH YMCA PROPERTY ON DEAVERVIEW ROAD AND THE LEASE OF THE RICHMOND HILLS GOLF COURSE PROPERTY TO THE ASHEVILLE YMCA

11. Consideration was given to a resolution authorizing the Mayor to execute lease agreements for the use of the West Asheville Branch YMCA property on Deaverview Road and the lease of the Richmond Hills Golf Course property to the Asheville YMCA.

The City Manager read the resolution.

Mr. Emrick said the residents are protesting that they were not adequately notified of the change and that they were told in 1973 that the residential zoning would never be changed; and that they wish the entire strip to be rezoned to R-3; thereby blocking the commercial development of Lots 8-1/2 and 8-3/4. However, the residents cannot file a petition to rezone Lots 8-1/2 and 8-3/4. Only City Council and the Planning and Zoning Commission have the power to recommend and approve the zoning of tracts of land with a multitude of owners. He said it would be his recommendation that the Council make a direct request that the Commission review the possibility of reversing the present zoning and make a recommendation on the entire strip of Commercial Service zone.

Councilman Morris moved to direct the Planning and Zoning Commission to review the possibility of reversing the present zoning and make a recommendation on the entire strip of Commercial Service zone. This motion was seconded by Councilman Hoyle and carried unanimously.

EDNA McCLOUD - OPPOSED REZONING OF PROPERTY ON U. S. 70 - GUS BARLAS AND JOHN BARLAS

Ms. Edna McCloud appeared before Council to oppose the requested rezoning of Ward 21, Sheet 10, Lots 50, 51, 52, and 68, property owned by Gus Barlas and John Barlas. She presented a petition from residents of Craig Circle who were opposed to the rezoning.

Mayor Ochsenreiter advised Ms. McCloud that the matter had been referred back to the Planning and Zoning Commission, during the meeting of May 20, 1976, and that the matter would be considered by the Planning and Zoning Commission during their meeting to be held on June 2, 1976.

Adjournment.

Eugene C. Ochsenreiter Jr.
MAYOR

William F. Mahoney
CITY CLERK

CLAIM - GRADY O. PLEMMONS

The City Manager presented a claim received from Mr. Grady O. Plemmons for damages to his automobile.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

HONORARY DAY FOR THE ELDERLY - MONTREAT-ANDERSON

Councilwoman Swilling invited all the members of Council to attend the Honorary Day for the Elderly at Montreat-Anderson on Friday, May 28, 1976.

MODEL CITIES COLLEGE STUDENTS

Councilman Rainey presented two graduation announcements from two students who were supported by Model Cities funds. He read a letter of thanks from one of the students to the City of Asheville for their support.

PROCLAMATION - LIFE INSURANCE WEEK - MAY 31 - JUNE 5

Vice-Mayor Horton proclaimed the week of May 31 through June 5 as Life Insurance Week.

ANNOUNCEMENT ON DOWNTOWN PROPOSAL

Mayor Ochsenreiter announced that Mr. Emrick, Director of Planning, would have a preliminary report on the downtown proposal by Charlie Kern at the meeting of June 3, 1976.

MR. SHEPHERD - ZONING COMPLAINT ON LEICESTER HIGHWAY

Mr. Shepherd, of Leicester Highway, asked Council to zone the Commercial property, involving Lots 8-1/2, 8-3/4, 72, 77, 38-1/4, and 38-1/2 on Sheet 25, Ward 6, R-3 Residential District. He said the propery is only suitable for residential use.

Mr. Emrick, Planning Director, reported that he had been advised by several residents in that area that they do not wish their lots to be designated as a CS Commercial Service District. He said it was his understanding that they would like to have the entire strip (at the intersection of Leicester Highway and Westwood Drive) zoned R-3 Residential District. He said the source of the controversy involves lots 8-1/2 and 8-3/4 owned by Mr. E. J. Bumgarner and it was his understanding that Mr. Bumgarner plans to sell these lots to the Roto-Rooter people and the residents are opposed to this.

Mr. Emrick said in 1973 Mr. Bumgarner requested that these lots(8-1/2 and 8-3/4) be rezoned from RA-5 to Commercial or Roadside Business. At that time the residents prepared a protest petition and presented it to Council and the Planning and Zoning Commission. Consequently, the request was denied by the Planning and Zoning Commission on February 7, 1973 and, subsequently, by Council on February 22, 1973. In 1974 when the Planning and Zoning Commission sent the present zoning ordinance and map to Council for adoption, the recommendation for this section remained R-3 Residential District. In the subsequent work sessions and public hearings from September, 1974 to March, 1975 while Council was deliberating this issue, the area was rezoned to the CS Commercial Service District.

Vice-Mayor Horton moved to approve the site plan of the Western North Carolina Farmers Market. This motion was seconded by Councilman Rainey and carried unanimously.

PUBLIC HEARING - PROPERTY ON CARIBOU ROAD - DYNATEX, INC.

ORDINANCE NO. 891 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

3. A public hearing was held relative to rezoning property on Caribou Road from R-3 Residential District to HI Heavy Industrial District, property owned by Dyna-Tex, Inc.

Mayor Ochsenreiter opened the public hearing at 3:23 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, advised that the Planning and Zoning Commission had recommended approval of the rezoning for the following reasons:

1) Property is adjacent to existing HI Heavy Industrial District;

2) The development trend in this area is now oriented toward heavy commercial and industrial uses. It is expected that this trend will continue in the future;

3) Land use on the subject property and in the immediate area is industrial; therefore, an incompatible use would not be introduced;

4) The site is buffered from residential areas by existing topography and Interstate 40; and

5) In view of the above facts, it is the staff's opinion that the zoning change is justified.

Mr. Emrick said the Commission had further recommended that the abutting property to the north being Lots 212, 213, and a portion of Lot 1, on Sheet 15, of Ward 7 be rezoned to HI (Heavy Industrial) and that the property owners be notified of the recommended change.

By the use of a map, Mr. Emrick, pointed out the location of the property in question. He said the property owners adjoining said property had been notified of the recommended change.

Mr. Ronald P. Goldstein, President of the Blue Ridge Trucking Company, spoke in favor of the rezoning.

Mr. Bill Barnes, Attorney representing Dyna-tex, Inc, spoke in favor of the rezoning and said the rezoning would be in the interest of sound planning.

After discussion, Mayor Ochsenreiter closed the public hearing at 3:35 o'clock p. m.

The City Manager read the ordinance, rezoning the property as recommended.

Thursday - June 3, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., Otis B. Michael, Gene E. Rainey, J. W. Hoyle, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the May 27, 1976 meeting.

Upon motion of Councilman Rainey, seconded by Councilman Hoyle, the minutes of the May 27, 1976 meeting were approved as submitted.

PUBLIC HEARING - SITE PLAN OF WESTERN NORTH CAROLINA FARMERS MARKET

2. A public hearing was held relative to the site plan of the Western North Carolina Farmers Market.

Mayor Ochsenreiter opened the public hearing at 3:08 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, advised that the Planning and Zoning Commission had recommended approval of the site plan subject to the following conditions:

1. Submission to Planning and Zoning Commission Office of a description of fifteen foot (15') maintenance easement required by the Buncombe County Public Safety Department.

2. Compliance with recommendations of City of Asheville Water and Sewer Department.

Mr. Emrick, by the use of a map, reviewed the location of the proposed project as well as proposed structures.

He said the Water and Sewer Department had confirmed that there is a 6-inch water line in Brevard Road and city water would be available to the Farmer's Market. However, if the Farmer's Market requires an 8-inch water main in Brevard Road it would be required that they construct this 8-inch line northerly along Brevard Road to connect to the City's existing 8-inch line.

He said the Buncombe County Public Safety Department has required a fifteen foot maintenance easement to the County through the Farmer's Market property. He said this condition had not been met as of this date.

Mayor Ochsenreiter closed the public hearing at 3:22 o'clock p. m.

Mr. Ray Stepp, with the Asheville Central Labor Union, speaking on behalf of the Asheville Firemen, thanked the members of Council for providing a longevity plan in the budget for the City of Asheville employees.

Dr. John Barthel spoke in opposition to a tax increase. He said he would like for Council to have a public detailed discussion of each departmental budget.

Mr. Henry Rowe, President of the Retired Federal Employees, spoke in opposition to a tax increase. He said the retired property owners, on a fixed income, could not afford a tax increase. He said a tax increase would discourage additional retirees from coming to Asheville.

Mr. Grant Haley aslo spoke in opposition to a tax increase, stating that Council could find ways to eliminate a tax increase. He suggested as a start a 25¢ admission could be charged to go to the Art Museum.

Mrs. Ralph Hicks, asked Council to hold the line on the present tax.

Mrs. Nancy Boggs, owning a business in Biltmore Forest Shopping Center, said she would not mind a tax increase if the additional funds went for the salaries of police and firemen. She said they deserved any special consideration.

Mayor Ochsenreiter closed the public hearing at 4:25 o'clock p. m.

The Corporation Counsel read the budget ordinance.

Councilwoman Swilling moved to amend the budget ordinance by deleting .0008, in the amount of $23,000, from the General Fund, Non-Departmental Budget, page 48 of the Budget Supplement and by deleting .0008, in the amount of $2,580, from the Water and Sewer Fund, Operations Budget, page 81, of the Budget Supplement in their entirety. (Both items pertaining to an annuity fund for department and division heads). This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-1, Ordinance No. 893 passed on its first reading, with Councilman Michael voting "no".

Council members promised to make every effort to trim the budget during the second and third readings of the ordinance.

ORDINANCE NO. 889 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Wording Amendments)

6. Consideration was given to the third reading of Ordinance No. 889, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Wording Amendments)

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 889 passed on its third and final reading.

Complete text of Ordinance No. 889 will be found in Ordinance Book No. 7 at page 16.

by the Planning and Zoning Commission.

Councilman Hoyle moved for the adoption of the ordinance. This motion was seconded by Councilwoman Swilling.

On a roll call vote of 6-0, Ordinance No. 891 passed on its first reading.

PUBLIC HEARING - REZONING SOUTHWEST R-5 RESIDENTIAL DISTRICT

4. A public hearing was held relative to rezoning property bounded on the west and north by Sand Hill Road, on the south by the I-40 and I-26 Interchange, and on the east by South Bear Creek Road, R-5 Residential District.

Mayor Ochsenreiter opened the public hearing at 3:37 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, explained that this request for the establishment of the Southwest R-5 District was considered by Council on two other occasions. He said, as previously stated, the zoning of the Southwest R-5 District would complete the proposal as first presented. He said all the property owners had been individually notified, by letter, and had been invited to the public hearing for any comments that they may have.

After discussion, Mayor Ochsenreiter closed the public hearing at 3:52 o'clock p. m.

The City Manager read the ordinance which zoned the Southwest R-5 Residential District as recommended by the Planning and Zoning Commission.

Vice-Mayor Horton moved for the adoption of the ordinance. This motion was seconded by Councilman Michael.

On a roll call vote of 5-1, Ordinance No. 892 passed on first reading, with Councilman Rainey voting "no".

PUBLIC HEARING - CITY OF ASHEVILLE BUDGET FOR FISCAL YEAR 1976-77

ORDINANCE NO. 893 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1976-77

5. A public hearing was held relative to the City of Asheville Budget for Fiscal Year 1976-77.

Mayor Ochsenreiter opened the public hearing at 3:58 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication. He said the North Carolina Local Government Budget and Fiscal Control Act requires that the budget be available for public inspection in the office of the City Clerk for twenty (20) days and that a public hearing be held on same before adoption.

Complete text of Resolution No. 76-84 will be found in Resolution Book No. 9 at page 41.

RESOLUTION NO. 76-85 - RESOLUTION ASSURING REVIEW OF ALL BUILDING PERMITS WITHIN THE FLOOD HAZARD AREA OF THE CITY OF ASHEVILLE

9. Consideration was given to a resolution assuring review of all building permits within the flood hazard area of the City of Asheville.

The City Manager read the resolution.

Verl Emrick, Planning Director, advised that this resolution as well as the following resolution, are parts of the requirements stipulated by the Department of Housing and Urban Development, Federal Insurance Administration, to make the community eligible for flood insurance. He said in February 1976 the City of Asheville received formal notice of the identification by the Federal Insurance Administration, on behalf of the Secretary of Housing and Urban Development, that Asheville contains one or more areas having special flood hazards. The effect of this notification was to inform the City of the flood danger to which they appear to be exposed and to give it an opportunity to enroll promptly in the National Flood Insurance Program. Enrollment in the program will give residents an opportunity to purchase Federally-subsidized flood insurance made available under the program since flood insurance is not available privately, thus be protected financially against future flood losses.

In addition to the community participation requirement, the 1973 Flood Disaster Protection Act also requires, within eligible communities, the purchase of flood insurance in connection with all Federal or federally related financial assistance (including mortgage loans from Federally insured or regulated lending institutions) for acquisition or construction of buildings located in identified special flood hazard areas.

He said, in order for Asheville to obtain flood insurance there are a number of steps to be taken. The first step, identification by the Federal Insurance Administration of Asheville as having one or more areas having special flood hazards has already been taken. Before April 1977 the City is required to adopt land use and control measures that:

1) Take into account flood management programs, if any, already in effect in neighboring areas.

2) Apply at a minimum to all areas identified as flood plain areas housing special flood hazards.

3) Provide that the laws and ordinances designed to reduce flood losses take precedence over any conflicting laws, ordinances or codes within the flood plain areas.

4) Require building permits for all proposed construction or other improvements in the flood plain area having special flood hazards.

ORDINANCE NO. 890 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1975-76 (Audit changes)

7. Consideration was given to the third and final reading of Ordinance No. 890, an ordinance amending the operating budget of the City of Asheville for Fiscal Year 1975-76 relative to audit changes.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 890 passed on its third and final reading.

Complete text of Ordinance No. 890 will be found in Ordinance Book No. 7 at page 18.

RESOLUTION NO. 76-84 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN ADDENDUM TO THE RELOCATION SERVICES CONTRACT BETWEEN THE CITY OF ASHEVILLE AND THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE

8. Consideration was given to a resolution authorizing the Mayor to sign an addendum to the Relocation Services Contract between the City of Asheville and the Housing Authority of the City of Asheville.

The City Manager read the resolution.

Mayor Ochsenreiter advised that the resolution was considered at the meeting of May 27, 1976 but was tabled for additional information relative to the cost of the project.

Ken Michalove, Assistant City Manager, suggested that Council include in the resolution that the compensation to the Housing Authority of the City of Asheville for the land acquisition services shall not exceed the fee schedule taken from the HUD Real Property Acquisition Handbook, 1320.1. He said the fee schedule would be as follows:

Approved Valuation	Fee
Less than $2,000	$70 plus 3% of excess above $500
$2,000 to $5,000	$115 plus 2% of excess above $2,000
$5,000 to $10,000	$175 plus 1-1/2% of excess above $5,000
$10,000 to $20,000	$250 plus 1% of excess above $10,000
$20,000 to $50,000	$350 plus 2/3% of excess above $20,000
$50,000 to $200,000	$550 plus 0.2% of excess above $50,000
$200,000 or more	$850 plus 0.1% of excess above $200,000

Mr. Michalove said most of the parcels to be acquired would be in the $2,000 to $5,000 range and there would be between 35 and 70 parcels to acquire.

Councilwoman Swilling moved for the adoption of the resolution subject to the following paragraph being included in the resolution: "that the compensation to the Housing Authority of the City of Asheville for the land acquisition services shall not exceed the fee schedule taken from the HUD Real Property Acquisition Handbook, 1320.1." This motion was seconded by Councilman Michael and carried unanimously.

BUDGET ERRORS CORRECTED

Corporation Counsel William C. Moore advised that two errors were read in the budget ordinance and these should be corrected. The date of July 31, 1977 should be corrected to read June 31, 1977. The Water and Sewer Improvement Fund was inadvertently omitted from the categorical list and should be inserted.

Vice-Mayor Horton moved to correct the budget ordinance by changing July 31, 1977 to June 31, 1977 and by inserting the Water and Sewer Improvement Fund in the categorical column. This motion was seconded by Councilman Hoyle and carried unanimously.

CLAIM - DOROTHY W. CHAMBERS, ADMINISTRATRIX OF THE ESTATE OF RALPH CORNELIUS CHAMBERS

The City Manager presented a claim received from William A. Parker, attorney for Dorothy W. Chambers, administratrix of the Estate of Ralph Cornelius Chambers.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

REZONING REQUEST - LEICESTER HIGHWAY AND WESTWOOD DRIVE

The City Manager read a letter from the Planning and Zoning Commission which recommended approval of the request to zone Lots 8-1/2, 8-3/4, 38-1/4, 38-1/2, 72, and a portion of Lot 77, Ward 6, Sheet 25 (also identified as Sheet 13, Hazel), R-3 Residential District.

Councilman Morris moved to schedule a public hearing on the matter for June 24, 1976. This motion was seconded by Councilwoman Swilling and carried unanimously.

BATTERY PARK HOTEL - DON BLACKWELL

Mr. Don Blackwell, owner of the Battery Park Hotel, requested that Council endorse the conversion of the Battery Park Hotel to an Elderly Apartment Project under Section 8 provisions of the 1974 Housing and Community Development Act. He said he had received a Finding of Fact and Order from the Department of Public Safety to either obtain a building permit to repair the building or to demolish the building within sixty (60) days of the date of the Order.

After discussion, Mayor Ochsenreiter suggested that Mr. Blackwell prepare a proposal to be submitted to members of Council at the June 10, 1976 meeting. He also requested that Mr. W. C. King, Executive Director of the Housing Authority for the City of Asheville, be prepared to give a recommendation on same.

5) Review building permit applications for major repairs in the flood area to determine that the proposed repair uses construction materials and utility equipment that are resistant to flood damage and uses construction methods and practices that will minimize flood damage.

6) Review building permit applications for new construction or substantial improvements in the identified flood area to assure that the proposed construction (including prefabricated and mobile homes) is (1) protected against flood damage, (2) is designed and anchored to prevent flotation, collapse, or lateral movement of the structure, (3) uses construction methods and practices that will minimize flood damage.

7) Review subdivision proposals and other proposed new developments to assure that (1) they are consistent with the need to minimize flood damage, (2) all public utilities and facilities are located, elevated and constructed to minimize flood damage, (3) adequate drainage is provided to reduce exposure to flood hazards.

8) Require new or replacement water supply systems and/or sanitary sewage systems to be designed in a way that will minimize or eliminate the infiltration of flood waters into the system and require on site waste disposal systems to be located where they will not be contaminated by flooding.

Mr. Emrick said the second stage would be for the Federal Insurance Administration, through TVA, to reexamine the Flood Boundary Map and to determine the flood way areas.

He said, in essence, if Council does not pass the necessary documents the Federal government could cut out federally subsidized mortgage money for the residents in the flood way areas.

After discussion, Councilwoman Swilling moved for the adoption of Resolution No. 76-85. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Complete text of Resolution No. 76-85 will be found in Resolution Book No. 9 at page 42.

RESOLUTION NO. 76-86 - RESOLUTION PROVIDING FOR COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE ACT OF 1968

10. Consideration was given to a resolution providing for compliance with the National Flood Insurance Act of 1968.

The City Manager read the resolution and explained that this resolution was part of the resolution previously adopted.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Swilling, Resolution No. 76-86 was unanimously adopted.

Complete text of Resolution No. 76-86 will be found in Resolution Book No. 9 at page 44.

transitional stage. Given this premise, it behooves all of us to recognize this and to focus our efforts on directing the transition of the Central City so that the reclamation might be extended to the fullest potential.

Analysis

As of this writing any overview of the existing physical conditions of the Central City presents a rather gloomy picture.

With the every growing vacancy rate and deteriorating structural conditions occurring in Downtown, several proposals have been initiated for rectifying the situation. The one with which this report is concerned is that delivered by Mr. C. [redacted]. Kern with the endorsement of the Central Asheville Association, the Mid-City Merchants Council, the Asheville Merchants Association, and the Board of Directors of the Asheville Area Chamber of Commerce.

On April 15, 1976, Mr. Kern presented to City Council a proposal which would involve the creation of a special tax district in the Downtown area for the purpose of generating additional revenues for the reclamation of the CBD. Following this presentation, an analysis of this proposal was undertaken in order to prepare this report which will point out the requirements of the enabling legislation and compare these with the recommendations stated in Mr. Kern's proposal.

In 1973 the General Assembly passed the Municipal Service District Act (G.S. 160A-535 through 543) which does indeed impart to the Council

PRELIMINARY REPORT - DOWNTOWN PROPOSAL SUBMITTED BY CHARLES R. KERN

Verl Emrick, Planning Director, presented the following preliminary report relative to the proposal regarding downtown submitted by Charles R. Kern.

To begin with let's restate the conclusion held by many Ashevillians that being that Asheville's Central Business District is moribund. If this is the case then why should the property owners, merchants, city administration, and many Asheville citizens concern themselves with attempting to reclaim the Central City?

The obvious answer is that the Central City is the focal point for identifying Asheville as a place or a physical entity. No matter how many regional and/or suburban shopping districts are constructed, the Central City psychologically is Asheville.

What then can be done for the Central City? Over the years many plans and projects have been initiated to answer the question. For instance, the Civic Redevelopment Project which provided some $14,000,000 in urban renewal funds for the reclamation of a badly deteriorated sector of the city. Another effort, of a more recent vintage, is the construction of the Civic Center, the new Pack Library, and the adjoining parking deck. Complementing these efforts, some property owners and merchants have invested private capital in constructing and/or restoring buildings, sidewalks, etc.

With these types of activities occurring in the Central City perhaps the opening statement should be modified somewhat to point out that the area is not on the verge of extinction or termination, but rather it is only in a

The next section, Section 160A-537 specifies that certain standards must be met before Council can establish one of these districts and herein is where some problems arise.

First of all the Council must make a specific determination or finding that:

> "The proposed district is in need of one or more of the services, facilities, or functions listed in G.S. 160A-536 to a demonstrably greater extent than the remainder of the city."

This quote provides perhaps the most difficult hurdle to negotiate in the entire law for without hard data Council cannot make a concrete statement that the need for any such services are demonstrably greater than in the remainder of the city.

This is not to say that the large body of existing data (all sources) on the CBD cannot demonstrate the overriding need, what is of concern is that there are noticeable deficiencies in the preliminary planning of the proposal which must be reckoned with before Council would be on relatively safe ground in establishing such a district, or declaring that the overriding need is there.

Specific questions on this point are:

1) What proof or backup data is required in order for Council to declare the need?

2) Who will make the determination, city staff or consultants? If staff does it, will that be viewed as a self-fulfilling statement of need? and

3) Who will select the services to be provided in the district?

the legal authority to create a special tax district for the purpose of initiating Downtown revitalization projects. This is accomplished in Section 160A-536 of the Act. Other types of districts which can be created under authority of this Act are drainage projects, off-street parking facilities, and beach, flood, or hurricane protection projects.

By way of illustration, the act provides that the following types of projects may be undertaken in a Downtown revitalization district. Improvements to:

1. Water mains;
2. Sanitary sewer mains;
3. Electric power distribution lines;
4. Gas mains;
5. Street lighting;
6. Streets and sidewalks, including right-of-way and easement therefor;
7. Construction of pedestrian malls;
8. Construction of bicycle paths;
9. Construction of parking facilities, both on- and off-street;
10. Construction of overhead pedestrian walkways;
11. Construction of sidewalk canopies; and
12. Other improvements intended to relieve traffic congestion in the central city, improve pedestrian and vehicular access thereto, reduce incidence of crime therein, and generally, to further the public health, safety, welfare and convenience by promoting the economic health of the central city.

the hearing. In addition, the notice must be mailed to all property owners within the boundaries of the proposed district at least four (4) weeks before the date of the hearing.

This section further states that any resolution defining a service district shall take effect at the beginning of a fiscal year commencing after its passage. And given these time limitations, if Council were to adopt this concept as one avenue of solving the CBD problems, it would be impossible to initiate the district before July 1, 1977.

Finally, what is needed to satisfy this section of the law is a long range plan for the provision of any of the eligible services and data on hand which would answer the following questions:

1) What are the specific area boundaries?

2) How much money would be raised?

3) What would be the tax levy imposed and who would make the decisions?

4) Who would control the funds?

5) What services are to be provided?

6) Who will provide the services?

7) Can the services be provided within one year after the effective date of the definition of the district [Sec. 160A-540(a)]?

Section 160A-542 specifies the following relative to tax levy authorizations and limitations. It states that a city may levy taxes within the district it has defined. However, the combined city-wide and special tax rates cannot exceed the statutory limit of $1.50 per $100.00 value of

This section of the law [160A-537(b)] also provides that a report be prepared which will describe in detail the following items which are also absent from the proposal at this moment:

1) A map of the proposed district. At this point we have only one proposal submitted to Mr. Kern, but this in and of itself is not sufficient. I could also delineate a district and so could each member of Council, but the boundary delineation must come before the remainder of any revitalization plan can be formulated.

2) A Statement Showing that the Proposed District Meets the Standards set out in Subsection (a). Already discussed.

3) A Plan for Providing in the District one or more of the Services Listed in G.S. 160A-536. At this point no such plan is in existence. There have been several proposals generated over the last year by different groups, but none have ever progressed past the proposal stages.

One must take note here of an apparent inconsistency in the wording of the law in this section as it relates to the provision of specific services in the district. Section 160A-536 states that those items listed as eligible services are illustrative only and not all inclusive. Section 160A-537 indicates the opposite by limiting the eligible activities to those listed. The resolution of this apparent conflict in wording will, of course, have to be done through legal channels.

In addition the law states that after the report is prepared the Council shall hold a public hearing before adopting any resolution defining any such service district under this section of the law. Notice of the public hearing must be published at least once and not less than one week prior to the date of

Bond Act to finance any proposed service or improvements to be provided within the special district.

However, the law requires voter approval by a:

1) Majority of voters city-wide; and

2) Majority of voters in all of the affected or to be affected service district.

In conclusion it is my opinion that the requiremants of the statute can be satisfied and portions of Mr. Kern's proposal accomplished, but first Council must make a policy decision as to whether or not, in your opinion, this is the best approach to financing Downtown revitalization efforts.

Verl R. Emrick, Jr.
Planning Director

Mayor Ochsenreiter said Council would be meeting with Mr. Kern regarding the report during the next week.

PETITION - BILTMORE VILLAGE

Ms. Caryle Bitter, owner of The Dande Lion, presented the following petition to Council:

"We the undersigned being the merchants and/or property owners in the Biltmore Village area respectfully request the following from the Asheville City Council in undertaking the restoration and preservation of Biltmore Village and its immediate environs:

1. Assistance from the Planning Division in preparing a five (5) or ten (10) year plan for the Village;

2. Assistance in having the Village designated a historic district so that it may retain the intrinsic qualities which make it a desirable place to live and work;

property unless that portion of the rate excess of this limitation is submitted to and approved by a majority of the qualified voters residing within the district.

Now, this statement brings up another legal question which must be resolved. The statement refers to qualified voters "residing" within the district. The question is does the term "residing in" also mean "Doing business in" or "owning property in the district" or does Webster's definition apply? If Webster's definition applies one might be able to argue against the constitutionality of any such tax levy.

This section also provides that the property subject to taxation is that property subject to taxation by the city as of January 1, 1976.

As indicated previously at this point no definitative information on exactly how much of a tax levy would be required to provide services is available because there is no detailed plan for the delivery of services or an agreed upon boundary delineation.

There is also the basic question of who will administer the expenditures of monies derived from a tax levy. As I understand it only the City Council could authorize any such expenditures. This is confirmed by the Institute of Government. Therefore, the proposed Central Asheville Authority could not function in this manner. In light of this, the group's function could be that of catalyst to create a spirit of solidarity of purpose for the Downtown. As an alternative to levying a tax, Section 160A-543 states that the Council may issue its general obligation bonds authorized under the Local Government

Thursday - June 10, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., Otis B. Michael, Gene E. Rainey, J. W. Hoyle, Acting Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Corporation Counsel William C. Moore

1. Approval of the minutes of the June 3, 1976 meeting.

Vice-Mayor Horton noted that the minutes of the June 3, 1976 meeting should be amended to include the following statement made by Mr. Verl Emrick, Director of Planning, relative to the public hearing on rezoning the Southwest R-5 Residential District: "All lots located in this area exceed the minimum lot size requirement of 10,000 square feet." He said this should be included on page 313.

Vice-Mayor Horton further noted that on page 318 the date June 31, 1977 should read June 30, 1977.

Vice-Mayor Horton then moved to approve the minutes of the June 3, 1976 meeting, as amended. This motion was seconded by Councilman Hoyle and carried unanimously.

REPORT ON REDUCED BUS FARES FOR SENIOR CITIZENS

Mr. Lyle Hackett, Resident Manager of the Asheville Transit Authority, reported that the Asheville Transit Authority fully endorsed Council's request to continue the Senior Citizens reduced bus fares on a full time basis.

RESOLUTION NO. 76-87 - RESOLUTION OF APPRECIATION TO LYLE J. HACKETT

Mayor Ochsenreiter read a resolution of appreciation to Lyle J. Hackett, who will officially retire his position on June 30, 1976, for the deep personal interest he has taken in providing services to the public and the excellent record he has established in managing the affairs of the Asheville Transit Authority.

Upon motion of Councilman Morris, seconded by Councilman Michael, Resolution No. 76-87 was unanimously adopted.

Complete text of Resolution No. 76-87 will be found in Resolution Book No. 9 at page 46.

STATEMENT BY MAYOR RELATIVE TO BUDGET FOR 1976-77

Mayor Ochsenreiter read the following statement relative to the City of Asheville Budget for Fiscal Year 1976-77:

"In the course of the past several weeks Council members and the City staff have been working on the Budget for 1976-77. There has been many views expressed in an effort to have a reasonable and effective budget for the coming year. Some changes have already been made in an effort to keep the tax rate at its current position. The additional changes that would be necessary to keep our tax rate at its current figure will be left with the judgement of the City Manager and the staff. The Council expresses its confidence in the fact that Mr. Ward is the individual to make final judgement on the changes to meet our requests. It is with our full cooperation and confidence that we leave the City's operation in 1976-77 in his hands."

3. Assistance in preventing the further intrusion of industrial uses in and around the Village;

4. Assistance in providing adequate flood protection for the area; and

5. Assistance in repairing streets, storm drainage, sidewalks, placement of anchored benches for pedestrians, and off-street parking.

The petition contained approximately 40 signatures of the merchants and/or property owners in the Biltmore Village.

Mayor Ochsenreiter referred the petition to the staff for recommendations.

Adjournment.

Eugene S. Ochsenreiter
MAYOR

William A. Malcolm
CITY CLERK

Councilman Michael requested that the Planning Staff contact the North Carolina Department of Transportation relative to signalization in the area to prevent traffic hazards due to the increased development of the area.

After discussion, Mayor Ochsenreiter closed the public hearing at 3:20 o'clock p. m.

Councilman Morris moved to approve the site plan of Ingle's Shopping Center Complex subject to the developer complying with the conditions recommended by the Planning and Zoning Commission. This motion was seconded by Councilman Rainey and carried unanimously.

PUBLIC HEARING - REZONING PROPERTY ON BUCHANAN ROAD - RUTH W. GEDDINGS AND OTHERS

ORDINANCE NO. 894 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

3. A public hearing was held relative to rezoning property on Buchanan Road from Office Institutional to R-3 Residential District, property owned by Ruth W. Geddings and Others.

Mayor Ochsenreiter opened the public hearing at 3:22 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, reported that the Planning and Zoning Commission had recommended approval of the request for the following reasons:

1. The predominant land use in the area is residential;

2. The rezoning is in the best interest of the residents of this section; and

3. The rezoning is not in conflict with established zoning policies for the City of Asheville.

Mr. Emrick presented a map of the area showing the property behind St. Joseph's Hospital on Buchanan Road. He said the petitioners were making the request in order to maintain the residential character of the area and in the event property was sold it could not be used for a business use. He said the staff saw no problem with the proposed rezoning.

Mayor Ochsenreiter closed the public hearing at 3:26 o'clock p. m.

The City Manager read the ordinance which rezoned the property as requested.

Councilwoman Swilling moved for adoption of the ordinance. This motion was seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 894 passed on its first reading.

STATEMENT BY COUNCILMAN RAINEY - RE: BUDGET

Councilman Rainey read the following statement:

"I regret that I left the wrong impression in a statement published in this mornings Citizen. The statement was "In the past the practice has been to have a large contingency fund and not give the workers a large raise immediately, I questioned the practice of using the contingency fund as a reserve required for pay raises". I wish now to correct that wrong impression, the point that I was trying to make was that some city workers have viewed the large contingency fund as harboring money that can be used for increases. I do not believe that our City Manager, Ernest Ward, has employed the fund in this way."

STATEMENT BY COUNCILMAN MICHAEL - RE: COALITION BY MEMBERS OF COUNCIL

Councilman Michael made the following statement:

"The news media has stated that there has been a coalition between Councilman Hoyle, Councilman Rainey, Councilwoman Swilling and myself. I would like to say that at no time have I ever been a part of a coalition and never will be. I will always vote independently and the way that I think will serve all the citizens of Asheville fairly and squarely."

PUBLIC HEARING - SITE PLAN OF INGLE'S SHOPPING CENTER COMPLEX

2. A public hearing was held relative to the site plan of Ingle's Shopping Center Complex located on U. S. 19-23 (near the Intersection of I-40).

Mayor Ochsenreiter opened the public hearing at 3:09 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, reported that the Planning and Zoning Commission had recommended approval of the site plan, subject to the following conditions:

1. That the developer buffer the side and rear property lines in accordance with Section 30-3-15, Item 1 outlined on Page 30 of the City of Asheville Zoning Ordinance.

2. That the developer correct existing erosion problems along the property line adjacent to Apple Tree Chevrolet.

3. Submission of a satisfactory erosion control plan to the City of Asheville Division of Inspections.

4. Compliance with all recommendations of the City of Asheville Water Department and the Buncombe County Public Safety Department relative to water and sewer line installation and connections.

Mr. Emrick stated that the plans call for a Revco, United Five and Ten, Discount Department Store, Small Retail Stores, and Twin Theatres. He said the City Water and Sewer Department has indicated that water is available for the Complex, however water for fire protection would probably not be available. Although, the center could get fire protection from the Volunteer Fire Departments or through contract with the City of Asheville Fire Department.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-1, Ordinance No. 892 passed on its second reading, with Councilman Rainey voting "no".

ORDINANCE NO. 893 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1976-77, AS AMENDED

7. Mayor Ochsenreiter advised that the second reading of Ordinance No. 893, an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1976-77, as amended would not be held at this meeting but was being postponed for additional information.

Mayor Ochsenreiter welcomed any comments from members of the public relative to the budget.

Peter Winslow, 288 Kenilworth Road, speaking for the Kenilworth Residents' Association read the following letter:

THE KENILWORTH RESIDENTS' ASSOCIATION

c/o 2 Lakewood Drive
Asheville, North Carolina 28803

June 5, 1976

Asheville City Council
City Hall
Asheville, N.C. 28807

To: Asheville City Council

Re: Proposed Tax Rate Increase

On Thursday, June 3, 1976, The Kenilworth Residents' Association held its regularly scheduled monthly meeting in the Fellowship Hall of the Kenilworth Presbyterian Church at 7:30 pm.

The Association, being mindful of recent publicity given to the alleged need for additional tax revenue for the operation of our city, is further mindful that a thorough, non-biased and concerned investigation of present city services and operations would most probably reveal present budget excesses, inefficiency and waste at various levels of many departments. We suggest that it is here in the "fat", in so dire need of trimming, that the additional funds allegedly needed in the proposed budget could readily be found without placing further undue economic hardship on the residents of Asheville.

Therefore, The Kenilworth Residents' Association through the unanimous passage of a resolution, wishes to go on record and be recognized as being opposed to the tax rate increase proposed in the budget for the City of Asheville for Fiscal Year 1976-77.

Respectfully,

Marvin D. Chambers Pete Winslow

Mr. Marvin Chambers and Mr. Pete Winslow
Co-Chairmen, The Kenilworth Residents' Association

PUBLIC HEARING - SITE PLAN OF THE PROPOSED ONE OAK PLAZA OFFICE BUILDING

4. A public hearing was held relative to the site plan of the proposed One Oak Plaza Office Building.

Mayor Ochsenreiter opened the public hearing at 3:30 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, reported that the Planning and Zoning Commission had recommended approval of the site plan subject to the following conditions:

1. Satisfactory erosion control plan;

2. Location of any electrical facilities such as transformers, parking lot illumination, etc; and

3. Seal and signature of appropriate professional certifying that the plan complies with the Asheville Codes and Ordinances.

Mr. Emrick presented a map of the area showing the property to be located on the Old David Milliard School site. He said the complex would consist of a three story office building with approximately 33,000 square feet.

After discussion, Mayor Ochsenreiter closed the public hearing at 3:40 o'clock p. m.

Councilman Michael moved to approve the site plan of the proposed One Oak Plaza Office Building. This motion was seconded by Vice-Mayor Horton and carried unanimously.

ORDINANCE NO. 891 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Property on Caribou Road owned by Dyna-tex, Inc.

5. Consideration was given to the second reading of Ordinance No. 891, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Property on Caribou Road owned by Dyna-tex, Inc.)

Mayor Ochsenreiter advised that members of Council had previously been furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 891 passed on its second reading.

ORDINANCE NO. 892 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Southwest R-5 Residential District)

6. Consideration was given to the second reading of Ordinance No. 892, an ordinance amending ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Southwest R-5 Residential District).

Upon motion of Councilman Morris, seconded by Vice-Mayor Horton, Resolution No. 76-88 was unanimously adopted.

Complete text of Resolution No. 76-88 will be found in Resolution Book No. 9 at page 47.

RESOLUTION NO. 76-89 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF INTERIOR THROUGH THE RECREATION DIVISION OF THE DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES OF THE STATE OF NORTH CAROLINA FOR A YOUTH EMPLOYMENT, CONSERVATION AND ENVIRONMENTAL EDUCATION PROGRAM FOR THE SUMMER OF 1976

10. Consideration was given to a resolution authorizing the Director of Parks and Recreation to enter into an agreement with the Department of Agriculture and the Department of Interior through the Recreation Division of the Department of Natural and Economic Resources of the State of North Carolina for a youth employment, conservation and environmental education program for the summer of 1976.

The City Manager read the resolution.

Mr. Kisiah, Parks and Recreation Director, said the State of North Carolina through the Youth Conservation Camps Program has allocated $23,000 of federal funds to be matched with $23,000 of local in-kind services on behalf of the City of Asheville to establish a non-resident camp providing employment for approximately 30 youths in environmental education and conservation practices. He said the City has a need for these services at Bee Tree Lake, Recreation Park, Municipal Golf Course, and various other locations throughout the City of Asheville and within the Department of Parks and Recreation. He said this resolution would authorize him to establish such a non-resident Youth Conservation Camp Program.

Upon motion of Councilman Morris, seconded by Councilman Michael, Resolution No. 76-89 was unanimously adopted.

Complete text of Resolution No. 76-89 will be found in Resolution Book No. 9 at page 49.

BIDS - NEW ROOF ON SHILOH SCHOOL GYM FOR THE PARKS AND RECREATION DEPARTMENT

11. Consideration of bids received May 31, 1976 to install new roof on Shiloh School Gym for the Parks and Recreation Department was postponed until the June 17, 1976 meeting.

BIDS - NEW ROOF ON HARVEST HOUSE FOR THE PARKS AND RECREATION DEPARTMENT

12. Consideration of bids received May 31, 1976 to install new roof on Harvest House for the Parks and Recreation Department was postponed until the June 17, 1976 meeting.

ORDINANCE NO. 895 - AN ORDINANCE REQUIRING THE INSTALLATION OF DETECTOR-CHECK VALVES ON FIRE LINE CONNECTIONS TO THE WATER DISTRIBUTING SYSTEM OF THE CITY OF ASHEVILLE AND ESTABLISHING CHARGES FOR FIRE PROTECTION

13. Consideration was given to an ordinance requiring the installation of Detector-Check Valves on fire line connections to the Water Distribution system of the City of Asheville and establishing charges for fire protection.

Mr. Anthony Lord, Chairman of the Library Board, appealed to Council to adopt the budget as requested. He said the library staff's compensation was in dire need of increase and that this was partly the reason for the requested increase in the operating budget for the library.

Mr. Ralph Bishop spoke in opposition to a tax increase.

Mr. John Lawrence, representing the West Asheville Business Association, appealed to Council to hold the line on the taxes.

Mrs. McClure presented petitions, with approximately 100 signatures, opposing a tax increase.

Captain Holbrook, with the National Guard Armory, requested Council's continuation of the $1,000 contribution to the National Guard Armory. He said during emergencies the Armory facilities are used by the City at no cost.

Mrs. Sol Burney said she was pleased that Council was going to maintain the 92¢ tax rate. She said it was her hope that the Library and their staff, the Civic Arts Council, the Asheville Civic Center, and other cultural activities would not be jeopardized at the expense of maintaining other things such as the Asheville Area Chamber of Commerce. She said the City should insist that the County give more participation in contributions to the cultural activities.

Mayor Ochsenreiter advised that Council would be having budget work sessions during the next week in order to sustain the "soul of the City".

STAFF REPORT - BATTERY PARK HOTEL APARTMENT COMPLEX

8. Mr. Verl Emrick, Planning Director, reported that the City staff had been meeting with Mr. Don Blackwell, owner of the Battery Park Hotel, as well as the proposed developers of the apartment complex, and due to the need for additional information the report would be postponed until such information is obtained.

RESOLUTION NO. 76-88 - RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION FOR FEDERAL GRANT WITH THE NORTH CAROLINA DIVISION OF LAW AND ORDER FOR THE PROJECT YOUTH OUTREACH PROGRAM

9. Consideration was given to a resolution authorizing the Mayor to file an application for federal grant with the North Carolina Division of Law and Order for the Project Youth Outreach Program.

The City Manager read the resolution.

Mr. William Fesperman, with the YMCA, explained that this project was funded by LEAA last year and the YMCA was again requesting the City to apply for the grant. He said the LEAA funding will amount to 70 per cent of the total budget, with the YMCA responsible for raising the additional funds. He pointed out that this program would not require expenditures of any city funds.

He said the youths involved in the program are court-referred youngsters. He presented pictures and statistics showing the success of the program during the past year.

RESOLUTION NO. 76-90 - RESOLUTION REVISING WATER AND SEWER CONNECTION CHARGES FOR THE CITY OF ASHEVILLE

15. Consideration was given to a resolution revising water and sewer connection charges for the City of Asheville.

The City Manager read the resolution and explained this was another item relative to the 1976-77 Budget.

Mr. Larry Fisher, Director of Finance, said this resolution relates to a revision in charges for making water and sewer service connections to the distribution-collection system of the City to reflect increase costs that have been incurred in the past few years. It also directs the City Manager to levy a fee of $10.00 to defray the administrative and operational costs of;a) initiating a new water service account; b) transferring a water service account from one location to another on the City's water distribution system; c) and re-establishing water service on any account where service has been discontinued at the request of a customer.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 76-90 was unanimously adopted.

Complete text of Resolution No. 76-90 will be found in Resolution Book No. 9 at page 14.

REZONING REQUEST - MR. R. JACK INGRAM - BREVARD ROAD AND DOGWOOD ROAD

16. The City Manager presented a letter from the Planning and Zoning Commission relative to the rezoning request of Mr. R. Jack Ingram to rezone Ward 15, Sheet 38, Lots 32 and 33 from R-3 Residential District to CH Commercial Highway District. The Planning and Zoning Commission had recommended denial of the request. The City Manager also presented a letter from Attorney William F. Slawter requesting that a public hearing be held on the matter.

Councilman Rainey moved to schedule a public hearing on the matter for July 8, 1976. This motion was seconded by Councilwoman Swilling and carried unanimously.

REZONING PETITION - THREE MOUNTAINEERS, INC.

17. The City Manager presented a letter from the Planning and Zoning Commission relative to the rezoning request of Three Mountaineers, Inc. to rezone property on New Wood Avenue from R-3 Residential District to HI Heavy Industrial District.

Councilman Morris moved to schedule a public hearing on the matter for July 1, 1976. This motion was seconded by Vice-Mayor Horton and carried unanimously.

REZONING REQUEST -CLYDE LEESON AND OTHERS - SOUTH OF ROCK HILL ROAD ON SWEETEN CREEK ROAD

18. The City Manager presented a letter from the Planning and Zoning Commission relative to the rezoning request of Clyde Leeson and Others to rezone property south of Rock Hill Road on Sweeten Creek Road from R-3 Residential District to CS Commercial Service District.

The City Manager read the ordinance and explained that this is one of the service charges for which revenues is included in the budget for Fiscal Year 1976-77.

Mr. Larry Fisher, Director of Finance, explained that this ordinance is intended to establish charges for fire line connections to the City's water distribution system. In addition, the ordinance requires the installation of a detector check-valve and meter on all new connections. The purpose of detector check-valve is to enable the City to insure that fire lines are used purely for fire protection purposes and that water is not taken from them, for any purpose except fire protection. This ordinance will enable the City to install a detector check-valve at the City's expense in order to determine that this unauthorized use is not being carried out. He said the fees proposed in this ordinance are in keeping with the charges levied by Greenville, S. C. and Charlotte, N. C. The cost for administering such a charge and taking a census of sprinkler heads outweigh the additional revenue that might be realized. The charges proposed are based roughly upon the delivery capability of each size fire protection in relation to a base rate assigned to the 8-inch connection. He said on and after the 1st day of January, 1977, all fire line connections on the water system of the City of Asheville shall be subject to an annual charge to be levied by the Water and Sewer Services Department.

Councilman Rainey moved for the adoption of the ordinance. This motion was seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 895 passed on first reading.

ORDINANCE NO. 896 - AN ORDINANCE TO AMEND SECTIONS 29-30 AND 29-32 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

14. Consideration was given to an ordinance to amend Sections 29-30 and 29-32 of the Code of Ordinances of the City of Asheville.

The City Manager read the ordinance and explained that this is another ordinance that is being submitted as a part of the Budget Ordinance for 1976-77.

Mr. Larry Fisher, Director of Finance, said this would eliminate the deposit against payments that have been levied under Section 29-30 and which has proven to be more of a nuisance than a deterrent to persons not wishing to pay for their water. At the same time, amending Section 29-32 would set a more definite date for payment of water bills and impose a schedule of fees to be imposed for re-establishing service after it has been discontinued for non-payment. He said, after the adoption of this ordinance, all charges for water used shall be due and payable on or before the 25th day following the date the water meter was read. Where water is so cut off, a charge in addition to the deliquent water charges shall be collected as follows: A fee of $10.00, or a fee of $25.00, if the meter has been removed, or a fee of $100.00 if the water has been cut off at the main, before the water will be turned on again.

After discussion, Councilman Michael moved for the adoption of the ordinance. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 6-0, Ordinance No. 896 passed on first reading.

Thursday - June 17, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., Otis B. Michael, Gene E. Rainey, J. W. Hoyle, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Bill B. Horton

1. Approval of the minutes of the June 10, 1976 meeting.

Upon motion of Councilman Hoyle, seconded by Councilwoman Swilling, the minutes of the June 10, 1976 meeting were approved as submitted.

ORDINANCE NO. 891 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Property on Caribou Road owned by Dyna-tex, Inc.)

2. Consideration was given to the third and final reading of Ordinance No. 891, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Property on Caribou Road owned by Dyna-tex, Inc.)

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 891 passed on its third and final reading.

Complete text of Ordinance No. 891 will be found in Ordinance Book No. 7 at page 20.

ORDINANCE NO. 892- AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE ", as amended. (Southwest R-5 Residential District)

3. Consideration was given to the third and final reading of Ordinance No. 892, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Southwest R-5 Residential District)

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-1, Ordinance No. 892 passed on its third and final reading.

Complete text of Ordinance No. 892 will be found in Ordinance Book No. 7 at page 21.

Councilman Morris moved to schedule a public hearing on the matter for July 1, 1976. This motion was seconded by Vice-Mayor Horton and carried unanimously.

REZONING PETITION - MR. GUS BARLAS AND MR. JOHN BARLAS - U. S. HIGHWAY 70

19. The City Manager presented a letter from the Planning and Zoning Commission relative to the rezoning petition of Mr. Gus Barlas and Mr. John Barlas to rezone property on U. S. Highway 70 from R-3 Residential District to CH Commercial Highway District.

Councilman Morris moved to schedule a public hearing on the matter for July 1, 1976. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Councilman Morris requested that the Planning Staff notify the property owners in the area of the date set for the public hearing.

Mr. Emrick, Planning Director, said at the request of Council the Planning staff is pursuing avenues to increase publication of rezoning requests. He said they were exploring such ideas as newspaper coverage as well as 30 second spots on WLOS-TV as public service time.

CLAIM - TOMMY I. ARAKAS

The City Manager presented a claim received from Robert E. Riddle, Attorney representing Mr. Tommy I. Arakas for personal injuries.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

VICE-MAYOR HORTON - ANNOUNCEMENT OF MEETING WITH COUNTY COMMISSIONERS

Vice-Mayor Horton announced that members of Council would be meeting with the County Commissioners on Monday, June 14, 1976 in the County Commissioners Chambers to discuss equalizing the taxpayers burdens. He invited the public to attend.

COUNCILWOMAN SWILLING - BEAUCATCHER TUNNEL

Councilwoman Swilling expressed concern over a court ruling to have an open-cut through the Beaucatcher Tunnel. She said she was favorable to the fact that it would be more economical to tunnel through the mountain. She said she hoped the citizens of Asheville would express their concern over the open cut and try to get the Department of Transportation to change their minds.

Councilman Michael also expressed concern over the court ruling to have an open cut. He said he was very much in favor of tunnelling.

Councilman Rainey also spoke in favor of tunnelling in lieu of the open cut process. He said it was also his hope that the citizens of Asheville would express their views. He said if the ruling was not changed he felt a grave mistake would be made.

Adjournment.

Eugene S. Ochsenreiter
MAYOR

William J. Nolen
CITY CLERK

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 894 passed on its second reading.

ORDINANCE NO. 895 - AN ORDINANCE REQUIRING THE INSTALLATION OF DETECTOR-CHECK VALVES ON FIRE LINE CONNECTIONS TO THE WATER DISTRIBUTION SYSTEM OF THE CITY OF ASHEVILLE AND ESTABLISHING CHARGES FOR FIRE PROTECTION

6. Consideration was given to the second reading of Ordinance No. 895, an ordinance requiring the installation of Detector-Check Valves on fire line connections to the water distribution system of the City of Asheville and establishing charges for fire protection.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Larry Fisher, Director of Finance, suggested that the ordinance be amended to include the following:

Section 5. Last sentence should read: "Charges shall be due and payable in advance of January 1, of each year"

Section 5. Add new sentence to read: "Connections made during the year will be subject to a pro-rata charge payable in advance from date of connection."

Mr. Fisher said these amendments would clarify the ordinance.

After discussion, Councilman Morris moved to amend the ordinance, as recommended by Mr. Fisher. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 895 passed on its second reading.

ORDINANCE NO. 896 - AN ORDINANCE TO AMEND SECTIONS 29-30 AND 29-32 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

7. Consideration was given to the second reading of Ordinance No. 896, an ordinance to amend Sections 29-30 and 29-32 of the Code of Ordinances of the City of Asheville which would eliminate the deposit against payments that have been levied under Section 29-30 and set a more definite date for payment of water bills and impose a schedule of fees to be imposed for re-establishing service after it has been discontinued for non-payment.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Larry Fisher, Director of Finance, suggested that the ordinance be amended to have the ordinance become effective the 1st day of July, 1976.

ORDINANCE NO. 893 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1976-77, AS AMENDED

4. Consideration was given to the second reading of Ordinance No. 893, an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1976-77, as amended.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

The City Manager presented the following proposed budget amendments:

Expenditure Reductions

Item		Amount
Travel		(5,350)
Dues and Subscriptions		(4,556)
Positions:		
Salaries and Wages	(98,075)	
FICA Tax	(5,737)	
Group Insurance	(3,402)	
Total Positions		(107,214)
Printing		(19,178)

Revenue Additions

County Participation - Library	15,000

He said none of the positions to be reduced are employed at this time and the printing reduction was due to the offset of savings that will be received from the approval of Council of a new printing machine. He said the Council has already made an amendment to the budget ordinance on June 3, 1976 which reduced expenditures by $23,000 and if Council approves, by amendment, the proposed $151,298 reduction, the total reduction in the budget would amount to $174,298.00, which would be 2.8¢ of the 7¢ proposed tax increase. He said he would have the balance of the 7¢ tax increase by the third reading of the ordinance.

Councilman Rainey moved to amend Ordinance No. 893, as recommended by the City Manager. This motion was seconded by Councilman Hoyle and carried unanimously.

Ms. Catherine Johnson, 29 Devonshire Place, spoke in opposition to a tax increase stating that there would be a residential blight if the taxes are increased.

On a roll call vote of 4-1, Ordinance No. 893 passed on its second reading, with Councilman Michael voting "no".

ORDINANCE NO. 894 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Property on Buchanan Road)

5. Consideration was given to the second reading of Ordinance No. 894, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Property on Buchanan Road).

Ray Kisiah, Director of Parks and Recreation, said the building had been inspected by three (3) contractors and the Inspection Division and all agreed that the building needed a new roof.

After discussion, Councilman Michael moved to award the contract to install a new roof on Harvest House to Stroup Sheet Metal Works in the amount of $4,771.00. This motion was seconded by Councilwoman Swilling and carried unanimously.

Bid Summary

Bidder	Bid
Stroup Sheet Metal Works, Inc.	$4,771.00
W. H. Authur Company	5,240.00

ORDINANCE NO. 897 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1975-76

The City Manager read an ordinance amending the operating budget of the City of Asheville for the fiscal year 1975-76 appropriating additional funds in the amount of $4,771.00 from the Revenue Sharing Trust Fund for the purpose of installing a new roof on the Harvest House.

Councilwoman Swilling moved for the adoption of the ordinance. This motion was seconded by Councilman Micheal.

On a roll call vote of 5-0, Ordinance No. 897 passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 897. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 897 passed on second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 897. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 897 passed on third and final reading.

Complete text of Ordinance No. 897 will be found in Ordinance Book No. 7 at page 28.

STAFF REPORT - TOT LOT AT FRANCES AND METCALF STREETS IN WEST ASHEVILLE

10. Ray Kisiah, Director of Parks and Recreation, said two alternate plans have been developed for the tot lot at Frances and Metcalf Streets. He said the plans had been reviewed by the residents of the area.

Councilwoman Swilling moved to amend the ordinance to have the ordinance become effective the 1st day of July, 1976. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 896 passed on second reading.

Councilman Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 896. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 896 passed on third and final reading.

Complete text of Ordinance No. 896 will be found in Ordinance Book No. 7 at page 27.

BIDS - NEW ROOF ON SHILOH SCHOOL GYM FOR THE PARKS AND RECREATION DEPARTMENT

8. Consideration was given to bids received May 31, 1976 to install new roof on Shiloh School Gym for the Parks and Recreation Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Stroup Sheet Metal Works, Inc. in the amount of $9,288.00.

Upon inquiry of Councilman Rainey, Mr. Ray Kisiah, Director of Parks and Recreation, stated that Stroup Sheet Metal Works, Inc. would have to comply with the Davis-Bacon Act due to federal funds being used in the project.

After discussion, Councilman Morris moved to proceed with awarding the contract for the new roof on Shiloh School Gym to Stroup Sheet Metal Works, Inc. in the amount of $9,288.00; provided the Buncombe County School Board will agree to a fully executed lease of the Shiloh School for $1.00 per year to the City of Asheville; and provided further that it is legal to use federal funds to improve the property of another individual. This motion was seconded by Councilman Michael and carried unanimously.

Bid Summary

Bidder	Bid
Stroup Sheet Metal Works, Inc.	$9,288.00
W. H. Authur Company	$10,894.00

BIDS - NEW ROOF ON HARVEST HOUSE FOR PARKS AND RECREATION DEPARTMENT

9. Consideration was given to bids received May 31, 1976 to install new roof on Harvest House for the Parks and Recreation Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Stroup Sheet Metal Works, Inc. in the amount of $4,771.00. He said this project was not funded in the 1975-76 budget and would require an amendment to the budget appropriating funds from the Revenue Sharing Trust Fund.

By the use of a map, Mr. Ward reviewed the total plan for members of Council. He said it is planned to extend the bike trails, in the future, to cover 60 to 68 miles of the City Limits.

It was the consensus of Council that there could be a less expensive way to provide bike trails in the City, without having a piecemeal project.

Mr. Ward explained that if Council went to a less expensive trail, it was doubtful that the City would receive funding from the Federal Highway Administration.

Ms. Claudia Nix, with the Asheville Bike Club, encouraged Council's support of the project.

After considerable discussion, Councilman Michael moved to table the resolution until after July 1, 1976, giving Council an opportunity to re-consider the project before the deadline submission date of the grant of August 1, 1976. This motion was seconded by Councilman Hoyle, which motion carried, with Councilman Rainey voting "no".

RESOLUTION NO. 76-91 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH HUNTLEY CONSTRUCTION COMPANY FOR THE PROJECT KNOWN AS OAKLEY AREA WATER IMPROVEMENTS

12. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Huntley Construction Company for the project known as Oakley Area Water Improvements.

The City Manager read a memorandum from Mr. William Edens, City Engineer, which recommended the acceptance of the low bid submitted by Huntley Construction Company in the amount of $48,804.25.

Mr. Edens explained that this was part of the Water Improvement System Project and would entail the installation of 9,100 linear feet of water line on Cedar Street, Glendale Avenue, Crayton Road and Oakley School Road, fire hydrants and all necessary appurtenances, including two bored encasements under the Southern Railroad Tracks and 126 linear feet of water main hung under the deck of Cedar Street over the Southern Railroad tracks.

The City Manager read the resolution.

Upon motion of Councilman Rainey, seconded by Councilman Michael, Resolution No. 76-91 was unanimously adopted.

Complete text of Resolution No. 76-91 will be found in Resolution Book No. 9 at page 53.

RESOLUTION NO. _____ - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH PITTMAN HIGHWAY CONTRACTING COMPANY, INC. FOR THE PROJECT KNOWN AS SHILOH-OAKLEY PUBLIC WORKS IMPROVEMENTS

13. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Pittman Highway Contracting Company, Inc. for the project known as Shiloh-Oakley Public Works Improvements.

The City Manager read the resolution.

The plans are as follows:

Plan A - Acquisition of Lots 26 and 43- estimated cost of $4,000, plus basketball court, playground equipment, shelters, fencing, benches, and 4 picnic tables for a total cost of $27,120.

Plan B - Acquisition of Lot 43- estimated cost of $2,500, plus basketball court, playground equipment, fencing and benches, for a total cost of $18,840.

Mr. Kisiah said, if approved, funds would be used from the Community Development Contingency Fund. He said this would not be a neighborhood park but a tot lot which would require no staffing but would require some maintenance by the Parks and Recreation Department.

Councilman Micheal suggested that the matter be postponed until after July 1, 1976.

Mrs. Charles Parker, 66 Frances Street, encouraged Council to take action on the matter immediately.

After discussion, Councilwoman Swilling moved to authorize the City Manager to proceed with the acquisition of Lot Number 43, Ward 5, Sheet 3, to develop the lot as a children's tot lot under the proposed Plan B, presented by Mr. Kisiah, and further that the appropriations for funding in the second action year of the Community Development block grants be amended to reflect an increase in the amount of $18,840 to the Parks and Recreation Department to cover the costs of acquiring and developing of this tot lot, and further that Mr. Kisiah amend Plan B to incorporate a picnic area for the elderly. This motion was seconded by Councilman Rainey, which motion carried, with Councilman Michael voting "no".

RESOLUTION NO. _____ - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA FOR A GRANT UNDER SECTION 119 OF THE FEDERAL-AID HIGHWAY AMENDMENTS OF 1974

11. Consideration was given to a resolution authorizing the filing of an application with the Department of Transportation, United States of America for a grant under Section 119 of the Federal-Aid Highway Amendments of 1974 to develop a bicycle trail in the City of Asheville.

The City Manager read the resolution.

Mr. Larry Ward, of the Planning Division, said in January of 1976, the Federal Highway Administration developed a new program which would allow for bikeway demonstration projects in urban areas. He said $6 million has been set aside for such experiments across the nation. He said the Planning Division has been working on a citywide bikeway project, with many local groups working on the project. He said all the property to be used in the bikeway trail is public owned property. He said the estimated cost of the project would be $114,000, which would include an asphalt paved eight foot wide trail, which would be partially lighted and include signs, painted markings, and some traffic signals where it would intersect with city streets. He said the Federal Highway Administration would finance 80% of the total cost, or $91,440, leaving the City's share to be $22,850. The funding for this project could come from the Community Development Contingency Fund.

CHANGE ORDERS - LIVINGSTON STREET SCHOOL PROJECT

16. Consideration was given to the approval of change orders relative to Livingston Street School Project.

Ray Kisiah, Parks and Recreation Director, said the City would be receiving $150,000 from the Asheville Housing Authority's Community Space Program for this project. However, the City must provide office space for the collection of rent from the Housing Projects and this change order would allow for the renovation to provide this office space. He said this $6,103 would come from the Model Cities Surplus Funds, which have already been allocated to this project, by action of the City Council. However, all change orders must have the approval of the City Council.

Councilwoman Swilling moved to authorize the Mayor to execute the change orders in the amount of $6,103 for the Livingston Street School Project. This motion was seconded by Councilman Michael and carried unanimously.

RESOLUTION NO. 76-93 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH THE TENNESSEE VALLEY AUTHORITY

17. Consideration was given to a resolution authorizing the Mayor to sign an agreement with the Tennessee Valley Authority.

The City Manager read the resolution.

Ken Michalove, Assistant City Manager, said the City is assisting the County of Buncombe on the cleanup of Smith Mill Creek through the use of federally funded crews and equipment. He said the project is not completed and heavy equipment is needed to finish the project. He said the Tennessee Valley Authority will reimburse the City of Asheville for work performed in an amount not to exceed $1,000. He said this resolution would authorize the Mayor to sign an agreement with the Tennessee Valley Authority in order that the City may be reimbursed for costs incurred up to $1,000.

Upon motion of Councilman Hoyle, seconded by Councilman Rainey, Resolution No. 76-93 was unanimously adopted.

Complete text of Resolution No. 76-93 will be found in Resolution Book No. 9 at page 56.

ORDINANCE NO. 898 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1975-76

18. Consideration was given to an ordinance amending the operating budget of the City of Asheville for the fiscal year 1975-76.

The City Manager read the ordinance.

Corporation Counsel William C. Moore said he had been advised that the City Staff had been checking to determine if Pittman Highway Contracting Company was duly licensed in the City of Asheville to do such work.

After discussion, Councilman Rainey moved to table the resolution until such time as it is determined whether or not Pittman Highway Contracting Company is duly licensed. This motion was seconded by Councilman Hoyle and carried unanimously.

APPROVAL OF SALE OF PARCEL 73 - EAST RIVERSIDE RENEWAL PROJECT N. C. R-48

14. Consideration was given to the approval of the sale of Parcel 73 in the East Riverside Renewal Project N. C. R-48.

Larry Holt, Director of Field Services of the Housing Authority, explained that Mr. Milton Shuford and Mr. H. T. Atkins have submitted a bid of $1,350.00 to purchase the parcel for construction of a single family residence.

Councilman Michael moved for the approval of the sale of Parcel 73 in the East Riverside Renewal Project N. C. R-48 to Mr. Milton Shuford and Mr. H. T. Atkins in the amount of $1,350.00. This motion was seconded by Councilman Hoyle and carried unanimously.

RESOLUTION NO. 76-92- RESOLUTION APPROVING REVISED AGREEMENT BETWEEN THE NORTH CAROLINA BOARD OF TRANSPORTATION AND CITY OF ASHEVILLE IN CONNECTION WITH DISBURSEMENT AND ACCOUNTING OF PLANNING FUNDS OF SECTION 112 OF THE FEDERAL-AID HIGHWAY ACT OF 1973

15. Consideration was given to a resolution approving revised agreement between the North Carolina Board of Transportation and City of Asheville in connection with disbursement and accounting of planning funds of Section 112 of the Federal-Aid Highway Act of 1973.

The Corporation Counsel read the resolution.

Verl Emrick, Planning Director, explained that this grant, allocated through the State, would be in the amount of $26,000 which would supplement the operating expenses of the Planning Division. He said the City would have to contribute local in-service costs of $5,200.

After discussion, Councilman Michael moved for the adoption of Resolution No. 76-92. This motion was seconded by Councilman Hoyle and carried unanimously.

Complete text of Resolution No. 76-92 will be found in Resolution Book No. 9 at page 54.

Councilman Michael brought up a discussion relative to the Carroll Street Bridge Project. He said something should be done about replacing the bridge without delay.

Complete text of Resolution No. 76-94 will be found in Resolution Book No. 9 at page [illegible].

Council requested that the Department of Transportation also consider conducting a hydrographic survey in the Biltmore Village Area and consider replacing the bridge on Biltmore Avenue and Louisana Avenue.

BEAUCATCHER MOUNTAIN PROJECT -

Councilwoman Swilling introduced the Rev. Hugh Edsel who read the following resolution:

WHEREAS, expert testimony by a qualified tunnel engineer and contractor who has constructed tunnels on Interstate 40 shows that twin 3-lane tunnels through Beaucatcher Mountain would cost no more, would take less time to build, would operate as safely and would handle the expected traffic volume as adequately as an open cut; and,

WHEREAS, the Federal Government has just announced that the Tunnel Road Connector has been designated an Interstate Alternate Route to be known as I-140, with the Federal Government paying ninety percent of the entire cost, thus removing the cost factor as an argument by this state for an open cut; and,

WHEREAS, the State Board Of Health wrote on October 4, 1971, warning that the nearby Beaucatcher Reservoir and large city water mains adjacent to the open cut might be damaged by so much blasting, thereby creating a serious health hazard, and leaving large portions of the city without fire protection or drinking water; and,

Mr. Mike Smith, Director of Central Services, explained that the City authorized a study of its Policemen's and Firemen's Pension Plans to be conducted in fiscal year 1975 in order to determine the costs involved in putting these plans on an actuarially sound funding basis and the legislation needed to put these plans on an actuarially sound basis was not passed by the General Assembly in its 1975 sessions and the City has set aside $500,000 in its Revenue Sharing Trust account to be applied to the past service liability portion of the funding of the plans. He said this ordinance would amend the operating budget by appropriating $500,000 from the Revenue Sharing Trust Fund as a contribution to a new Policemen's and Firemen's Pension Trust Fund, and that a new Policemen's and Firemen's Pension Trust Fund would be established to receive the contribution and be maintained to account for the contribution, plus any interest accruing, until such a time as an actuarially sound Policemen's and Firemen's Pension Plan is adopted.

Councilman Morris moved for the adoption of the ordinance. This motion was seconded by Councilman Michael.

On a roll call vote of 5-0, Ordinance No. 898 passed on first reading.

Councilman Michael moved to suspend the rules and proceed to the second reading of the ordinance. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 898 passed on its second reading.

Councilman Michael again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 898. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 898 passed on its third and final reading.

Complete text of Ordinance No. 898 will be found in Ordinance Book No. 7 at page 29.

RESOLUTION NO. 76-94 - RESOLUTION APPROVING THE USE OF DEPARTMENT OF TRANSPORTATION URBAN FUNDS TO CONDUCT A HYDROGRAPHIC SURVEY OF THE BILTMORE, McDOWELL , AND SOUTHSIDE AVENUE AREA

19. Consideration was given to a resolution approving the use of Department of Transportation Urban Funds to conduct a hydrographic survey of Biltmore Avenue, McDowell Street, and Southside Avenue area.

The City Manager read the resolution.

Mr. William F. Wolcott, Jr., Assistant City Manager, explained that the City has been advised by the N. C. Department of Transportation that, due to the extensive development in the area bounded by Biltmore Avenue, McDowell Street and Southside Avenue, they anticipate that the existing storm drainage system will not be adequate to carry the increased runoff from this area and the Department recommends that a hydrographic survey be made in order to plan for the future upgrading of this storm drainage system. He said the Department of Transportation has requested that the City Council approve the use of $4,359.81 of unallocated urban funds to be used to carry out the survey.

Upon motion of Councilman Rainey, seconded by Councilwoman Swilling, Resolution No. 76-94 was unanimously adopted.

WHEREAS, on April 20, 1970, the Federal Bureau of Public Roads advised the State Highway Commission that after careful review of the many considerations including the environmental impacts, the highway needs, the recommendations of the State Highway Commission, and discussion with State officials, the open cut through Beaucatcher Mountain was not acceptable, and that the State should plan to tunnel through Beaucatcher Mountain, pointing out that the increased protection of the environment and the preservation of the natural beauty warranted the additional cost and any time delay, and that a satisfactory level of service would be provided by tunnels; and,

WHEREAS, the removal of so much valuable property from the local tax base places an unwarranted additional tax burden on the local people; and,

WHEREAS, in addition to the thousands of petitioners, those who strongly oppose the open cut through Beaucatcher Mountain include the members of the Beaucatcher Mountain Defense Association, the Sierra Clubs of both North and South Carolina, the Conservation Council of North Carolina, ECOS, the Upper French Broad Defense Association and the Ecology Club of Enka High School; now, therefore,

WHEREAS, the State Soil and Water Conservation Committee wrote to the Highway Department on September 23, 1971 warning that siltation on the Beaucatcher Open Cut Project will not be minor, and urging that this project be recognized as one which will produce tremendous amounts of erosion very difficult to control, creating a serious problem; and,

WHEREAS, the Engineering News Record of November 15, 1975, points out that the State Highway Department geologist says that fairly detailed geologic studies, similar to those made on Beaucatcher Mountain, including core drilling and soil analysis were undertaken on Warrior Mountain near Tryon before work was originally started on that Interstate 26 project, but rock slides have now added four years and fifteen million dollars to the original cost; and,

WHEREAS, the Secretary of the Interior advised the Chairman of the Highway Commission on November 9, 1971, that the aesthetic impact of the open cut would be significant, immediate and permanent, and that the aesthetic costs of this project will be paid and repaid for generations; and,

Councilman Morris's substitute motion failed for the lack of a second.

Councilman Rainey said he felt all too often progress and consideration for environment are mutually exclusive. He said it was his opinion that progress ane environmental considerations are not mutually exclusive that they can go hand in hand, that we can have economic progress and economic growth, with consideration of the beauties of our environment. He said it was his opinion that the open cut does violence to the economic beauty of this area as well as violence to the concept of progress itself. He said he was afraid the open cut would take away the beauty Asheville has and we must find ways to have our progress and our beauty and protect our environment at the same time. He said this particular resolution would not add anything to a decision for the open cut, but individuals must stand up and be counted.

On a voice vote, Councilman Michael's motion carried, with Councilman Morris voting "no".

Mr. George Coggins thanked Council for adopting Rev. Edsel's resolution.. He said facts in the resolution are backed up by letters attached to the resolution, which are excerpts from the Environmental Statement published and approved by the State Highway Department. He said the State Highway Department appeared before the Metropolitan Planning Board and presented this project before it could ever be approved by federal funding and it must have been explained in detail. He said all the state and federal departments pointed out the terrible effects of the open cut. He said he felt the decision for an open cut was not a good solution for our community.

Marlyn Gordon, with the Beaucatcher Defense Association, said Council should consider the tunnels in order not to remove the historical mountain.

Adjournment.

MAYOR

CITY CLERK

BE IT RESOLVED, that notwithstanding any prior approval given for the construction of an open cut through Beaucatcher Mountain segment of the relocation of U. S. 70-74 the City of Asheville hereby rejects the concept of the open cut through the mountain, and respectfully requests the State and Federal Departments of Transportation to adopt at once the alternate plan for tunneling through Beaucatcher Mountain and to expedite the planning and construction of that tunneling project without further delay.

Councilwoman Swilling said she was happy to sponsor such a resolution. She said her strong feelings with regard to this resolution is the fact that as a Council they represent the citizens of Asheville and the many petitions which have been presented directly to Council, including the ones that have been brought today. She said it appears that so many people in the City are opposed to this type of thing coming into our area. She said it was her belief that this Council could do no less than to go on record as being opposed to this dreadful thing that could happen to the beautiful area.

Councilman Michael moved that Rev. Edsel's resolution become a part of the minutes of the City Council and also that City Council adopt a policy that they are opposed to the open cut and would like to have twin tunnels. This motion was seconded by Councilwoman Swilling.

Councilman Morris offered a substitute motion that the Council of the City of Asheville respectfully request that the North Carolina Department of Transportation send a representative to explain the reason it proposed a cut rather than tunnels through Beaucatcher Mountain. He said he was asking that this Council hold up action due to Council's obligation to look at both sides of every problem. He said if the statements and petitions are true it was very difficult for him to understand why the State Highway Department has taken their position and he felt before Council takes any action they should ask the Department their reasons.

Councilman Michael said he felt there has been enough people sign petitions and enough response from the public to carry this motion through. He said he felt the motion would require the Department of Transportation of the State of North Carolina and the Federal Government, who have decided that we should have an open cut, using our money, to give us an explanation as to why we should have an open cut instead of twin tunnels.

Mayor Ochsenreiter opened the public hearing at 3:08 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, advised that this request had been presented to Council and City Council remanded the request to the Asheville Planning and Zoning Commission for study and recommendation.

He said at the June 2, 1976 meeting the Asheville Planning and Zoning Commission recommended that the lots in question be rezoned from CS Commercial Service District to R-3 Residential District for the following reasons:

1. The Planning and Zoning Commission initially recommended this area for residential.

2. Mr. Vaillancourt, owner of lots originally requested for commercial, agrees property can go back to residential.

3. The residents want it zoned R-3 Residential.

4. The Commission members voiced opinion that they would like to see residential character of this area remain.

He said during the Planning and Zoning Commission meeting there were several statements presented in favor of the rezoning. There was one statement presented in opposition to the rezoning.

By the use of a map, Mr. Emrick reviewed the location of the proposed rezoning.

He said certified letters were mailed to surrounding property owners advising them of the proposed rezoning.

Mr. Cecil Roberts, Debbie Roberts, Louise Buchanan, and Linda Jarvis, all spoke in support of the R-3 Residential District.

Mr. Mack Case, real estate agent, said he had contracts on the property in question with Mr. Bumgardner and a dentist who would like to put a professional building on the property. He said a dentist office could not be placed in the R-3 Residential District but could be put in a R-4 District or a Commercial District.

Mr. Jack Clevenger, proposed developer of the property if it remains Commercial, said the professional office building would be constructed in good tast with the residential area.

Council members discussed with the Planning Director the possibility of rezoning the property R-4 Residential District. The Planning Director advised members of Council of the permitted uses that would be allowed in the R-4 Residential District.

Thursday - June 24, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., Otis B. Michael, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilmen Gene E. Rainey and J. W. Hoyle

1. Approval of the minutes of the June 17, 1976 meeting.

Vice-Mayor Horton requested Councilman Michael to confirm his motion of June 17, 1976, as shown on page 351, relative to the Beaucatcher Mountain Project.

Councilman Michael said his motion was made, as shown on page 351, of the minutes of the City Council meeting of June 17, 1976.

Upon motion of Councilman Morris, seconded by Councilman Michael, the minutes of the June 17, 1976 meeting were approved as submitted.

RESOLUTION NO. 76-95 - RESOLUTION OF COMMENDATION TO WILBURN A. BOSTIC

Mayor Ochsenreiter read a resolution of commendation to Wilburn A. Bostic, who will be retiring June 25, 1976 after serving in various capacities with the City of Asheville since 1934.

Upon motion of Councilman Morris, seconded by Councilwoman Swilling, Resolution No. 76-95 was unanimously adopted.

Complete text of Resolution No. 76-95 will be found in Resolution Book No. 9 at page 58.

COMMUNITY DEVELOPMENT BLOCK GRANT APPROPRIATION - 1976-77

Vice-Mayor Horton read the following memorandum from Mr. Logan Delany, Community Development Coordinator, which was dated June 24, 1976:

"I am pleased to submit this memorandum that you may officially notify City Council of the fact that Senator Robert B. Morgan and Representative Roy A. Taylor have jointly announced approval of the Asheville's Community Development Block Grant Program for 1976-77 in the amount of $3,238,000.

I have attached, for your information, a summary list of the projects to be included in this program as submitted to the Department of Housing and Urban Development on April 15, 1976."

PUBLIC HEARING - REZONING - LEICESTER HIGHWAY AND WESTWOOD DRIVE

2. A public hearing was held relative to rezoning property on Leicester Highway and Westwood Drive from CS Commercial Service District to R-3 Residential District.

Revenue Sharing Trust Fund

Expenditures

Item	Amount
Estimated Uncommitted Balance	533,459
C. O. - Other Improvements - Bee Tree Pool	38,000
Contribution to General Fund - Longevity Pay Plan	107,388
C. O. - Equipment - Zoo Squeeze Cages	3,850
Sanitation Equipment	150,000
Reserve for Capital Appropriations	234,221

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The City Manager commented that in a meeting held June 23, 1976 with the County Commissioners, it was agreed that they would spend $80,000 during the nine months in the next fiscal year on the Zoo and that they would expect to have control of the Zoo and the Children's Zoo for that amount. He said they were planning additional personnel other than that which was requested in the City's budget, and therefore this would allow the city to have a net reduction of $50,000 in the General Fund for the Recreation Park.

He said the reductions in the Water and Sewer Operations Fund in the amount of $6,505 would be transferred to Capital Outlay - Buildings for the renovation of the building on Valley Street occupied by the Water Department.

Vice-Mayor Horton commented that he would like to seek additional support from the County Commissioners for the Board of Tax Supervision before the final reading on the ordinance.

Upon inquiry of Councilman Michael, the City Manager said at the time the budget was being prepared and when the budget letter was presented to Council, the City had a surplus of $1,200,000 that had accumulated during the 1975-76 fiscal year. He said the accumulation came about because of a job freeze that he had put into effect, and by expenditures that were appropriated but not spent, plus a tightening up by all the department heads on their operation expenditures. He said because of the tight budget next year the City would have a difficult time coming up with the amount of surplus they had this fiscal year, plus the additional problem of the proposed 7¢ tax increase being eliminated. He said he felt it would be difficult to put a budget together in Fiscal Year 1977-78 without a large tax increase.

Vice-Mayor Horton moved to amend Ordinance No. 893, as recommended by the City Manager, except for the General Fund Expenditure Reduction of the Contingency Fund in the amount of $40,082. This motion was seconded by Councilman Michael and carried unanimously.

After discussion, Mayor Ochsenreiter closed the public hearing at 3:35 p. m.

The City Manager read the ordinance zoning the property R-3 Residential District, as recommended by the Planning and Zoning Commission.

Councilman Michael moved to refer the petition back to the Planning and Zoning Commission for their recommendation in zoning the property in question R-4 Residential District. This motion was seconded by Councilman Morris and carried unanimously.

ORDINANCE NO. 893 - AN ORDINANCE ADOPTING AND APPROPTIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1976-77

3. The City Manager presented the following proposed amendments to Ordinance No. 893, which would bring the tax rate back to the present 92¢ as requested by Council:

General Fund

Expenditure Reductions

Item	Amount
Contribution - N. C. National Guard	(1,000)
Contingency	(40,082)
Recreation Park Reductions	(50,000)

Revenue Additions

County Participation - Airport	60,000
Contribution from Revenue Sharing - Longevity Pay Plan	107,388

Water and Sewer Operations Fund

Expenditure Reductions

Item	Amount
Annuity	(2,580)
Travel	(3,400)
Dues and Subscriptions	(525)
Capital Outlay- Buildings	6,505

The City Manager read the resolution and explained that this resolution authorizes him to acquire a right-of-way through Mr. and Mrs. Charles G. Cole's property on McIntosh Road in the amount of $575.00 and a free 3/4-inch water connection is the most economical way to go with the new 8-inch water line extension to serve the new Haw Creek School. The Buncombe County School Board will reimburse the City of Asheville for all expenditures including the installation of the 8-inch water line and the right-of-way that must be acquired.

Upon motion of Councilman Morris, seconded by Vice-Mayor Horton, Resolution No.76-96 was unanimously adopted.

Complete text of Resolution No. 76-96 will be found in Resolution Book No. 9 at page 59

REVISED FINAL SUBDIVISION PLAT OF SHERWOOD HEIGHTS FOR R. L. COLEMAN

7. Verl Emrick, Planning Director, advised that he had received a letter from R. L. Coleman & Company, as developer of Sherwood Heights, requesting that the Asheville City Council reaffirm their approval of lots that are presently recorded in the Buncombe County Court House and shown on the Buncombe County Tax Map in Ward 9, Sheet 29, which are presently located on Robin Hood Road, Brookwood Road, and Brookwood Court. He said the original approval, granted in August, 1965, included all lots shown on the private plat. However, due to the fact that the city did not and does not have adequate water pressure to supply lots 27 through 49 in Block F2, Part 2 and 3 fronting Robin Hood Road, they only recorded lots in areas where adequate water pressure is available. The lots recently recorded are serviced by city water and city sewer, and comply with all restrictions as so stated in the Buncombe County Subdivision Ordinance.

After discussion, Councilman Michael moved to approve the revised final subdivision plat of Sherwood Heights for R. L. Coleman. This motion was seconded by Councilman Morris and carried unanimously.

FINAL PLAT OF THE BALLENTREE SUBDIVISION

8. Verl Emrick, Planning Director, said the developers of the Ballantree Subdivision are requesting Council's approval of the final subdivision plat for Section C of the project.

Mr. Emrick said all utility and street facilities have been approved and accepted by the City and the County.

Councilman Michael moved to approve the final plat of Section C of the Ballentree Subdivision. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Councilwoman Swilling moved to schedule a special meeting of the Asheville City Council for Tuesday, June 29, 1976 at 3:00 o'clock p. m. for the sole purpose of having the third and final reading of Ordinance No. 893, an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1976-77, as amended. This motion was seconded by Vice-Mayor Horton, which motion carried, with Councilman Michael voting "no".

Charles Dent, 18 Chateau Place, recommended that the Council delete the $80,000 contribution to the Asheville Area Chamber of Commerce and transfer the fund to the Contingency Fund.

ORDINANCE NO. 894 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Property on Buchanan Road)

4. Consideration was given to the third and final reading of Ordinance No. 894, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, property on Buchanan Road.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 894 passed on its third and final reading.

Complete text of Ordinance No. 894 will be found in Ordinance Book No. 7 at page 24 .

ORDINANCE NO. 895 - AN ORDINANCE REQUIRING THE INSTALLATION OF DETECTOR-CHECK VALVES ON FIRE LINE CONNECTIONS TO THE WATER DISTRIBUTION SYSTEM OF THE CITY OF ASHEVILLE AND ESTABLISHING CHARGES FOR FIRE PROTECTION

5. Consideration was given to the third and final reading of Ordinance No. 895, an ordinance requiring the installation of Detector-Check Valves on fire line connections to the water distribution system of the City of Asheville and establishing charges for fire protection.

Mayor Ochsenreiter advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 895 passed on its third and final reading.

Complete text of Ordinance No. 895 will be found in Ordinance Book No. 7 at page 25 .

RESOLUTION NO. 76-96 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE A RIGHT-OF-WAY EASEMENT FROM MR. AND MRS. CHARLES G. COLE FOR AN 8-INCH WATER LINE ON McINTOSH ROAD, ASHEVILLE, NORTH CAROLINA

6. Consideration was given to a resolution authorizing the City Manager to acquire a right-of-way easement from Mr. and Mrs. Charles G. Cole for an 8-inch water line on McIntosh Road, Asheville, North Carolina.

BIDS - OFFICE FURNITURE AND PANEL SYSTEM FOR WATER BILLING DEPARTMENT

12. Consideration was given to bids received June 21, 1976 for office furniture and panel system for the Water Billing Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the only bid received from Talman Office Supplies, Inc. in the amount of $17,809.80.

Councilman Michael moved to accept the recommendation of the Purchasing Agent and award the bid to Talman Office Supplies, Inc., in the amount of $17,809.80. This motion was seconded by Councilwoman Swilling and carried unanimously.

BIDS - FOOD SERVICE EQUIPMENT FOR CIVIC CENTER

13. Consideration was given to bids received June 21, 1976 for food service equipment for the Civic Center.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Asheville Showcase and Fixture Company in the amount of $69,786.00.

Jim Evans, Civic Center Manager, said this equipment would assist the caterers in the Civic Center as well as derive income for the City.

Vice-Mayor Horton moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Asheville Showcase and Fixture Company in the amount of $69,786.00. This motion was seconded by Councilman Morris and carried unanimously.

Bid Summary	Bidder	Bid
	Asheville Showcase & Fixture Co.	$69,786.00
	Scruggs, Inc., Knoxville, Tenn.	74,350.00

RESOLUTION NO. 76-99 - RESOLUTION RELATIVE TO THE ACQUISITION OF THE NATIONAL GUARD PROPERTY

14. Consideration was given to a resolution relative to the acquisition of the National Guard Property.

The City Manager read the resolution.

William F. Wolcott, Jr., Assistant City Manager, said the City of Asheville has been requested by the State of North Carolina Department of Military and Veterans Affairs, Division of National Guard, to support them on the acquisition of certain property to provide a site for a new maintenance shop to be constructed adjacent to the existing National Guard Armory on Shelbourne Road. He said the City has negotiated an exchange of property between the State of North Carolina and Mr. and Mrs. Homer Smith, because the individual appraisals indicate the State property is valued at $3,000 in excess of the property to be acquired from Mr. and Mrs. Smith. The City has agreed to pay the $3,000 difference in property values in exchange for the present National Guard Maintenance Shop now located on Hunt Hill Place, the same to revert to the City when the new maintenance shops have been constructed.

He said the property on Hunt Hill Place will be used by the Parks Department.

RESOLUTION NO. 76-97 - RESOLUTION OF INTENT TO CLOSE AN ALLEY AND CALLING A PUBLIC HEARING ON THE QUESTION

9. Consideration was given to a resolution of intent to close an alley and calling a public hearing on the question.

The Corporation Counsel read the resolution, scheduling a public hearing on the matter for July 29, 1976

Upon motion of Councilwoman Swilling, seconded by Vice-Mayor Horton, Resolution No. 76-97 was unanimously adopted.

Complete text of Resolution No. 76-97 will be found in Resolution Book No. 9 at page 60.

RESOLUTION NO. 76-98 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH PITTMAN HIGHWAY CONTRACTING COMPANY INC. FOR THE PROJECT KNOWN AS SHILOH-OAKLEY PUBLIC WORKS IMPROVEMENTS

10. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Pittman Highway Contracting Company, Inc. for the project known as Shiloh-Oakley Public Works Improvements.

The City Manager advised that this resolution was presented to Council during the June 17, 1976 meeting and was postponed until information could be obtained relative to Pittman Highway Contracting Company, Inc.'s license.

The City Manager then read a memorandum from William E. Edens, City Engineer, which stated that Pittman Highway Contracting Company has an unlimited bidding license for the State of North Carolina. They are presently on a four million dollar project in Henderson County.

Upon motion of Councilman Michael, seconded by Councilman Morris, Resolution No. 76-98 was unanimously adopted.

Complete text of Resolution No. 76-98 will be found in Resolution Book No. 9 at page 62.

BIDS - INSTALL NEW OIL-FIRED BOILER-BURNER UNIT AT HILLTOP COMMUNITY CENTER

11. Consideration was given to bids received May 31, 1976 to install a new oil-fired boiler-burner unit at Hilltop Community Center.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Moser, Inc. in the amount of $11,270. He said this was a community development project activity to repair and renovate the existing building.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Moser, Inc. in the amount of $11,270.00. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Bid Summary	Bidder	Bid
	Rogers Plumbing & Htg.	$12,800
	Moser, Inc.	11,270

Tuesday - June 29, 1976 - 3:00 o'clock p. m.

Special Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., Otis B. Michael, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilmen J. W. Hoyle and Gene E. Rainey and Corporation Counsel William C. Moore

ORDINANCE NO. 893 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1976-77, AS AMENDED

Mayor Ochsenreiter said this special meeting was scheduled for the purpose of considering the third and final reading of Ordinance No. 893, an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1976-77, as amended.

The City Manager read the advertised notice to the public scheduling a special meeting of the Council to consider the third and final reading of Ordinance No. 893 and the affidavit of publication.

The City Manager presented the following proposed amendments to the budget:

General Fund

Expenditure Reductions

Item	Amount
Board of Tax Supervision	(21,545)
Contingency	1,463

Revenue Additions

ABC Revenues	50,000
Civic Center Rents	(30,000)

General Debt Service Fund

Expenditure Reductions

Item	Amount
Board of Tax Supervision	(4,535)
Auditorium and Arts #2	4,535

Upon motion of Councilwoman Swilling, seconded by Vice-Mayor Horton, Resolution No. 76-99 was unanimously adopted.

Complete text of Resolution No. 76-99 will be found in Resolution Book No. 9 at page 63.

PROCLAMATION - NATIONAL AUTISTIC WEEK

Mayor Ochsenreiter proclaimed the week of June 24 - 30, as National Autistic Week.

COUNCIL RECESS

Councilman Morris moved that Council recess and that the meeting continue at the Thomas Wolfe Auditorium in the Asheville Civic Center to hear a presentation from the Narth Carolina Department of Transportation relative to the Beaucatcher Mountain Project. This motion was seconded by Vice-Mayor Horton and carried unanimously.

BEAUCATCHER MOUNTAIN PROJECT

Mr. Billy Rose, State Highway Administrator of the North Carolina Department of Transportation, gave a presentation to members of Council relative to the State's view on the Beaucatcher Mountain Project.

Approximately 30 citizens made comments, both pro and con, relative to the Open Cut or Tunnels.

A complete transcript of the presentation given by Mr. Rose as well as a complete tape of the meeting is on file in the Office of the City Clerk.

Adjournment.

MAYOR

CITY CLERK

Mayor Ochsenreiter then called for a voice vote on Councilman Morris's substitute motion. The vote being 3-2 in favor of the motion.

On a point of order it was determined that in accordance with the City Charter an affirmative vote of the majority of the members of the total Council shall be necessary to adopt any motion, ordinance, or vote, which would require four (4) affirmative votes. Mayor Ochsenreiter, therefore, ruled that Councilman Morris's substitute motion did not carry.

Jim Ellis, Vice-President of the Chamber of Commerce, also speaking in behalf of the Chamber said that the City receives more in tax revenue than it gives as a contribution. He said the Chamber allocates all of the city's funds into promoting conventions and tourism, and estimated that more than half of the $74 million spent by tourists in Buncombe County last year was spent inside Asheville. He cited other cases of the Chambers promotional activities emphasizing the Chamber's close support given to the Asheville Civic Center in the promotion of conventions. He fielded several questions from Council relative to the work of the Chamber of Commerce.

Mayor Ochsenreiter than called for a voice vote on Councilman Michael's motion to delete the $80,000 appropriation to the Chamber of Commerce.

Councilman Michael's motion was also defeated on a 3-2 vote.

Vice-Mayor Horton moved to amend Ordinance No. 893, by adding $24,498 to the General Fund for the purpose of providing two (2) foot patrolmen in the downtown area and that they be equipped with walkie talkies. He further moved to contribute $10,000 to the Civic Arts Council to support their current budget needs. He suggested that funds now in the General Fund allocated for the right of way of the Charlotte Street Ramp be used for this purpose and that the Charlotte Street Ramp right-of-way be funded from the Revenue Sharing Trust Fund. This motion was seconded by Councilwoman Swilling.

Councilman Michael requested that the two amendments offered by Vice-Mayor Horton be acted on separately and in a substitute motion moved to postpone action on Vice-Mayor Horton's motion relative to the additional downtown foot patrolmen until a recommendation could be obtained from the Chief of Police. This motion was seconded by Councilman Morris, which motion was carried on a 4-1 voice vote.

Vice-Mayor Horton then moved to add $10,000 to the General Fund for the purpose of contributing that amount to the Civic Arts Council and that the City Manager be instructed to use his best judgement to offset the $10,000 appropriation. This motion was seconded by Councilman Michael.

Mr. E. R. McCarthy questioned the legality of appropriating funds to such agencies.

After discussion, Vice-Mayor Horton moved to table the motion on the Civic Arts Council until the technicalities are investigated. This motion was seconded by Councilman Michael, which carried unanimously.

The City Manager advised that the General Fund - Expenditure Reduction for the Board of Tax Supervision was brought about by a reduction in the share of the City for appropriations to the Board of Tax Supervision. He said the City was now appropriating 40% of the cost for the Board and it has been reduced to 35%, which would allow a reduction of 21,545 in allocations to the Board of Tax Supervision.

He also commented that the Civic Center Rents - Revenues has been reduced by $30,000. He said the original amount estimated from the proposed Civic Center surcharge was $89,000 but due to existing contract committments, the amount now estimated would be $59,000.

He said this would bring the tax rate down to the 92¢ that Council had directed, with 76¢ being appropriated to the General Fund and 16¢ to the Debt Service.

Councilman Michael moved to amend Ordinance No. 893, as recommended by the City Manager. This motion was seconded by Councilman Morris and carried unanimously.

Councilman Morris moved to amend Section 3 of Ordinance No. 893, reducing the tax rate from the proposed 99¢ to 92¢, with 76¢ being for the General Fund and 16¢ for the Debt Service Fund. This motion was seconded by Councilman Michael and carried unanimously.

Councilman Michael referring to the appropriation of $80,000 now being made to the Chamber of Commerce said that with the County of Buncombe appropriating $49,000 and the City of Asheville appropriating $80,000, he felt that this constituted "double taxation" and he moved to delete the City of Asheville's appropriation of $80,000. This motion was seconded by Councilwoman Swilling.

Councilman Morris said that he felt to reduce the Chamber of Commerce's allocation at this time would be of great detriment to the Chamber's ability to function. He said the City of Asheville would have to pick up several additional functions that are presently being performed by the Chamber relative to tourist promotions. He said he agreed with Councilman Michael that the County's share should be increased and he further agreed that this was "double taxation". He said he could not in good conscious believe that the City of Asheville would be profiting from deleting appropriations to the Chamber of Commerce.

Councilman Morris then offered a substitute motion to keep the $80,000 allocation to the Chamber of Commerce in the Budget Ordinance and that the Chamber of Commerce be instructed to meet with a committee of Council to make a clear determination of how the City of Asheville's money would be spent in their upcoming budget. This motion was seconded by Vice-Mayor Horton.

Vice-Mayor Horton said that he felt it would be a mistake to delete the appropriation to the Chamber of Commerce. He also felt the County's share should be increased. He said it was his opinion that the Chamber of Commerce benefitted the City of Asheville far more than $80,000.

Mort Cohn, past president of the Chamber of Commerce, speaking in behalf of the Chamber asked the Council to consider the appropriation as an investment rather than a contribution. He said the County appropriations are used for industrial promotions and the city funds are used for promoting tourism and conventions. He encouraged Council to continue their support for the Chamber of Commerce.

Thursday - July 1, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilmen Gene E. Rainey, J. W. Hoyle, Ralph D. Morris, Jr., Otis B. Michael, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilwoman JoAnn M. Swilling

1. Approval of minutes of June 24, 1976 meeting.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, the minutes of the June 24, 1976 meeting were approved as submitted.

2. Approval of minutes of special meeting of June 29, 1976.

Upon motion of Vice-Mayor Horton, seconded by Councilman Michael, the minutes of the special meeting of June 29, 1976 were approved as submitted.

RESOLUTION NO. 76-100 - RESOLUTION OF COMMENDATION TO WILBUR C. KING

Mayor Ochsenreiter read a resolution of commendation to Wilbur C. King, who is retiring as Executive Director of the Asheville Housing Authority.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 76-100 was unanimously adopted.

Complete text of Resolution No. 76-100 will be found in Resolution Book No. 9 at page 64.

BEAUCATCHER MOUNTAIN PROJECT

Mr. Manley Wright, President of the Greater Asheville Council and speaking on behalf of the Council asked the City Council to clarify the intention of the Council relative to motions and actions taken with reference to the Beaucatcher Mountain Project. He said the Greater Asheville Council felt there was a great deal of confusion within the minds of the citizens of Asheville as well as within the Department of Transportation. He said it was the opinion of the Greater Asheville Council that it was not the City Council's intention to stop or delay the project but they did feel there was a need for clarification of the motion made on June 17, 1976.

Mayor Ochsenreiter read Councilman Michael's motion of June 17, 1976 relative to the Beaucatcher Mountain Project. He further stated that the Department of Transportation has all the documents relative to actions taken by this Council as well as previous Councils and if there was a need for further clarification by the Department of Transportation the Asheville City Council would be available for any interpretations necessary.

Councilman Michael said he felt the minutes of the June 17, 1976 meeting clearly states what he said in that he prefers twin tunnels and that he would be opposed to an open cut. He said his motion was in no way a part of the resolution presented by Rev. Edsall. He said he had only recommended that the resolution become a part of the minutes. He said it was not his intention to tell the Department of Transportation to stop construction on the open cut but that he made a personal preference of tunnels and three other Council members joined him in his preference.

Councilwoman Swilling moved that a special committee be formed from the Asheville City Council and the Asheville Area Chamber of Commerce to look into the operation of the Chamber of Commerce as it represents direct services for the benefit of the citizens of Asheville and in addition that members of the Buncombe County Commissioners be invited to be a part of this committee. This motion was seconded by Councilman Michael, which motion carried.

On a roll call vote of 4-0, Ordinance No. 893, as amended, passed on its third and final reading.

Complete text of Ordinance No. 893 will be found in Ordinance Book No. 7 at page 22.

Councilwoman Swilling expressed gratitude to the City Manager and the City Staff for the prepartion of the budget, commending them for the time spent on the budget.

Councilman Michael also added his words of commendation.

Vice-Mayor Horton recommended that during January or February of 1977, the City Manager notify all agencies receiving contributions from city tax funds to submit their requests before the budget process is begun.

Councilwoman Swilling suggested that more citizen participation be sought in the budget process.

Adjournment.

Eugene C. Worthington
MAYOR

Marian D. Wallace
CITY CLERK

Mr. Emrick said written protests to the rezoning were received from Mr. T. A. Mease, Ms. Edna R. Cloud, Ms. Ruby S. Gibbs, Mr. and Mrs. Charles Crawford, and Ms. Agnes K. Watson.

The City Manager read the text of a petition which opposed the rezoning, containing 32 signatures.

Upon inquiry of Councilman Morris, Mr. Emrick said the Planning Staff had initially recommended that the property remain residential. However, at the last meeting the staff recommended that the Commission reaffirm their approval of the request to rezone the property Commercial Highway. He said the staff's recommendation was only presented for information and it was the staff's responsibility to carry out the recommendations of the Commission.

Mr. Emrick then suggested that the public hearing be continued later in the meeting in order that the Planning Staff could determine if the petition presented contained enough signatures of adjoining property owners to require the affirmative vote of 2/3 of the members of Council to carry the requested change.

Councilman Hoyle moved to reconvene the public hearing later in the meeting. This motion was seconded by Councilman Morris and carried unanimously.

PUBLIC HEARING - REZONING PROPERTY ON SWEETEN CREEK ROAD - R-3 RESIDENTIAL DISTRICT TO CS COMMERCIAL SERVICE DISTRICT - CLYDE J. LEESON AND OTHERS

4. A public hearing was held relative to rezoning property on Sweeten Creek Road from R-3 Residential District to CS Commercial Service District, property owned by Clyde J. Leeson and Others.

Mayor Ochsenreiter opened the public hearing at 3:55 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Verl Emrick, Planning Director, advised that when the request was remanded to the Planning and Zoning Commission, Council had requested that consideration be given to deleting the properties of John McDuffie and Others from the original petition. On June 2, 1976 the Commission received a request from John McDuffie and Others, through Richard A. Wood, Attorney, that consideration of the rezoning petition be withdrawn. Therefore, this was deleted for consideration by the Planning and Zoning Commission.

He said the second part of the original petition submitted by Clyde J. Leeson and Others (Property lying south of Rock Hill Road) was reviewed by Planning and Zoning and it was recommended that the request be denied and the property remain as it is now zoned for the following reasons:

1. Commission initially recommended residential zone.

2. There is a lack of community support.

3. There is a possibility of spot zoning.

4. Lots do not touch any Commercial District.

Councilwoman Swilling took her seat at 3:24 o'clock p. m.

Councilman Rainey said he had stated his personal feelings on the issue and that it was his opinion that the majority of the citizens of Asheville prefer twin tunnels. He said the Department of Transportation should wait a reasonable length of time, to him twelve months would be reasonable, to study the possibility of tunnels. He said if it would take longer to change plans from an open cut to twin tunnels, he would have to reconsider his position. He said if there was any doubt about the majority's opinion he would suggest that the issue be put on the ballot in November.

Councilman Morris said he felt the Council should not take any action on the matter without first placing it on the Council's published agenda. He then moved to schedule the discussion relative to the Beaucatcher Mountain Project on the published agenda for July 8, 1976. This motion was seconded by Councilman Hoyle.

Councilman Michael said he did not see any reason for more discussion on the matter, stating that the Department of Transportation could contact the Council if there was a need for interpretations.

After discussion, Councilman Morris, with the consent of Councilman Hoyle, withdrew his motion.

ANNOUNCEMENT OF OPENING OF HIGH COUNTRY CRAFTERS

Mrs. Helen McElyea announced that the High Country Crafters would be opening a downtown center on July 15, 1976. She said they would be opening in the former Winner's Department Store. She said they would have 14 months to develop it as a viable organization. She said it was her hope that this may the start of revitalizing the downtown area.

Mrs. McElyea said she would ask the City to support the group through the use of the city staff on planning, parking, etc.

PUBLIC HEARING - REZONING PROPERTY ON U. S. HIGHWAY 70 - GUS AND JOHN BARLAS

3. A public hearing was held relative to rezoning property on U. S. Highway 70 from R-3 Residential to Commercial Highway District, property owned by Gus and John Barlas.

Mayor Ochsenreiter opened the public hearing at 3:42 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, advised that the Planning and Zoning Commission had reconsidered the request to rezone property property on U. S. Highway 70 from R-3 Residential to Commercial Highway District and they have reaffirmed their recommendation to recommend approval of the request for the following reasons:

1. The property is unsuitable for residential use.

2. Hazardous for residential use.

3. Residents objecting (Craig Circle) are protected by terrain.

4. Residents of Knauth Road are protected by private road.

Mayor Ochsenreiter closed the public hearing at 4:35 o'clock p. m.

The City Manager read the ordinance rezoning the property as petitioned.

Councilman Rainey moved for the adoption of the ordinance. This motion was seconded by Councilman Morris.

On a roll call vote of 6-0, Ordinance No. 899 passed on first reading.

Councilman Morris expressed appreciation to Three Mountaineers for expanding within the City Limits.

PUBLIC HEARING CONTINUED - REZONING PROPERTY ON U. S. HIGHWAY 70 - GUS AND JOHN BARLAS

Mayor Ochsenreiter reconvened the public hearing at 4:40 o'clock p. m.

Verl Emrick, Planning Director, advised that the petition did not meet the criteria established for requiring a 3/4 vote of Council.

Mrs. John Barr, objected to the rezoning on the basis that access to properties located on Knauth Road would be impaired with Commercial development of the property.

Councilman Morris said he felt to rezone this property commercial would create a traffic hazard.

Mayor Ochsenreiter closed the public hearing at 4:50 o'clock p. m.

The City Manager read the ordinance, rezoning the property as petitioned.

Not receiving a motion for the adoption of the ordinance, Mayor Ochsenreiter ruled that the ordinance was defeated.

RESOLUTION NO. 76-101 - RESOLUTION OF INTENT TO SUPPORT THE WESTERN NORTH CAROLINA REGIONAL AIR POLLUTION CONTROL BOARD FOR THE FISCAL YEAR 1976-77

6. Consideration was given to a resolution of intent to support the Western North Carolina Regional Air Pollution Control Board for the fiscal year 1976-77.

The City Manager read the resolution.

Ken Michalove, Assistant City Manager, said the Board of Commissioners for the County of Buncombe adopted a resolution on May 4, 1976 indicating their intent to support the Western North Carolina Regional Air Pollution Control Board in the amount of $24,360.00, subject to resolutions of similiar intent by the governing bodies of Haywood County appropriating $10,000 and the City of Asheville appropriating $13,000. He said in the County's resolution that it was requested that the Western North Carolina Regional Air Pollution Control Board and its staff fully investigate the probability of pass-through funds from federal grants supporting the Air Pollution Control Program to the City of Asheville and the County of Buncombe Public Safety Departments whereby the City and County departments may provide heating inspection services, and should such pass-through funds not be available, said Board and

Mr. Emrick said, based on petitions in oppositions, an affirmative vote of 3/4 of the Council would be necessary to adopt the change.

Clyde Leeson, speaking in favor of the rezoning, cited several court cases which dealt with problems in extraterritorial zoning, all of which indicated that under the conditions being litigated certain inequities could possibly occur. He also asked for a determination of the City Limits line as it affected his property.

It was pointed out that the existing City Limits line followed north/south of the Southern Railway, placing his property well within the one mile perimeter.

Charles K. Lanning, Mr. and Mrs. Oliver Davis, Mr. Owenby, and Mr. Stines all spoke in opposition to the rezoning.

Mr. James Howell, representing Mr. and Mrs. Stock, spoke in favor of the rezoning.

Mayor Ochsenreiter closed the public hearing at 4:25 o'clock p. m.

The City Manager read the ordinance which would rezone the property as requested.

Not receiving a motion for the adoption of the ordinance, Mayor Ochsenreiter ruled that the ordinance was defeated.

PUBLIC HEARING - REZONING - NEW WOOD AVENUE - THREE MOUNTAINEERS, INC. AND W. R. BALLARD

5. A public hearing was held relative to rezoning property on New Wood Avenue from R-3 Residential District to HI Heavy Industrial District, property owned by Three Mountaineers, Inc. and W. R. Ballard.

Mayor Ochsenreiter opened the public hearing at 4:30 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, advised that the Planning and Zoning Commission had recommended approval of the request for the following reasons:

1. The property is bounded on two sides by the HI Heavy Industrial Zoning District.

2. Predominant land use in the area is industrial.

3. A portion of the property is located within the Flood Plain of the Swannanoa River; therefore, residential development of the site would be impractical.

4. The character of the existing neighborhood would not be adversely affected by the zoning change.

Mr. Emrick said Three Mountaineers was planning a 180,000 sq. ft. expansion and the facility would be elevated to a 2,012 floor level, which would be above the 2,000' flood level indicated by TVA.

Bid Summary

Bidder	Bid
Neptune Water Meter Company	$49,726.80
Badger Meter Company	51,966.00
Rockwell International	52,834.64

BIDS - CHEMICALS FOR TREATMENT OF WATER, FISCAL YEAR JULY 1, 1976 THROUGH JUNE 30, 1977

8. Consideration was given to bids received June 7, 1976 for chemicals for treatment of water, Fiscal Year July 1, 1976 through June 30, 1977.

The City Manager read a memorandum from the Purchasing Agent which recommended award on a per item basis to the low bidder for items 2, 4, and 5; and items 1 and 3 for reasons stated below:

Item 1: Chlorine - Approximately 200,000 pounds

Recommend award to: Ticar Chemical Company, Inc., Asheville, N. C.
@ $15.00 CWT - price firm for one (1) year

Four companies all quoted the same price, firm for one year. Recommend award to Ticar Chemical Company, Inc.:

(a) Ticar was supplier of this material for fiscal year just ended. Our experience has been satisfactory with regard to delivery schedules and billing.

(b) Ticar is local firm and, as proven, gives fast and efficient service.

Item 2: Caustic Soda - 50% - Approximately 400,000 pounds

Lower bidder: Moreland Chemical Company, Spartanburg, S. C.
@ $8.42 CWT, (firm 30 days, all bidders quoted this item price firm - 30 days)

(Note: Bid specifications stated, "Caustic Soda to be delivered FOB North Fork Treatment Plant in 3,000 gallon shipments." Ticar Chemical Co. was non-responsive to this item, quoting FOB Shipping Point, Charleston Tennessee).

Item 3: Liquid Hydrofluosilicic Acid - Approximately 340,000 pounds

Recommended: Jones Chemicals, Inc., Charlotte, N. C.
@ 65.00 per ton - price firm for one (1) year (See note 4 below)

Item 4: Dry Zinc Polyphosphate - Approximately 70,000 pounds

Low Bidder: Calgon Corp., Pittsburgh, Pa.
@ 38.04 CWT

Item 5: Liquid Zinc Polyphosphate - Approximately 42,000 pounds

Low Bidder: Nalco Chemical Company, Oak Brook, Ill.
@ 22.71 CWT

staff are requested to investigate the probability of permitting the City and County Public Safety Department to perform such heating inspection services in such a manner that the Western North Carolina Regional Air Pollution Agency will receive an in-kind match on grant applications should these services be performed by the County and City.

Mr. Michalove said the adoption of the proposed resolution would be in keeping with the request of the Buncombe County Commissioners.

In reviewing the background of the services, he said, currently the heating inspections are handled by the Western North Carolina Regional Air Pollution Control Board and the revenue from such inspections are returned to the City. The current budget has allocated $13,000 as an expense to the Western North Carolina Regional Air Pollution Control Board; an item of revenue of $7,500 anticipated from heating inspection fees; and a position allocation in the Inspections Division for a heating inspector. The source of funding for the inspector would be provided by pass-through fund in the amount of $10,800 from the Western North Carolina Regional Air Pollution Control Board, as specified in the proposed resolution. He said the Inspections Division would like to assume the responsibility for the heating inspections directly and the County of Buncombe would like to have the same responsibility, provided that the funding arrangement is approved by the federal government.

Several Council members felt this would delute the responsibility of the Western North Carolina Regional Air Pollution Control Board and may end up a way of withdrawing support by the City to the Board.

After discussion, Councilman Michael moved for the adoption of Resolution No. 76-101. This motion was seconded by Councilman Morris.

Councilwoman Swilling moved to amend the resolution by striking the words "or in-kind contribution" from Section (1). This motion was seconded by Councilman Rainey, and on a voice vote of 4-3 the motion failed, with Councilman Michael, Councilman Morris, Vice-Mayor Horton, and Mayor Ochsenreiter voting "no".

On a voice vote, Resolution No. 76-101 was unanimously adopted.

Complete text of Resolution No. 76-101 will be found in Resolution Book No. 9 at page 65.

BIDS - ESTIMATED TWELVE (12) MONTH REQUIREMENT FOR WATER METERS

7. Consideration was given to bids received June 7, 1976 for an estimated twelve (12) month requirement for water meters.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Neptune Water Meter Company, for a total bid amount, based on estimated quantities at $49,726.80.

Councilman Hoyle moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Neptune Water Meter Company, in the amount of $49,726.80, based on estimated quantities. This motion was seconded by Vice-Mayor Horton and carried unanimously.

FLOOD INSURANCE APPROVAL

Mr. Verl Emrick, Planning Director, announced that a letter has been received from J. Robert Hunter, Acting Federal Insurance Administrator, notifying that the City's application for flood insurance has been approved and would be effective as of June 30, 1976.

SALUTE THE TOURIST WEEK - PROCLAMATION

Mayor Ochsenreiter proclaimed the week of July 7 - 12, as Salute the Tourist Week.

RALPH BISHOP - POLICE DEPARTMENT

Mr. Ralph Bishop again complained about the operations of the Police Department.

Adjournment.

Eugene F. Ochsenreiter Jr.
MAYOR

Marian F. Holcomb
CITY CLERK

NOTES (1) All quantities are estimated for the year. Orders will be placed on an as-needed basis.

(2) Cost all items recommended - $110,896.20

(3) Funding: Operating Expenses, Chemical and Laboratory Supplies - Account No. 30-751.0032. Total budgeted $140,750.00

(4) Burris Chemical Company, Charleston, S. C. and Jones Chemical, Inc. quoted the same price. We recommend Jones Chemical, Inc. on the basis it is a North Carolina based firm, and we have had satisfactory service in the past.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent for each item. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Bid Summary

	Bidder	Bid
Item # 1 - Liquid Chlorine, Approximately 200,000 pounds	Moreland Chemical Company	$30,000
	Burris Chemical Company	30,000
	Ticar Chemical Company	30,000
	Jones Chemical Company	30,000
Item #2 - Caustic Soda 50%, Approximately 400,000 pounds	Moreland Chemical Company	33,680.00
	Howerton Gowen	38,720.00
	Burris Chemical Company	33,720.00
	Jones Chemical Company	33,720.00
Item #3 Liquid Hydro-Acid Approx. 340,000	Moreland Chemical Company	11,390.00
	Howerton Gowen	12,920.00
	Burris Chemical Company	11,050.00
	Ticar Chemical Company	11,390.00
	Jones Chemical Company	11,050.00
Item #4 Dry Zinc Polyphosphate Approx. 70,000 pounds	Nalco Chemical Company	39,018.00
	Calgon Corp.	26,628.00
Item #5 Liquid Zinc Polyphosphate Approx. 42,000 pounds	Nalco Chemical	9,538.20
	Calgon Corp.	14,800.00

Mr. Bill Slaughter, Attorney representing Mr. R. Jack Ingram, spoke in favor of the rezoning. He said Mr. Ingram was having to move from his present location on Amboy Road because he could not obtain flood insurance to protect his building. He presented petitions from nearby property owners on Brevard Road and Dogwood Road, containing some 65 signatures, who were in favor of the rezoning. He said there would be no more noise or traffic problems than there is presently with the I-40 and I-26 interchanges coming into Brevard Road. He also presented tapes from Mr. and Mrs. Rogers and Mr. and Mrs. Lawter which, he said, stated that they live next door to Mr. Ingram's present garage and the business presented no problems for the neighborhood. He said it was his opinion that the rezoning would be in the best interest of the area.

Mr. Bill Bailey, with Bailey Realty Company, spoke in favor of the rezoning. He said he presently has two options for property in the area for commercial use. He cited the many existing commercial establishments on Brevard Road between I-26 and I-40. He said, in his opinion, most of the property abutting on this section of Brevard Road will be commercial property in the near future.

Mr. Andy Reed, of Dogwood Road, also spoke in opposition to the rezoning. He said the small businesses now located on Brevard Road were not within the residential areas.

Mayor Ochsenreiter closed the public hearing at 3:55 o'clock p. m.

The City Manager read the ordinance rezoning the property as petitioned.

Councilwoman Swilling moved to table the ordinance and refer the matter back to the Planning and Zoning Commission for further study. This motion was seconded by Councilman Rainey, which motion carried with Councilman Michael and Councilman Morris voting "no".

Councilman Rainey said he felt the Planning and Zoning Commission should consider proper buffering on the business property and to have Mr. Ingram reconsider the floor plan whereby the doors of the business would not open onto Dogwood Road.

ORDINANCE NO. 899 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Property on New Wood Avenue, owned by Three Mountaineers, Inc. and W. R. Ballard)

3. Consideration was given to the second reading of Ordinance No. 899, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, rezoning property on New Wood Avenue from R-3 Residential District to Heavy Industrial District, property owned by Three Mountaineers, Inc. and W. R. Ballard.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 899 passed on its second reading.

Thursday - July 8, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Gene E. Rainey, J. W. Hoyle, Ralph D. Morris, Jr., Otis B. Michael, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of the July 1, 1976 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, the minutes of the July 1, 1976 meeting were approved as submitted.

PUBLIC HEARING - REZONING - BREVARD ROAD AND DOGWOOD ROAD -R. JACK INGRAM

2. A public hearing was held relative to rezoning property on Brevard Road and Dogwood Road from R-3 Residential District to CH Commercial Highway District, property owned by R. Jack Ingram.

Mayor Ochsenreiter opened the public hearing at 3:12 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, advised that the Planning and Zoning Commission had recommended that the rezoning request be denied for the following reasons:

1. The rezoning would increase strip development along this portion of Brevard Road which is in direct conflict with sound zoning practices;

2. As the subject property is located adjacent to an established residential area, the proposed change would introduce a new use not in harmony with existing uses; and

3. The proposed zoning change would not be in the best interest of the community as a whole.

Mr. Emrick said, based on petitions in oppositions, an affirmative vote of 3/4 of the Council would be necessary to adopt the change.

Mr. Emrick said Mr. Ingram was requesting this change in order to utilize the property for the construction of a garage to house and maintain race cars.

Mr. Hal Reed, Mr. J. Alfred Williams, Mrs. Virginia Stevens, and Mrs. Helen Reed all spoke in opposition to the rezoning stating that the use proposed would be detrimental to the neighborhood.

RESOLUTION NO. 76-104 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO INCREASE FEES AND CHARGES OF CERTAIN SPECIAL FACILITIES WITHIN THE DEPARTMENT OF PARKS AND RECREATION

6. Consideration was given to a resolution authorizing the Director of Parks and Recreation to increase fees and charges of certain special facilities within the Department of Parks and Recreation.

The City Manager read the resolution.

Councilman Michael suggested that the resolution be amended to delete the increased fee to the Recreation Park Zoo and to retain the same fee as now in effect.

Ray Kisiah, Parks and Recreation Director, advised that an estimated increase in revenue for the Zoo on an annual basis would be $40,000. He said the new rate changes would go into effect when the new Children's Zoo opens.

After discussion, Councilman Michael moved for the adoption of the resolution. This motion was seconded by Councilman Hoyle and carried unanimously.

Complete text of Resolution No. 76-104 will be found in Resolution Book No. 9 at page 69.

BIDS - REPAIR PARTS FOR MUELLER IMPROVED FIRE HYDRANTS, MODEL A24012

7. Consideration was given to bids received June 21, 1976 for repair parts for Mueller Improved Fire Hydrants, Model A24012.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Supply Specialties, Inc. in the amount of $3,510.50.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Supply Specialties, Inc. in the amount of $3,510.50. This motion was seconded by Councilman Michael and carried unanimously.

Bid Summary	Bidder	Bid
	Supply Specialties, Inc.	$3,510.50
	Davis Meter and Supply	3,671.50
	Silverman Company	3,990.50
	Tidewater Supply Company	3,589.00
	Southern Meter	No Bid

BIDS - REPAIR PARTS FOR KENNEDY TRAFFIC MODEL FIRE HYDRANTS, MODEL K-11

8. Consideration was given to bids received June 21, 1976 for repair parts fo Kennedy Traffic Model Fire Hydrants, Model K-11.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by ITT Grinnel Corporation in the amount of $11,687.50.

Councilman Michael moved to suspend the rules and proceed to the third and final reading of Ordinance No. 899. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 899 passed on its third and final reading.

Complete text of Ordinance No. 899 will be found in Ordinance Book No. 7 at page 31.

RESOLUTION NO. 76-102 - RESOLUTION EXTENDING THE COMMUNITY DEVELOPMENT CONTRACTS FOR FISCAL YEAR 1975-76 THROUGH JUNE 30, 1977

4. Consideration was given to a resolution extending the Community Development Contracts for fiscal year 1975-76 through June 30, 1977.

The City Manager read the resolution.

Upon inquiry of Councilman Michael, the City Manager advised that these were on-going projects which contracts have been entered into and the contracts should be extended through June 30, 1977.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 76-102 was unanimously adopted.

Complete text of Resolution No. 76-102 will be found in Resolution Book No. 9 at page 66.

RESOLUTION NO. 76-103 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A LEASE AGREEMENT WITH MAIN AUTO PARTS COMPANY, INCORPORATED

5. Consideration was given to a resolution authorizing the Mayor to sign a lease agreement with Main Auto Parts Company, Incorporated.

The City Manager read the resolution.

Mr. Johnson, Director of Building Inspections, said the City of Asheville has been leasing the property for the storage of junk vehicles and the amount of space previously needed for this purpose is no longer necessary. He said a smaller amount of space is needed to store the equipment used by the Lot Restoration Crew as well as to provide restroom facilities and dressing room space for crew members.

Upon motion of Councilwoman Swilling, seconded by Councilman Morris, Resolution No. 76-103 was unanimously adopted.

Complete text of Resolution No. 76-103 will be found in Resolution Book No. 9 at page 68.

Corporation Counsel William C. Moore summarized North Carolina General Statutes 160A-424, 160A-425, 160A-426, 160A-428, 160A-429, and 160A-441, which also outlined the procedures to be followed in issuing such an order. He said all the procedures have been followed and at this point the Asheville City Council should make a policy decision on the matter.

Mr. Johnson reported that action was begun by issuance of a Complaint and Notice of Hearing on the 29th day of March, 1976 which was duly served upon the owner of the hotel on the 30th day of March, 1976; that a hearing was held the 16th day of April, 1976, and a Findings of Fact and Order entered the 20th day of April, 1976, and duly served upon the owner the 20th day of April, 1976, ordering said owner, within 60 days of service of said Order upon it, to obtain from the Building Inspector a permit to repair or demolish the building known as The Battery Park Hotel, the building to be repaired on or before December 1, 1977 or the building demolished on or before December 30, 1976; that no appeal has been taken from said Order of said Director of Building Inspections; and that no permit has been applied for and been obtained by said owner and no work has been done to comply with the Order issued the 20th day of April, 1976.

Mr. Donald Blackwell, owner of the Battery Park Hotel, said an application has been submitted to HUD, by a firm from Atlanta, Ga., for funds under Section 8 Housing for the Elderly. He said it was his understanding from HUD that it would be accepted if the Asheville City Council ruled that the building would be feasible for housing for the elderly. He said it was also his understanding that HUD would be sending the proposal to the Asheville City Council for sanctioning within the next two to three weeks. Therefore, Mr. Blackwell requested that Council table action on the Battery Park Hotel until such time as the proposal is received.

Councilman Michael moved to table action on the Battery Park Hotel for three (3) weeks. This motion was seconded by Vice-Mayor Horton and carried unanimously.

REZONING - LEICESTER HIGHWAY AND WESTWOOD DRIVE

The City Manager read a letter from the Planning and Zoning Commission which stated that the Commission had reviewed the request of the City Council that a study be given to rezoning property on Leicester Highway and Westwood Drive from CS Commercial Service District to R-4 Residential District. He said the Commission had recommended denial of this request and reaffirmed its recommendation that the property be rezoned from CS Commercial Service District to R-3 Residential District.

Vice-Mayor Horton moved to schedule a public hearing on the matter for July 29, 1976. This motion was seconded by Councilman Michael and carried unanimously.

PETITION - POLICE PAY RAISES

Patrolman W. H. Dayton presented a petition to Council relative to the patrolmen's salary increases.

The context of the petition is as follows:

Councilman Michael moved to accept the recommendations of the Purchasing Agent and award the bid to the low bidder, ITT Grinnell Corporation, in the amount of $11,687.50. This motion was seconded by Councilwoman Swilling and carried unanimously.

Bid Summary	Bidder	Bid
	Ferguson Enterprises	$12,045.90
	ITT Grinnell	11,687.50

BIDS - MISCELLANEOUS MECHANICAL JOINT GATE VALVES AND FITTINGS FOR 6" AND 8" WATER MAINS

9. Consideration was given to bids received June 21, 1976 for miscellaneous mechanical joint gate valves and fittings for 6" and 8" water mains.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bidder for each item as follows:

ITT Grinnell Corporation - Charlotte, N. C.

Items: 1, 2, and 12 totaling $5,517.00

Silverman Company - Asheville, N. C.

Items: 3, 4, 5, 6, 9, 10, and 11 totaling $4,929.35

Supply Specialties, Inc. - Asheville, N. C.

Items: 7 and 8 totaling $330.00

Total all items recommended $8,776.35

Councilman Rainey moved to accept the recommendation of the Purchasing Agent and award the bids to the low bidders for each item: ITT Grinnell Corporation- items 1, 2, and 12 totaling $5,517.00; Silverman Company - items 3, 4, 5, 6, 9, 10, and 11 totaling $4,929.35; Supply Specialties, Inc. - items 7 and 8 totaling $330.00, for a total for all items, $8,776.35. This motion was seconded by Councilman Hoyle and carried unanimously.

A complete bid summary is on file in the Office of the City Clerk.

REPORT REGARDING STATUS OF ACTION TAKEN BY THE OWNER OF BATTERY PARK HOTEL

J. E. Johnson, Director of Building Inspections, read Chapter 8, Article 3 of the Code of the City of Asheville outlining the procedures to be taken to have a building repaired or demolished. He said the Inspections Division has followed the due process of law in handling the orders relative to the Battery Park Hotel. He said, as required by the Code, the report has been turned over to the City Manager, who scheduled action by Council for July 8, 1976.

WHEREAS, the North Carolina Department of Transportation has decided to proceed with the Open Cut Project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

The Asheville City Council acknowledges the authority and expertise of the Department of Transportation to make the final decision. "

Councilman Rainey moved to table the resolution. This motion was seconded by Councilwoman Swilling, which motion was defeated on a voice vote of 4-3, with Coucilman Morris, Councilman Michael, Vice-Mayor Horton and Mayor Ochsenreiter voting "no".

Councilman Michael moved for the adoption of the resolution. This motion was seconded by Vice-Mayor Horton.

Councilman Michael said it was stated in the newspapers that his previous motion was a personal expression. He said his motion was a personal expression but it was adopted by a majority of Council. Therefore, it was an official action of Council, that the members of Council prefer tunnels and object to an open cut. He said it was his hope that the resolution would clarify it even further.

Mr. Ray Hilton suggested that the "open cut" concept be referred to as a "gap". He said most of the citizens of Asheville prefer tunnels. However, it was his opinion that the Department of Transportation was going to proceed with the open cut, no matter what, or the funding would be used somewhere else. He said the "gap" could be beautified by the garden clubs of Asheville and it would be meaningless as a cut.

Rev. Edsall said the Environmental Impact Statement has determined that nothing would grow on the rock face. He said the Beaucatcher Mountain Defense Association recognizes that enormous pressure is being brought upon the City Council by members of the State Board of Transportation, who are not residents of our area, to back away from any desire to preserve the natural beauty of Beaucatcher Mountain. He said the deliberate implications of statements by Mr. Rose and Mr. Callahan is that if we object to the mutilation of the mountain they will delay indefinitely the solution to our traffic problems. He said the Beaucatcher Mountain Defense Association believes that a heavy majority of the citizens of Asheville would strongly favor tunnels over the hugh open cut if it could be proven that tunnels would be as rapid solution as the cut would be. He said the Defense Association has sworn statements from Mr. James Lewis, a tunnel engineer and Cowan and Company of Birmingham, Ala., that tunnels could be finished to interstate standards within two (2) years. He said the Department of Transportation has established a completion date of 1981 for the open cut. He said the tunnels could be completed by 1981 and still give the Department of Transportation 3-1/2 years to change their plans. He said it should be clear who is delaying the project. He said the State could not terminate a project upon which millions of dollars have already been spent and designated a federal interstate alternate route.

"We, the undersigned, wish to express our feelings of disappointment in the raise that is being offered to us this year. The amount proposed is an insult to the responsibilities we have and services we perform in protecting the City of Asheville. In addition, such a raise will not substantially increase our take-home pay after deductions are made. The proposed longevity pay and better uniforms must not be considered a fringe benefit at this time but as something that is long overdue.

During the last election, we were given the impression that an increase in pay for the policemen was of the utmost importance. However, we now have every reason to believe that the City Council does not consider the police department to be of much importance to the City of Asheville, not only in pay, but in benefits or improvements to the department.

Therefore, we, the undersigned, find the proposed increase completely unacceptable and do not wish to have the City Council feel that they have pacified us once again with a pay increase that appears to be money that is left over after all other budget requirements are met, and falls far short of the ever increasing rise in the cost of living. We ask that no raise be added on to our checks until the City Council can show higher regard for the Police Department and justify it with a more substantial pay increase. "

The petition contained some 48 names.

Detective Sgt. W. L. Dillingham, President of the local Fraternal Order of Police, told Council that police officers had been expecting a bigger raise than what the 1976-77 budget contains.

Michael Smith, Personnel Director, said a pay survey was made of the state average and it was determined that patrolmen were paid 10 per cent below the state average. Half the raises recommended by the survey were instituted January 1 along with a five percent across-the-board raise for all city workers. He said the new raises, instituted July 1, added to last January's pay hikes, would mean a total 15 per cent boost in the pay of a city patrolman since December, 1975.

Several patrolmen disputed those figures, saying that their pay has only gone up by 10 per cent.

Council instructed the City Staff to check the city payroll records against the budgeted raises and report to Council on any discrepancies.

Mayor Ochsenreiter referred the petition to the City Manager.

BEAUCATCHER MOUNTAIN PROJECT

The City Manager read the following resolution, prepared at the direction of Council:

" WHEREAS, this Council has expressed officially its preference for tunnels rather than an "open cut" through Beaucatcher Mountain; and

WHEREAS, we desire to alleviate this transportation problem as soon as possible; and

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10:15 a.m. 2 p.m.

STATE OF NORTH CAROLINA

GOVERNOR'S OFFICE

RALEIGH 27611

JAMES E. HOLSHOUSER, JR.
GOVERNOR

July 2, 1976

Mr. Samuel A. Bingham
394 Vanderbilt Road
Asheville, North Carolina 28803

Dear Mr. Bingham:

Thank you for your letter of June 21, 1976 concerning the proposed highway improvement through Beaucatcher Mountain at Asheville and concerning the attitude of Board of Transportation Members Callahan and Vaughn.

This highway project was first approved for implementation as part of the Federal-aid Highway program by the State Highway Commission in October, 1964. Many alternative designs have been carefully studied and evaluated by the professional staff of our State Department of Transportation and by the Federal Highway Administration (formerly U. S. Bureau of Public Roads). These studies have shown many substantial advantages for the open-cut alternative through Beaucatcher Mountain. The only basic disadvantage of the open-cut design is its adverse impact from an aesthetic point of view.

You may resent the attitude of our Department of Transportation; however, Board of Transportation members Callahan and Vaughn were simply pointing out three basic facts:

(1) Construction plans are being finalized and funds have been earmarked for the letting of the construction contract for the open-cut through Beaucatcher Mountain in October-November 1976.

(2) If it becomes necessary to redesign the project to provide for tunnels in lieu of the open-cut, it will be several years before construction contracts can be awarded.

Councilman Michael, with the consent of Vice-Mayor Horton, withdrew his motion for the adoption of the resolution relative to the Beaucatcher Mountain Project.

Councilman Michael then made the following motion:

"This Council has expressed officially its preference for tunnels rather than an "open cut" through Beaucatcher Mountain. We desire to alleviate this transportation problem as soon as possible. The North Carolina Department of Transportation has decided to proceed with the Open Cut Project. The Asheville City Council acknowledges the authority and expertise of the Department of Transportation to make the final decision."

This motion was seconded by Councilman Hoyle.

Councilman Rainey made the following statement:

"No matter what position we may have taken on the open cut or tunnel controversy, I believe that most of us are deeply concerned over the unbelievable behavior of the Department of Transportation. We are witnessing an unprecedented attempt at bureaucratic bullying. The Asheville City Council has taken an official position and the Department of Transportation is now in the process of applying massive pressure to whip us into line. This action is nothing more than dictatorship by bureaucracy. As taxpayers we overlooked many of the vices of the Department of Transportation. We have overlooked their sloppy auditing system that permits them to waste millions of our tax dollars. We have overlooked their yielding to pressure from special interest groups to fatten their own pocketbooks at the expense of the North Carolina taxpayers, but we can not overlook their denial of our constitutional rights to express the will of the people. The Department of Transportation violates the basic American system that has existed for 200 years. That is, a system of federalism written into the Constitution that organizes our government into national, state and local levels of authority. The time has come for the Governor and State Legislature to investigate the Department of Transportation. We must enact reforms before this department becomes a giant of an empire that no one can control. I continue to prefer the construction of tunnels over open cut. I will not yield this position because of blackmail and threats by the North Carolina Department of Transportation and I do not believe the citizens of the City will yield either. We have made our decision and the Department of Transportation has made its decision. I acknowledge their authority to make their decision. I do not acknowledge their authority to force me to believe as they do. Mr. Mayor, with pleasure, I vote for this motion and commend you for your efforts in trying to come up with a statement which has united this Council."

On a voice vote of 6-0, Councilman Michael's motion passed unanimously.

Mayor Ochsenreiter then read excerpts of the following letter:

386
SAMUEL A. BINGHAM
324 VANDERBILT ROAD
ASHEVILLE, NORTH CAROLINA
28803

21 June 1976

Mr. James Holshouser, Governor
Governors Mansion
Raleigh, North Carolina

Dear Mr. Holshouser:

I personally resent very much the attitude of the North Carolina Highway Department concerning Asheville City Council's resolution concerning the Beaucatcher Cut. Messrs Callahan and Vaughn have ~~have~~ in effect said; "Take the Cut and like it or to Hell with the whole of Asheville for now and forever!". This is black mail. And I thought you were going to do away with the high handed leaders in the Highway Department.

Even the Chamber of Commerce of Asheville would rather have had the Tunnel, had a real, honest study and comparison been made of the Tunnel and the Cut. But every move by the Highway Department has been toward the Cut, in such a way as to force the decision in the direction of the Cut.

The Highway Department has kept the existing tunnel in as unattractive a state as possible to swing peoples opinion away from the Tunnel. It has never been cleaned, or properly lighted. Only recently has it been resurfaced. The leaks have never been stopped.

Now Messrs Callahan and Vaughn are saying any delay on the solution will be on the backs of the City Council.

One of your campaign promises was that you were going to clean up the Highway Department. Now's the time! WE DONT WANT THE CUT!

Sincerely

Samuel A Bingham

JUN 30 1976
GOVERNOR'S OFFICE

(3) There are many other sections of the Interstate System in North Carolina which urgently need to be completed or improved and the Board of Transportation must consider funding these projects now if construction of the I-240 project through Beaucatcher is delayed.

In your letter, you indicated the Asheville Chamber of Commerce would rather have tunnels. If this is true, why have they actively supported the open-cut design? They have submitted petitions and made public statements in support of the open-cut design for several years. I feel sure you probably attended the Asheville City Council Meeting on June 24, 1976, and heard statements made by the Chamber of Commerce in support of the open-cut project.

What is the significance of the resolution adopted by the Asheville City Council on June 17, 1976? The Councilman that introduced the resolution has stated it represents the individual views of four members of the Council and does not represent an official position of the City of Asheville. I feel it is incumbent upon the Asheville City Council to clarify their position since they are the duly elected officials who represent all the citizens of Asheville. Our Board of Transportation will give careful consideration to the official position of the City of Asheville as expressed by the City Council.

In closing, I want to again thank you for your letter. Your opinions are respected. I firmly believe our Board of Transportation acts in a responsible manner and I am confident their decisions are made in the best interest of our citizens.

Sincerely,

James E. Holshouser, Jr.

JEHjr/jh

cc: Mr. G. Perry Greene
Mr. J. A. Callahan
Mr. R. G. Vaughn
Mayor Eugene C. Ochsenreiter, Jr.

Councilman Rainey then moved that a certified copy of this statement (i.e., Councilman Michael's motion) be attested to and be under sealed by the City Clerk and forwarded to the Department of Transportation in Raleigh.

Mayor Ochsenreiter informed Councilman Rainey that all documents have been sent to the Department of Transportation and this motion would also be sent to them.

Councilman Michael objected to the letter to Mr. Sam Bingham being presented to the press since it was written to an individual and not members of Council.

FOURTH OF JULY EVENTS

Vice-Mayor Horton said he had received gratifying comments from the public as well as the downtown businesses regarding the activities of the Parks and Recreation Department and Quality '76 during the observance of July 4, 1976. He said the reaction was very favorable. He said the downtown merchants have requested that more events like this be implemented during the summer months.

GRANITE FROM BEAUCATCHER MOUNTAIN

Mr. E. R. McCarthy said the flood plain zoning would wipe out the commercial businesses along the railroad. He said the City of Asheville should investigate the possiblity of using the granite from the Beaucatcher Mountain Cut to stablize the banks of the French Broad River.

Adjournment.

MAYOR

CITY CLERK

Mr. Logan Delany, Community Development Coordinator, said this resolution would allow for an amendment in the Community Development Budget to provide for a project for contracting with the Asheville-Buncombe Community Relations Council to carry out the technicalities and duties imposed by the federal requirements set forth by the Fair Labor Standards Act, Davis-Bacon Act and other federal regulations. He said these duties are extensive and require staff assistance beyond the responsibilities of the present City's Labor Standards Administrator. He said this would insure that the City of Asheville would be in compliance with all federal requirements.

Upon motion of Councilwoman Swilling, seconded by Councilman Michael, Resolution No. 76-105 was unanimously adopted.

Complete text of Resolution No. 76-105 will be found in Resolution Book No. 9 at page 71.

PRESENTATION BY HOUSING AUTHORITY ON THE PROGRESS OF R-13, R-48, AND PUBLIC HOUSING

3. Mr. W. C. King, Executive Director of the Housing Authority, reported that the Civic Redevelopment Project is unofficial, but officially closed out as of June 30, 1976. He said the only remaining work to be done by the City is the extension of New Woodfin Street, replacing Oak Street, which is now under construction, and the new signalization at Broadway and New Woodfin and College Street and Valley Street. He said as soon as HUD signs the close-out forms that have been submitted, a minimum of $117,000 will be turned over to the City that can be applied toward Community Development Projects.

The East Riverside Project, he said, is on schedule and within the next 18 months should be closed out. Public Improvements Contracts are beginning to show the residents a tremendous face lifting. Livingston Street is near completion. There is a great showing on the new S. Grove Street/Blanton Street Renewal, which will provide some 55 single family residential lots and will be the most modern subdivision within the city limits. Home ownership interests within the East Riverside area is also increasing.

The Housing Authority is presently managing 1,538 units and just recently the Authority accepted 50 units in Eastview Avenue in Oakley, which brought the total to 1,588. There are 151 family units under construction in East Riverside on six sites, which will be completed in the fall of 1977. He said the Authority executed contracts this week for 114 units for the elderly, which will be in East Riverside and when these two units are completed the Housing Authority will be managing 1,853 units. There will be 332 units for the elderly and 1,521 family units. He said with the Oteen VA Hospital conversion to 400 units for the elderly, there would be 732 elderly units, and if the Amcon Project goes through with an additional 100 units for the elderly, the total would be 832. He said it was his opinion that the 832 units for the elderly would be sufficient at the present time. However, he recommended that a joint study by the Planning Division and the Housing Authority be implemented to determine Asheville's future needs for projections.

Mr. King then introduced Mr. David Jones who will be taking over as Executive Director of the Housing Authority for the City of Asheville.

Thursday - July 15, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Gene E. Rainey, J. W. Hoyle, Ralph D. Morris, Jr., Otis B. Michael, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the July 8, 1976 meeting.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Horton, the minutes of the July 8, 1976 meeting were approved as submitted.

RECOGNITION OF VOLUNTEER SERVICE - MRS. C. G. PICKARD

Mayor Ochsenreiter read the following recognition of volunteer service:

"An important historical account of various City and City related matters are carried in the local newspapers, and maintaining a chronologically ordered scrapbook of these events is a very time consuming job. The mechanics of this activity are not only time consuming but it requires someone with considerable background and knowledge of local government. This job was formerly performed by a secretary in the City Manager's office but the time required to keep this activity up-to-date was more than could be reasonably devoted considering the other jobs that needed to be done.

In August 1973 the City Manager requested that the Volunteer Service Bureau provide a volunteer that could perform this task.

Beginning shortly thereafter Mrs. C. G. Pickard volunteered for the job and she has been doing it ever since.

The job takes several hours a week and several trips from home to the City Building.

Several months ago the job became even too time consuming for Mrs. Pickard so being a person of ingenuity she asked for some volunteer assistance from her neighbors and friends.

Today we would like to publicly thank Mrs. C. G. Pickard, Mrs. Harry Allison, Miss Mary Blackstock, Mrs. Robert C. Collins and Miss Rosa Low for volunteering their time."

RESOLUTION NO. 76-105 - RESOLUTION AUTHORIZING THE AMENDMENT OF THE 1976-77 COMMUNITY DEVELOPMENT BUDGET TO INCLUDE FUNDS TO SUPPORT THE FEDERAL REGULATIONS COMPLIANCE PROJECT

2. Consideration was given to a resolution authorizing the amendment of the 1976-77 Community Development Budget to include funds to support the federal regulations compliance project.

The City Manager read the resolution.

RESOLUTION NO. 76-108 - RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE FOR AN OPTION FOR THE PURCHASE OF PROPERTY ON THE EAST SIDE OF VALLEY STREET FOR THE PURPOSE OF EXPANDING CITY FACILITIES

6. Consideration was given to a resolution authorizing the City Manager to negotiate for an option for the purchase of property on the east side of Valley Street for the purpose of expanding city facilities.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, Resolution No. 76-108 was unanimously adopted.

Complete text of Resolution No. 76-108 will be found in Resolution Book No. 9 at page 78.

RESOLUTION NO. 76-109 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH 80 CLINGMAN AVENUE, 126 HIGGINS ALLEY, 9 MOUNTAIN STREET, AND 78 ROBINDALE AVENUE

7. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish 80 Clingman Avenue, 126 Higgins Alley, 9 Mountain Street, and 78 Robindale Avenue.

The City Manager read the resolution.

Councilman Morris moved to schedule the public hearing for August 5, 1976. This motion was seconded by Councilman Hoyle and carried unanimously.

Upon motion of Councilman Rainey, seconded by Vice-Mayor Horton, Resolution No. 76-109 was unanimously adopted.

Complete text of Resolution No. 76-109 will be found in Resolution Book No. 9 at page 79.

GROUP DEVELOPMENT REVIEW - ARROWHEAD APARTMENTS

8. The City Manager read a letter from the Planning and Zoning Commission which stated that the Commission had reviewed the site plan of the proposed Arrowhead Apartments to be located off Michigan Avenue near Amboy Road and recommended that the site plan be denied for the following reasons:

1. The project will cause a higher degree of concentration of low income housing in West Asheville than the remainder of the city.
2. It is in too close proximity to Pisgah View Apartments, a low income housing development.
3. It is isolated from shopping areas.
4. Streets are narrow and some do not have sidewalks.
5. Too near race track.

The City Manager also read a letter from Ridgley K. Robinson, Architects for the project, which requested that this matter be referred back to the Planning and Zoning Commission in order for the developer to present additional information to the Commission.

RESOLUTION NO. 76-106 - RESOLUTION ESTABLISHING INSPECTION FEES (NORTH CAROLINA STATE BUILDING CODE, VOLUME III HEATING, 1971 EDITION) UNDER ORDINANCE 748 SECTION 8-61 (C) ADOPTED SEPTEMBER 1, 1972

4. Consideration was given to a resolution establishing inspection fees (North Carolina State Building Code, Volume III Heating, 1971 Edition) under Ordinance 748 Section 8-61 (C) adopted September 1, 1972.

The Corporation Counsel read the resolution.

J. E. Johnson, Director of Building Inspections, said the original ordinance establishing the heating inspection fees was adopted in 1972 and this resolution would up-date the fees to be in line with the fees established by the County.

Upon motion of Councilman Morris, seconded by Councilman Michael, Resolution No. 76-106 was unanimously adopted.

Complete text of Resolution No. 76-106 will be found in Resolution Book No. 9 at page 72.

RESOLUTION NO. 76-107 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE A RIGHT-OF-WAY EASEMENT FROM NOLA O. WHITAKER FOR A 24-INCH WATER LINE ON AURORA DRIVE, ASHEVILLE, NORTH CAROLINA

5. Consideration was given to a resolution authorizing the City Manager to acquire a right-of-way easement from Nola O. Whitaker for a 24-inch water line on Aurora Drive, Asheville, North Carolina.

The City Manager read the resolution.

The City Manager also read a memorandum from Don Walsh, Administrative Assistant of Water and Sewer Services which stated that it is necessary to acquire a right-of-way for a 24-inch water line through 6 lots owned by Nola O. Whitaker located on Aurora Drive. This will be for the relocation of the 24-inch feeder main from Tunnel Road to Beaucatcher Reservoir. This main now runs directly under part of Holiday Inn and presents a hazardous liability to the City. Compensation for the right-of-way to Mrs. Whitaker will be paid to Mr. Nerrell E. Owenby who has been appointed administrator of Mrs. Whitaker's estate, therefore, to sell any portion of this property for Mrs. Whitaker, Mr. Owenby has to follow requisite legal procedures in behalf of Mrs. Whitaker's financial interests. The property must be appraised by a competent appraiser and then the courts must approve any sale of right-of-way. These legalities will be handled by the Corporate Counsel for the City of Asheville. They estimate the legal costs will be approximately $200 to $500 dollars depending on the necessary formalities involved. Their estimate of the appraisal cost should be between $150 and $400. While the City does have the power to simply take the easement and force Mr. Owenby to bring an inverse condemnation action, it is felt by Corporate Counsel that this would be undesirable because of the unfavorable publicity it would undoubtedly generate.

Upon motion of Councilman Michael, seconded by Councilman Hoyle, Resolution No. 76-107 was unanimously adopted.

Complete text of Resolution No. 76-107 will be found in Resolution Book No. 9 at page 77.

EMPLOYEES COMPLAINT PROCEDURES - VICE-MAYOR HORTON REQUESTS REPORT

Vice-Mayor Horton requested that in the near future Council be given a summary report on the status of the Employee Complaint Program.

COUNCILWOMAN SWILLING COMMENDS SANITATION DEPARTMENT

Councilwoman Swilling said she had received favorable remarks regarding the Sanitation Department's trash pick up system. She said when these citizens have had problems with their trash pick up, the Sanitation Department has solved these problems without delay. She commended Mr. S. L. McHone, Superintendent of the Sanitation Department.

Adjournment.

Eugene C. Abramski Jr.
MAYOR

Miriam J. Rollerson
CITY CLERK

Verl Emrick, Planning Director, said although the Commission had recommended that the site plan be denied, under the Zoning Ordinance a group development approval automatically requires a public hearing, at the petitioner's expense.

After discussion, Councilwoman Swilling moved to schedule a public hearing on the matter for August 5, 1976. This motion was seconded by Councilman Rainey and carried unanimously.

Councilwoman Swilling requested that the City Manager supply the Council with a report on the increase in the rate of crime in West Asheville over the past two years, before the public hearing relative to the Arrowhead Apartments.

REZONING REQUEST - GEORGE STOWE - NEW LEICESTER HIGHWAY

9. The City Manager read a letter from the Planning and Zoning Commission recommending approval of the rezoning request of Mr. George Stowe, by Bill Clendenin, Agent, that Ward 17, Sheet 11, Portion of Lot 66, be rezoned from R-3 Residential District to CS Commercial Service District.

Councilman Michael moved to schedule a public hearing on the matter for August 12, 1976. This motion was seconded by Vice-Mayor Horton and carried unanimously.

REZONING REQUEST - WESTERN FOOD SYSTEMS - GREENHILL AVENUE

10. The City Manager read a letter from the Planning and Zoning Commission recommending approval of the rezoning request of Western Food Systems by Wayne Edwards, President, that Ward 5, Sheet 19, Lot 135 be rezoned from R-3 Residential District to CH Commercial Highway District.

Councilman Hoyle moved to schedule a public hearing on the matter for August 12, 1976. This motion was seconded by Councilman Morris and carried unanimously.

GROUP DEVELOPMENT REVIEW - WESTERN NORTH CAROLINA BAPTIST HOME

11. The City Manager read a letter from the Planning and Zoning Commission recommeding approval of the site plan of the proposed Western North Carolina Baptist Home to be located off Richmond Hill Drive.

Vice-Mayor Horton moved to schedule a public hearing on the matter for August 12, 1976. This motion was seconded by Councilman Hoyle and carried unanimously.

BEAUCATCHER MOUNTAIN PROJECT - MRS. MARILYN GORDON

Mrs. Marilyn Gordon, spoke to Council about the Chamber of Commerce printing petitions in favor of an open cut, and "setting up shop" at the Asheville Mall to obtain signatures on such petitions. She asked if such action was legal since the Chamber receives city funds. She said she did not feel this was right for the Chamber of Commerce to lobby against a citizen's group, who pay taxes in the City of Asheville.

RESOLUTION NO. 76-112 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA FOR A GRANT UNDER SECTION 119 OF THE FEDERAL-AID HIGHWAY AMENDMENTS OF 1974 (Bikeway Project)

3. Consideration was given to a resolution authorizing the filing of an application with the Department of Transportation, United States of America for a grant under Section 119 of the Federal-Aid Highway amendments of 1974.

The City Manager read the resolution.

Verl Emrick, Planning Director, said the project was discussed during the month of June but was tabled until after July 1, 1976. He said the project will cost $114,250, with the federal government paying $91,440. The local share, $22,850, will come from Community Development Contingency Fund. He said the 3-1/2 mile bikeway would be 8' wide, which would be partially lighted and include signs, painted markings, and some traffic signals where it would intersect with city streets. He said this segment of the bikeway will be part of a 79 mile long systme of bicycle trails in Asheville and Buncombe County. He said there would be no right of way acquisitions, on this part of the project because it was all publicly owned property.

Mr. Emrick, responding to questions from members of Council, advised that although it seems to be an exorbitant price for a bike trail the federal government requires much more for such a demonstration project than would be needed for a regular bikeway.

After discussion, Councilman Rainey moved for the adoption of Resolution No. 76-112. This motion was seconded by Councilwoman Swilling and carried with a voice vote of 4-2, with Councilman Hoyle and Vice-Mayor Horton voting "no".

Complete text of Resolution No. 76-112 will be found in Resolution Book No. 9 at page 84 .

RESOLUTION NO. 76-113 - RESOLUTION APPROVING CONTRACT BETWEEN THE CITY OF ASHEVILLE AND THE UNITED STATES DEPARTMENT OF TRANSPORTATION, URBAN MASS TRANSPORTATION ADMINISTRATION, GRANT NUMBER NC-09-0019, AND AUTHORIZING THE CITY MANAGER OF THE CITY OF ASHEVILLE TO RECEIVE AND EXPEND FEDERAL FUNDS

4. Consideration was given to a resolution approving contract between the City of Asheville and the United States Department of Transportation, Urban Mass Transportation Administration, Grant Number NC-09-0019, and authorizing the City Manager of the City of Asheville to receive and expend federal funds.

The City Manager read the resolution.

Verl Emrick, Planning Director, advised that this grant in the amount of $21,048, would help offset the City's cost for transportation planning, concentrating efforts on the transit system to find ways to offset the cost of the system.

Upon motion of Councilman Michael, seconded by Councilwoman Swilling, Resolution No. 76-113 was unanimously adopted.

Complete text of Resolution No. 76-113 will be found in Resolution Book No. 9 at page 85 .

Thursday - July 22, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Gene E. Rainey, J. W. Hoyle, Ralph D. Morris, Jr., Otis B. Michael, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the July 15, 1976 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, the minutes of the July 15, 1976 meeting were approved as submitted.

RESOLUTION NO. 76-110 - RESOLUTION IN MEMORIAM OF HAROLD H. THOMS

Mayor Ochsenreiter read a resolution in memoriam of Harold H. Thoms who recently passed away.

Upon motion of Councilman Michael, seconded by Councilman Rainey, Resolution No. 76-110 was unanimously adopted.

Complete text of Resolution No. 76-110 will be found in Resolution Book No. 9 at page 81.

RESOLUTION NO. 76-111 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO DEVELOP A PLAYGROUND AT HALL FLETCHER SCHOOL

2. Consideration was given to a resolution authorizing the Director of Parks and Recreation to develop a playground at Hall Fletcher School.

The City Manager read the resolution.

Ray Kisiah, Parks and Recreation Director, said after opposition was received for a tot-lot on Francis and Metcalf Streets, a meeting was held at Hall Fletcher School, with the residents of the neighborhood to work out a compromise. It was determined that the Asheville Board of Education was planning to develop a ball field and two tennis courts at Hall Fletcher School, approximately 800 feet from the site of the proposed tot lot. He said the School Board has agreed to let the Asheville Parks and Recreation Department develop a tot lot on an unused portion of the school property.

The proposed playground site at the school encompasses six building lots, while the site at Frances and Bradley Streets included only one lot. He said the $18,840 in community development funds which had been authorized for the project will enable the City to buy more equipment for the larger site, since no money will be needed for buying the property. He said the change in location seemed acceptable to both those in favor of the original plan and those opposed.

After discussion, Councilman Morris moved for the adoption of Resolution No. 76-111. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Complete text of Resolution No. 76-111 will be found in Resolution Book No. 9 at page 82.

Council members voiced concern over the high cost of the units, being $281 per month for a one-bedroom apartment and $365 per month for a two-bedroom apartment.

Mr. Jones responded that a resident is required to pay 25 per cent of his gross income, with HUD paying the difference between this amount and the cost of the rent. He said in order to be eligible an applicant must be 62 years old, disabled or handicapped.

After discussion, Councilman Michael moved to accept the staff's recommendation and submit to HUD that the project does meet the goals and objectives of the Asheville Housing Assistance Plan; and that the City Council offers no objection at this time and encourages HUD's speedy approval of the project. This motion was seconded by Councilman Rainey and carried unanimously.

Adjournment.

MAYOR

CITY CLERK

INTRODUCTION OF DR. LONNIE HORTON

Councilman Michael introduced Dr. Lonnie Horton with Minority Affairs in the Governor's Office. He said he has helped minorities get adjusted in new jobs and positions. He said he had also helped in consultations relative to minority groups.

REVIEW ON LAWLER, WOOD AND ASSOCIATES, INC. - CONVERSION OF FORMER OTEEN VA HOSPITAL INTO ELDERLY HOUSING PROJECT

5. Verl Emrick, Planning Director, said in accordance with the review procedures set up by the Department of Housing and Urban Development for Section 8 developments the area office in Greensboro has requested that the City of Asheville submit their comments on the project proposed by Lawler, Wood, and Associates to develop the former Oteen VA Hospital into a housing project for the elderly. He said the proposed complex will utilize five of the existing structures on the site. These structures would be renovated and converted into 203 one-bedroom apartments and 53 two bedroom units. This configuration would yield a net rentable area of 151,195 square feet. Each apartment unit will contain an approximate average of 500 square feet (largest 914 square feet; smallest 351 square feet). All of the proposed units will meet HUD standards for square footage. He said the developer proposes to provide a bus which will be specially designed and equipped for elderly and handicapped occupants. The overall purpose of the bus will be to compliment the Transit Authority's service already being provided in this area. He said the developer also plans to have cable TV in each unit as well as garden spots.

Mr. Emrick said staff comments were obtained from various divisions of the City. The City Engineer stated that the only problems identified at this juncture concerns the method of water metering. A master meter owned by the VA serves the entire area; therefore, it will be necessary to install a separate meter in the project so that the proper billing system may be installed. The Building Inspector voiced concern about compliance with providing adequate handicapped facilities, but satisfied at this stage that the developer will be able to provide the necessary facilities. He said the owners/developers must submit a rezoning petition to the City Council as a first step. Present zoning will not accommodate residential facilities of this nature. He said the project must also be submitted for Group Development approval prior to the issuance of any building permit and the developer has been so advised.

Mr. Emrick said the staff recommends that the City Council indicate the following to the Department of Housing and Urban Development:

1. The project does meet the goals and objectives of the Asheville Housing Assistance Plan; and

2. That City Council offers no objection at this time and encourages HUD's speedy approval of the project.

Mr. David Jones, Executive Director of the Asheville Housing Authority, said the Authority presently has 451 active elderly and disabled applications on file. He said the proposed development would greatly relieve the need of elderly housing.

PUBLIC HEARING - REZONING PROPERTY - LEICESTER HIGHWAY AND WESTWOOD DRIVE

ORDINANCE NO. 900 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

3. A public hearing was held relative to the rezoning of property at Leicester Highway and Westwood Drive from CS Commercial Service District to R-4 Residential District.

Mayor Ochsenreiter opened the public hearing at 3:10 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said this rezoning petition was first considered by Council in June but was remanded to the Planning and Zoning Commission for consideration of an R-4 Residential zone rather than a R-3 Residential District. He said the Commission did consider the R-4 zone but reaffirmed their original recommendation to zone the property R-3 Residential District for the following reasons:

1) R-4 Residential District permits certain uses which could be harmful to the established residential neighborhood; and

2) The rezoning of this property to R-4 is not in the best interest of the residents of the area.

Z. R. Shepherd, Louise Buchanan, and Linda Jarvis, all spoke in support of zoning the property R-3 Residential District.

Mayor Ochsenreiter closed the public hearing at 3:25 o'clock p. m.

The City Manager read an ordinance rezoning the property R-4 Residential District.

Councilman Rainey moved to amend the ordinance rezoning the property R-3 Residential District. This motion was seconded by Councilman Hoyle, which motion carried unanimously.

Councilwoman Swilling moved for the adoption of the ordinance, as amended. This motion was seconded by Councilman Michael.

On a roll call vote of 5-0, Ordinance No. 900 passed on its first reading.

Councilman Michael moved to suspend the rules and proceed to the second reading of Ordinance No. 900. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 900 passed on its second reading.

Thursday- July 29, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Gene E. Rainey, J. W. Hoyle, Otis B. Michael, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Ralph D. Morris, Jr.

1. Approval of the minutes of the July 22, 1976 meeting.

Upon motion of Councilman Michael, seconded by Councilman Hoyle, the minutes of the July 22, 1976 meeting were approved as submitted.

PUBLIC HEARING - CLOSING OF AN ALLEY OFF GREEN HILL AVENUE

RESOLUTION NO. 76-114 - RESOLUTION TO CLOSE AN ALLEY OFF GREEN HILL AVENUE

2. A public hearing was held relative to the closing of an alley off Green Hill Avenue.

Mayor Ochsenreiter opened the public hearing at 3:04 o'clock p. m.

The City Manager read the advertised notice to the public, Resolution No. 76-97, setting the time and date for the public hearing and the affidavit of publication. He also read an affidavit of M. Wayne Edwards, one of the petitioners for the closing of the alley, which stated that notices were prominently posted in at least two places along the alley proposed to be closed.

Verl Emrick, Planning Director, said this alleyway abuts a lot that Mr. Edwards purchased and has requested rezoning of the lot. He said a public hearing on the rezoning is scheduled before Council on August 12, 1976. He said Mr. Edwards proposes to purchase whatever interest the adjoining property owners may have in the alleyway. Mr. Emrick said this alleyway would have to be rezoned along with the proposed rezoning in order to use it in connection with the proposed business.

Steve Jones, attorney, by the use of a map, showed the location of the alley proposed to be closed. He said all adjoining property owners have agreed to the closing and that no individual owning property in the vicinity of the alley would be deprived of reasonable means of ingress and egress to his property by the closing of the alley.

Mayor Ochsenreiter closed the public hearing at 3:10 o'clock p. m.

The City Manager read the resolution closing said alley.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 76-114 was unanimously adopted.

Complete text of Resolution No. 76-114 will be found in Resolution Book No. 9 at page 87.

off the permanent loan.

He said it was their hope that the project, if approved, could be started within six (6) to nine (9) months. The period of construction would probably be between 12 and 18 months, with the apartments being pre-leased before they are ready for occupancy.

He said it was the developers opinion that this project would help the need for elderly housing units in the City of Asheville, as well as to revitalize the downtown area.

Mr. Howell said each unit will be heated and air conditioned, carpeted, and totally self contained with separate kitchen units. He said 10% of the units are being designed for the handicapped.

Referring to questions from members of Council, Mr. Howell said the hotel would be sold by Mr. Don Blackwell, the present owner, to a limited partnership and would be known as the Battery House Associates, Ltd. and when the approval of the project has been made, the partnership would then borrow the money, insured by HUD, from a lending institution.

In referring to staff comments from the Inspection Division, Mr. Howell said when the project has been approved complete working drawings will be presented and all state and local codes will be complied with as well as all of HUD requirements.

At this time, Mr. Emrick continued with the staff comments. He read a letter from Mr. David Jones, Jr., Executive Director of the Housing Authority, in which the Authority voiced concerns which are as follows:

1. Lack of available open space.

   The improvements on the above referenced parcel occupies all of the available land area. No space is available for outside uses, i. e., yards, walkways, gardens, etc.

   We are of the opinion that serious consideration should be given to some form of outside open space for elderly low-income residents.

2. Lack of off-street parking.

   No off-street parking is provided in the proposed plan as submitted. The only parking areas available to residents would be either hourly paid parking in front or on the side of the structure or monthly paid parking in an existing parking lot. Both would require additional physical and financial responsibility on the part of the resident.

   Similar elderly low-income housing developments of this type provide some form of parking spaces for the residents; Aston Park Towers - 49 spaces; Altamont - 10 spaces, the new proposed elderly development on Bartlett Street - 22 spaces.

INITIAL COMMENTS - PROPOSAL SUBMITTED BY BATTERY HOUSE ASSOCIATES, LTD. - BATTERY PARK HOTEL

4. Verl Emrick, Planning Director, said in accordance with the review procedures set up by the Department of Housing and Urban Development for Section 8 developments the area office in Greensboro has requested that the City of Asheville submit their comments on the project proposed by Battery House Associates, Ltd. to develop the former Battery Park Hotel into a housing project for the elderly.

Mr. Emrick also said three weeks ago Council voted to delay scheduling a public hearing relative to the repair or demolition of the Battery Park Hotel. He said, at this time, Council should schedule a public hearing date. He said it would be the staff's recommendation to accept the proposal of Battery House Associates, Ltd. under advisement until a public hearing is held on the matter.

Mr. Emrick said the developers propose to rehabilitate the existing structure (133,256 sq. ft.) to provide 122 units of elderly housing. The proposed unit configuration is as follows:

Type and Number of Units	Sq. Ft./ Unit	Proposed Rent	Fair Market Rent
(a) 113- one (1) BR	527	$255.00	$243.00
(b) 9- two (2) BR	662	332.00	316.00

In addition to the proposed 65,518 square feet of residential area, the developer proposes to utilize 10,500 square feet for commercial rental space. The initial commercial uses include, but are not limited to, a barber shop, convenience food store, beauty shop, etc. The indicated rental charge for the commercial space ranges from $2.50/ square foot to $4.00/ square foot.

By the use of a map, Mr. Emrick reviewed a detailed floor plan of the proposed project.

Mr. Emrick fielded questions from members of Council relative to the structure of the Battery Park Hotel.

The proposed project will be financed through a HUD insured mortgage under Section 221d4 or d3, utilizing Program 23 if available. The owner intends to pledge the Agreement and/or Contract for the loan if required.

Bill Howell, architect of William Howell and Associates, and also one of the general partners of Battery House Associates, Ltd. said Section 8 projects through HUD are subsidy programs, whereby if projects are approved by HUD, they will enter into a contract with the developer to subsidize rents of the tenants every month. The contracts are signed for five year intervals, and by law HUD is required to sign the contract with the developers for four (4) five year intervals and in essence signing a contract renewable every five years that will go for 20 years. The subsidized rent is based on the individuals income, and the individual would pay up to 25% of their income per year for rent, and the difference would be subsidized by HUD. He said the proposed rents are comparable within the HUD area and regional office. He said the fact that the mortgage is being insured does not mean that it is being financed by the government, but it is being conventional financed. The money for construction and financing will come from private sources. If the government approves the project, they will insure the permanent financing and if for any reason the project fails the government will step forward and pay

Therefore, given the above, caution should be exercised in reviewing all future projects so that this segment of the housing market does not become saturated in the Asheville area.

B. The staff of the Division also shares the concerns voiced by the Housing Authority and suggests that the developer indicate how the concerns can be dispelled.

C. In addition to those questions posed, the following should be answered to the satisfication of the Council prior to its granting any approval of this proposal.

1. Is this proposed use of the property the most beneficial to the Central Business District and Asheville as a whole?

2. Can this project marshall enough of the elderly housing market to assure its success, given this particular location?

3. Is the proposed financing package assured for the rehabilitation work proposed?

4. Is the management proposal satisfactory to meet the special needs of the elderly?

5. What special amenities are offered the prospective tennants on site and within the surrounding area?

6. What prior experiences has the developer had in this type of project?

Mr. Emrick further commented that the developer has answered most of the questions raised by the Planning Division, however it would be the staff's recommendation to Council to take no action on the proposal until after a public hearing is held to determine if the building is to be repaired or demolished.

Mr. Donald Blackwell, owner of the Battery Park Hotel, spoke in support of the proposed project, stating that Asheville needs to renovate the vacant buildings downtown which would bring a higher tax base. He requested that Council approve the proposed project and extend the time ordered for a public hearing to determine if the building should be repaired or demolished.

After discussion, Councilman Michael moved that the City Council recommend and submit to HUD that the project meets the goals and objectives of the City of Asheville and the City Council offers no objection at this time and encourages HUD's speedy approval of the project. This motion was seconded by Councilman Rainey, which motion was carried unanimously.

Councilman Rainey then moved to schedule a public hearing on the Battery Park Hotel for November 4, 1976. This motion was seconded by Councilman Hoyle, which motion carried unanimously.

3. **Saturation of elderly housing market in Asheville.**

The Housing Assistance Plan for fiscal year 1976-77 indicates 451 elderly rental households are needed to satisfy Asheville's elderly housing needs. 114 of these elderly units are being provided by the Asheville Housing Authority which are presently under construction. 250 units are projected in the first stage with an additional 150 units proposed for the second stage in in the Oteen elderly housing project.

It is our understanding that other elederly units are being considered in and around the City of Asheville.

In reviewing the Housing Authority's active waiting list, it is questionable if additional units will be needed.

The Planning Division made the following comments:

A. Relationship to Housing Assistance Plan (HAP)

In reviewing proposals such as this one, the Division is asked to determine if the project is, in fact, consistent with the locality's HAP, since this is the primary document used by HUD in evaluating an area's housing needs. With this in mind, it can be said that this proposal is consistent with the overall goals of providing safe and sanitary housing for Asheville's citizens. However, the same statement can also be applied to every other proposal we have reviewed. The more important question to ask is: How does this proposal relate to the specific number of units needed in the Asheville area to house elderly families and individuals?

In making this determination, the following figures can be of use:

1. Projected need of elderly rental units in FY 1976-77: 451

2. Requested Section 8 Elderly Housing Allocation:

a. New construction	100 units
b. Rehabilitated units	250 units
c. Provided by existing standard structures	33 units
	383 units

3. Elderly units approved by City Council as of July 22, 1976:

a. Asheville Housing Authority (conventional housing):	114 units
b. Oteen Proposal, First Stage:	256 units
	370 units

4. Other proposed elderly rental units (Section 8 and Other):

a. Arrowhead Apartments	100 units
b. Oak Knoll (Jaycees)	80 units
c. Battery Park	122 units
d. Oteen, Second Stage:	150 units
	452 units

The Corporation Counsel read the resolution.

Mr. John Cort, Architect, said all work outlined in the contract documents would be completed.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, Resolution No. 76-116 was unanimously adopted.

Complete text of Resolution No. 76-116 will be found in Resolution Book No. 9 at page 91

RESOLUTION NO. 76-117 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA BOARD OF TRANSPORTATION FOR A WATER LINE EXTENDING NORTHERLY ALONG STATE ROAD 1248 (OAK HILL ROAD) FOR A DISTANCE OF 3,200 FEET

8. Consideration was given to a resolution authorizing the Mayor to execute right-of-way encroachment agreement with the North Carolina Board of Transportation for a water line extending northerly along State Road 1248 (Oak Hill Road) for a distance of 3,200 feet.

The City Manager read the resolution and explained that it has become necessary to replace the existing 2-inch water line on Oak Hill Road. This 2-inch line does not supply adequate service to our customers in that area. It is recommended by the Office of the City Engineer that this be replaced and up-graded with an 8-inch water line. The cost will be approximately 40,000 and will be paid out of the water system improvement fund that the County participates in financially.

Upon motion of Councilman Michael, seconded by Councilman Rainey, Resolution No. 76-117 was unanimously adopted.

Complete text of Resolution No. 76-117 will be found in Resolution Book No. 9 at page 93.

RESOLUTION NO. 76-118 - RESOLUTION AMENDING ASHEVILLE'S 2ND YEAR (1976-77) COMMUNITY DEVELOPMENT PROGRAM BUDGETS AS LISTED, APPROVING A NEW COMMUNITY DEVELOPMENT PROJECT AND CHANGE IN THE DESIGNATION (NAME) OF AN APPROVED COMMUNITY DEVELOPMENT PROJECT

9. Consideration was given to a resolution amending Asheville's 2nd year (1976-77) Community Development Program Budgets as listed, approving a new Community Development Project and change in the designation (name) of an approved Community Development Project.

The City Manager read the resolution.

Logan Delany, Community Development Coordinator, said this resolution primarily clarifies programs previously approved by Council by putting them into one document. This resolution also provides for a new program entitled "Housing Rehabilitation Incentive Program" which will provide a 20% rebate or a maximum of $2,000 to the homeowner who agrees to improve his residence to meet Minimum Property Standards. The 20% rebate provides an incentive to the homeowner and assures him that he can make required improvements at a minimum cost. Official certification and inspection of the work is required prior to final approval and payment of the rebate.

RESOLUTION NO. _____ RESOLUTION REGARDING LIVINGSTON STREET NEIGHBORHOOD FACILITY AUDIT CONTRACT

5. Consideration was given to a resolution regarding Livingston Street Neighborhood Facility Audit Contract.

The City Manager read the resolution.

Councilman Hoyle suggested that since A. M. Pullen and Company had the contract for the city audit, these type audits should be spread out among other companies inthe City of Asheville.

Vice-Mayor Horton further suggested that no action be taken on the resolution until the Audit Selection Committee met to discuss this matter.

Mayor Ochsenreiter ruled that no action would be taken on the resolution at this time.

RESOLUTION NO. 76-115 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A CONTRACTURAL AGREEMENT WITH BUNCOMBE COUNTY, NORTH CAROLINA TO ADMINISTER A PROGRAM ENTITLED "THE CITY OF ASHEVILLE POLICE/FIRE CADET PROGRAM"

6. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter into a contractural agreement with Buncombe County, North Carolina to administer a program entitled "The City of Asheville Police/Fire Cadet Program".

The City Manager read the resolution.

Sam Graves, Personnel Analyst, said this program has been developed to afford some training in employment opportunities that will hopefully lead up to permanent employment in the Public Safety Department, primarily the Police and Fire Departments. The program will extend over a 6 months period of time at which time the training officers in the two departments would work with the cadets and train them basically in the two public safety fields. The funding of the program will come from CETA, Comprehensive Employment Training Act, funds, which is administered by the County. The amount of the proposal is $44,291, primarily for salaries, uniforms, and equipment, as well as training costs. He said the program would initially begin with 10 cadets, however, the Manpower Board has indicated that if the program is successful the number of cadets could be extended.

Upon motion of Councilman Rainey, seconded by Councilwoman Swilling, Resolution No. 76-115 was unanimously adopted.

Complete text of Resolution No. 76-115 will be found in Resolution Book No. 9 at page 90.

RESOLUTION NO. 76-116 - RESOLUTION DIRECTING THE DIRECTOR OF FINANCE TO MAKE FINAL PAYMENTS TO M. B. HAYNES ELECTRIC CORPORATION AND MOSER, INC. FOR WORK PERFORMED ON ASHEVILLE CIVIC CENTER AND THOMAS WOLFE AUDITORIUM

7. Consideration was given to a resolution directing the Director of Finance to make final payments to M. B. Haynes Electric Corporation and Moser, Inc. for work performed on Asheville Civic Center and Thomas Wolfe Auditorium.

BIDS - CONSTRUCTION OF SWIMMING POOL AT BEE TREE LAKE

12. Consideration was given to bids received for the construction of a swimming pool at Bee Tree Lake.

The City Manager read a memorandum from the Purchasing Agent which stated that bids were opened on June 21, 1976 and Gatlinburg Construction Company submitted the only bid received, which was returned unopened. A second advertisement for bids was issued to be opened July 6, 1976. There were no responses to this bid request. Gatlinburg Construction called stating there had been a delay in the mail and bid invitation was not received until same date bids were due to be opened. A third advertisement for bids was issued and opened and read in the County Chambers Monday, July 26, 1976. Again, only one (1) bid was received, submitted by Gatlinburg Construction Company, Inc. in the amount of $33,500.00. The Purchasing Agent recommends acceptance of the bid submitted by Gatlinburg Construction Company.

Councilman Hoyle moved to accept the recommendation of the Purchasing Agent and award the bid to Gatlinburg Construction Company, Inc., in the amount of $33,500.00. This motion was seconded by Councilman Rainey and carried unanimously.

CLAIM - MORTON DISTRIBUTING COMPANY

The City Manager presented a damage claim received from Morton Distributing Company.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - MAGGIE C. TOBE

The City Manager presented a claim received from George W. Moore, Attorney, on behalf of Maggie C. Tobe.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

Adjournment.

MAYOR

CITY CLERK

Upon motion of Councilman Michael, seconded by Councilman Hoyle, Resolution No. 76-118 was unanimously adopted.

Complete text of Resolution No. 76-118 will be found in Resolution Book No. 9 at page 94.

RESOLUTION NO. 76-119 - RESOLUTION AUTHORIZING THE TRANSFER OF THE APPLE TREE ARK NATURE CENTER TO THE BUNCOMBE COUNTY COMMISSIONERS

10. Consideration was given to a resolution authorizing the transfer of the Apple Tree Ark Nature Center to the Buncombe County Commissioners.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilman Michael, Resolution No. 76-119 was unanimously adopted.

Complete text of Resolution No. 76-119 will be found in Resolution Book No. 9 at page 96.

ORDINANCE NO. 901 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1976-77

11. Consideration was given to an ordinance amending the operating budget of the City of Asheville for the fiscal year 1976-77 for the appropriation of the Federal Programs Fiscal Office in the General Fund.

The City Manager read the ordinance and explained that this ordinance would clarify the appropriation of the Federal Programs Fiscal Office in the General Fund, although the office is funded with federal funds.

Councilwoman Swilling moved for the adoption of the ordinance. This motion was seconded by Councilman Michael.

On a roll call vote of 5-0, Ordinance No. 901 passed on first reading.

Councilwoman Swilling moved to suspend the rules and proceed to the second reading of the ordinance. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 901 passed on second reading.

Councilman Michael moved to suspend the rules and proceed to the third and final reading of Ordinance No. 901. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 901 passed on third and final reading.

Complete text of Ordinance No. 901 will be found in Ordinance Book No. 7 at page 32.

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Pos. Not Cons.

Vol. 42

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Pgs. Not Cons.

AIR CONDITIONING - Resolution adopted to appropriate funds for this unit for the traffic control tower at the Airport. 71

APPROPRIATIONS - Budget ordinance passed on all three readings to provide funds for heat and air conditioning for the traffic control tower at the Airport. 71

ASHEVILLE AIRPORT - Resolution adopted and Ordinance passed on all three readings to provide funds for heat and air conditioning unit for the traffic control tower. 71

APPROPRIATIONS - Ordinance adopted and passed on first reading to amend the operating budget for the City for fiscal year 1976-77 to provide funds for the N. C. Youth Conservation Corp. - 72; Second reading - page 79; third reading - page 88

APPROPRIATIONS - Ordinance adopted amending the 1976-77 Operating Budget for the City to provide funds for the Police/Fire Cadet Program - 72; Second reading - page 80; third reading - page 89.

APPOINTMENT - Arthur E. Eve, Jr. appointed to the Asheville Transit Authority. 74

ASHEVILLE TRANSIT AUTHORITY - Arthur E. Eve, Jr. appointed to this Authority. 74

ANNOUNCEMENT - Opening of Civic Center Parking Garage; Mayor invites public to attend. 76

ARROWHEAD APARTMENTS - Mr. Ridgley Robinson, architect for these apartments, requests Council to reconsider this Group Development. 77

AWARDS - HANDICAPPED - Mayor presented ten awards to handicapped citizens on behalf of the Committee on Employment of the Handicapped. 79

ALLEY - Public hearing and first reading on ordinance to rezone alley located off Greenhill Avenue for Western Food Systems - page 27; Second reading - page 79; third reading - page 88.

AMERICAN INSTITUTE OF BANKING WEEK - Mayor proclaims week of Sept. 6-12, 1976 as such in Asheville. 83

AMUSEMENT CENTERS - Frank Cioffari, owner of Pinball Wizard, clarifies report given by Mr. Michalove to Council through questions and statements. 84

APPROPRIATIONS - Ordinance adopted and passed on all reading to amend the 1976-77 Operating Budget to provide funds for water improvement projects. 85

ALLEYS - Public hearing and resolution adopted closing five unnamed alleys in City. 87

ASSETS - Consideration of resolution to authorize City Manager to negotiate for and enter into contract for the inventory and appraisal of City owned fixed assets. Tabled. 90

APPRAISAL= Resolution tabled which would authorize City Manager to negotiate a contract for the inventory and appraisal of City owned fixed assets. 90

APPRECIATION - Resolution of appreciation to Quality '76 for their efforts and Council's encouragement that the program be continued. 91

AIRPORT IMPROVEMENTS - Resolution adopted authorizing the Mayor to apply for and execute Federal and State Grants for these improvements. 91

AIRPORT IMPROVEMENTS - Council adopts and passes on all three reading ordinance to amend the 1976-77 Operating Budget to provide matching funds for Airport Improvements. 92

ARROWHEAD APARTMENTS - Hearing relative to site plan for these apartments to be located off Michigan Avenue near Amboy Road - Approval denied for lack of motion. 1

AMBOY ROAD - Ordinance passed on all three readings changing the state raod number of this road from SR 3557 to SR 3556. 4

AUDIT CONTRACT - Awarded by resolution to A. M. Pullem & Company regarding Livingston Street Neighborhood Facility. 5

AMUSEMENT ARCADES - Discussion relative to protest by Nicholas Peterson, co-owner of Space Mission; unfair treatment of his business by the Inspection Division. To be placed on the published agenda after Council receives further staff reports. 6 6

ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL - Members appointed to this Council. 7

ALLEYS - Resolution of intent to close five unnamed alleys; public hearing date set.

ASHEVILLE, CITY OF - Statement by Councilman Michael regarding murders in the City. 13

APPROPRIATIONS - Ordinance passed on all three readings amending the 1976-77 Budget to provide a service contract for cleaning the Civic Center Parking Garage. 20

ASHEVILLE, CITY OF - Resolution adopted authorizing the Mayor to sign on behalf of the City a contract with Asheville Steel Company for a new roof on the Street and Sanitation Garage on Valley Street. 24

ASHEVILLE STEEL COMPANY - Resolution adopted authorizing the Mayor to sign a contract with this company for a new roof on the Street and Sanitation Garage on Valley St. 24

AGREEMENT - Resolution adopted authorizing the Mayor to enter into agreement with Carolina Power & Light Company for electricity to the Water Treatment Facility at North Fork Dam. 24

AMENDMENTS - Resolution adopted calling for a public hearing for the adoption of these to the N. C. State Building Code for existing high rise buildings. 24

AMUSEMENT CENTER - Complaints from Nick Peterson, co-owner of Space Mission relative to the Inspection Division. 25

AMBOY ROAD - Council approves request of Britton Amusements Company to hold a carnival on this road August 20 through August 23, 1976. 25

AMENDMENTS TO MINUTES - Pages 18 and 19 of the minutes were amended relative to the votes taken regarding Section 8 Housing Proposals for Battery Park and Oteen sites. 27

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ATTACHMENT "C" - Resolution authorizing the Mayor to sign this attachment form for the YMCA Project Youth Outreach Program. 30

AMENDMENT - Resolution amending and extending the Montford Recreation Center Complex Contract and/or cooperation agreement. 31

AMUSEMENT CENTERS - Report to Council regarding Inspections by Ken Michalove. 33

AGREEMENT - Resolution authorizing the Mayor to execute supplemental agreement No. 3 to FAA Lease No. DOTFA71SO-6028 covering the ATCT/SFO Facility at the Airport. (Heat and air conditioning for the traffic control tower cab) 71

Avery, Mr. & Mrs. Perry M. - Sale of parcel 112 to these residents approved by Council for use as residential property. (East Riverside Urban Renewal Project N.C. r-48) 133

Asheville Housing Authority - Council approves of parcels 112 and 114 in the East Riverside Urban Renewal Project N.C. R-48 by this authority. 133

Appropriations - Ordinance amending the operating budget for the City for the fiscal year 1976-77 to provide funds for the Library to purchase books, audio equipment, visual equipment and provide travel funds. - first reading - page 134; second reading - page 141 third reading - page 158.

Appropriations - Operating budget for the City for fiscal year 1976-77 amended to provide funds for completion of the Parking Facility.; first reading - page 134; second reading page 141; third reading - page 159.

Appropriations - Capital projects in effect as of July 1, 1976 - first reading - page 134; second reading - page 141; third reading - page 158.

Appletree Chevrolet awarded bid to one (1) pickup truck for the Civic Center

Asheville, City of - Ralph Bishop protesting lottery sales in the City. 139

Arlington Street - 15;- Request by Mrs. Estie Wilson to rezone property on this street; hearing scheduled - page 143; hearing and first reading - page 175; Failed on first reading - Ordinance 926

Application - Mass Transit Funds - Hearing held; city manager authorized to authorize and endorse the filing of applications for these funds. 157

Alleys - REsolution of intent to close 4 unnamed alleys and calling a public hearing on same - page 159; hearing held and resolution adopted closing these alleys - page

Aurora Drive - City Manager authorized to acquire a right-of-way easement from Nola O. Whitaker for a 24-inch water line on this road. 161

Acquisition - Virgil McConnel presents petition to Council urging the lease of Shiloh School for the use of the residents of South Asheville as a community center. 164

Arden Equipment Company - Awarded bid for crawler tractor/dozer with heavy dutter ripper for use in the Street Department. 168

Announcement - Council to have night meeting once per month; First Thursday of each month. 169

Amendment - Proposed to present zoning ordinance (322) relative to Commercial Regional District; hearing scheduled - page 173; hearing and first reading on ordinance - page 204; second reading - page 212; third reading - page 220.

Asheville Housing Authority - Complaint by Mrs. Roy Rogers and Mr. Carl Johnson on this authority closing Beech Street and taking the property. 173

Avondale Estates - Approval of final plat off Bee Tree Road. 178

Avondale Road - Approval of final plat of a proposed subdivision off this road. 179

Asheland Avenue - Public hearing relative to the site plan of a proposed addition to Electric Supply Company on this avenue - public hearing set and first reading - page 194; second reading - page ; third reading - page .

APPROPRIATIONS - Council adopts and passed on all readings ordinance to amend the 1976-77 Operating Budget for the City to provide matching funds from State and Federal Grants for Airport Improvements. 92

APPROPRIATIONS - Council adopts and passes on first reading ordinance requesting and authorizing a budget increase in the Community Development Home Ownership and Counseling Project - page 81; second reading - page 89; third reading - 94.

ASHEVILLE, CITY OF - Mayor authorized to sign contract with Taylor and Murphy Construction company, Inc. for the Monte Vista Booster Pump Station. (Resolution) 94

ASHEVILLE, CITY OF - Mayor authorized to sign contract with Cooper Construction Co., Inc. for the Montford Avenue Fire Line. (Resolution) 94

APPROPRIATIONS - Council adopts and passed on first reading ordinance amending the Community Development Project Budget of the City of Asheville for 1976-77 - page 97; second reading - page 107; third reading - page 119

APPLETREE CHEVROLET, INC.- Awarded bid for sedan and four-wheel drive utility truck for the Water Department. 98

ASHEVILLE AIRPORT - Proposal by Civil Air Patrol requesting space at the airport to base their volunteer services. 103

ARROWHEAD APARTMENTS - Discussion of these apartments at a new site off Wood Avenue. 103

ASHEVILLE, CITY OF - Petitioned by residents of Shiloh Community to acquire the Shiloh School Property for use as a community center. 104

ANNOUNCEMENT - W. F. Wolcott, Jr., Asst. City Manager/City Clerk announces an interruption of water service on Tunnel Road and portion of Kenilworth Friday, Sept. 17, 1976. 105

AMENDMENT TO MINUTES - September 16, 1976 minutes were amended to change public hearing date of Jack Ingram's request to rezone property on Brevard Road. 106

ANDERSON, MS. MINNIE - Water cutoff for more than 24 hours with no response from the Water Department - Complaint reported by Councilman Michael. 110

APPROPRIATIONS - Budget amendment to appropriate increase in budget for Community Development Home Ownership and Credit Counseling project - page 81; second reading - page 89; third reading - page 94.

ARGO, MICHAEL - Appeals to Council to clarify Section 18-7 of the Code so he can go ahead with plans for opening the Wilderness Shop which he plans to equip with firing range. 122

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Asheville, City of - Resolution on grant with the U.S.A. for runway extension, MITL and HITL Lighting system, construction of FCR building, and acquisition of fire and crash rescue vehicle for the Asheville Airport. (Grant Execution) 123

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Application - Submission to HUD for Community Development Block Grant Funds. (3rd Year) 258

Allen Center - Mayor authorized to sign a lease-purchase agreement to sell disposal parcel 1 in the Civic Redevelopment Area (NC R-13) to Friends Enterprises d/b/a Allen Center. 259

Appalachian Regional Commission - Priority projects for this program for fiscal years 1978-82. 261

Asheville-Buncombe Community Relations Council - Appointed James M. Pressley to Board of Directors of this Council. 282

Annexation - Council indicated to Rep. Nesbitt that they were not in favor of the bill on annexation that was presented. 285

Asheville Airport - Mayor authorized to execute lease agreements for space in the Asheville Airport Terminal building. 287

Appeal - Relative to discharge of Kenneth C. Edwards. 287

Audit - Resolution regarding audit contract for fiscal year ending 6-30-77. 303

Appointment - William DeBruhl as Utilities Coordinator for the Water and Sewer Department. 308

Apple Tree Chevrolet - Was awarded bids for a van type truck for the Office of the City Engineer. 321

Airport - Successful meeting held on the Regional Airport Concept. 329

Annexation - Council opposing House Bills 44 and 45 on annexation and extraterritorial jurisdiction and one mile perimeter. 330

Asheville Airport - Resolution adopted relative to leases for a gift shop location and space in the baggage room and right to conduct limousene service for this airport. 337

Asheville Airport - City Manager authorized to enter into contract for engineering services with Talbert & Cox Associates, Inc. for improvements to this airport. 338

Airport - Councilman Michael spoke in relation to airport employees living in Henderson County. 343

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Air Show - Mrs. Amogene Norwood requested permission to conduct an air show the week-end of May 21-22, 1977. 363

Asheville Convention & Visitors Bureau - City of Asheville was represented by this bureau and was voted into the membership of the International Association of Convention and Visitor Bureaus. 366

Asheville Army Store - Bid was awarded for uniforms for Asheville Fire Department. 367

Award - Mayor commended Mr. John Harold Garland for receiving this from the Ellis Canday Chapter of the International Association of Electrical Inspectors for Outstanding Contributions to Electrical Safety. 192

Appalachian Way - Appropriation of funds for the Chestnut Street Water Line and the Appalachian Way/Huffman Road Water Line - first reading - page 207; second reading - page 207; third reading - page 207.

Amendment to Minutes - December 09, 1976 minutes were amended to include a report given by Lonnie Burton relative to the sub-lease of the Shiloh School. 211

Asheville Transit Authority - Reappointing Mr. Arthur E. Eve, Jr. for a term of 5 years to this establishment. 214

Arden Equipment Company, Inc. - Was awarded bids for one diesel powered crawler tractor/loader with multipurpose bucket for the Street Department. 225

Allen Center - Advertisement of a lease-purchase agreement to sell disposal parcel 1 in the Civic Redevelopment Area to the Allen Center. 233

Advertisement - Lease-purchase agreement to sell disposal parcel 1 in the Civic Redevelopment Area to the Allen Center. 233

Arrowhead Apartments - Discussion of these apartments at a new site on Wood Avenue in Southeast Asheville. 234

Asheville-Buncombe Community Relations Council - Appointment of members to their Board of Directors (Libby Henry and Joe Trulove). 243

Advertising of Airport Leases - Hertz, Avis, National Rental Cars, Gift Shop and Limousine Service leases have been agreed upon. 243

Avis - Their lease has been agreed upon and will be advertised. 243

Automobile - Councilman Railey requested report on automobile spare parts and where they are purchased. 245

Appointment - John B. Fisher and Mr. Traynham Houston are appointed to serve on the Buncombe County Board of Tax Supervision. 245

Airport Master Plan - Grant agreement accepting a grant from the federal government relative to this plan. 224

Asheville Airport - Mayor authorized to execute lease agreements for space in the Asheville Airport Terminal Building. 314

Arrowhead Apartments - Date set for public hearing - page 318; Council approval and hearing - page 354.

Appreciation - Relative to Joseph C. Hall, Chief of Police. 249

American Locker Security Systems, Inc. - Bids awarded to them for coin-operated metal lockers for the Livingston Street Center. 253

Appreciation - Relative to Ernest J. Ward, Jr., City Manager. 256

Airport - Discussion relative to city employees employed at the Asheville Airport live outside of Buncombe County. 370

Allison, W. B. - City Manager recognized this retired City employee who worked 31½ years for the Asheville Police Department. 346

Affirmative Action - Report given by Sam Graves on this and Equal Employment. 392

Air Show - Request by West Asheville Optimist Club and Civil Air Patrol for this show on May 21 & 22, 1977. 393

Asheville Housing Authority -Mayor authorized to sign documents to sell a portion of City property on Gaston and Livingston Streets to the Authority. 402

Airport Improvements - Amendment to grant agreement which would permit minority business enterprises to have a maximum opportunity in bidding for work to be done under the agreement. 402

Asheville School Board - Appointment of Mrs. Linda C. Winner, Mrs. Walter Jr. Boggs and Mr. Everett W. Clark, Jr. as members to this Board. 404

Asheland Avenue - Hearing set of intent to close a portion of this street - page 404 - hearing - page 22 and 35, resolution closing street - page 35.

Asheville Airport - Mayor authorized to execute lease agreements for space in this airport building for National Car Rental of Asheville, Inc., Avis Rent-A-Car System, Inc. and Hertz Corporation. 409

Air Safety Award - Air Safety Award 1976 was presented to the Asheville Municipal Airport Personnel from the Southeastern Airport Managers' Association. 410

Asheville Housing Authority - This authority is requested to assume jurisdictional administration of the HUD Section 8 existing housing program. 411

Appropriation - Amendment to the budget appropriating Antirecession Fiscal Assistance funds. 411

Apple Tree Chevrolet - Bids were awarded to this company for 1-four door sedan for the Street Division. 439

Airport - Amendment to the 1976-77 budget to allow general aviation aircraft to utilize the City's Main Terminal on a 60-day trial basis. 440

Airport - Mr. Phil Ramsey and Mr. Douglas Ray proposed a new service at the airport. 446

Animal Control - City Manager presented a draft on this. 455

BOYCE L. FORD COMPANY, INC. - Awarded bid for fire hose for the Fire Department. 81

BOLAND, DR. WATER R. - Resident of 50 Greenleaf Circle complains about condition of lot near his home which is a hazard for children. 82

BARNARD AVENUE - Ms. Sadie L. Sprinkle complains about statnant water and mosquitoes. 83

BANKING WEEK - AMERICAN INSTITUTE OF - Mayor proclaims week of Sept. 6-12, 1976 as such. 83

BUDGET AMENDMENT - Ordinance adopted and passed on all readings to appropriate funds for the construction of water improvements on Sardis Road. 85

BUILDINGS-HIGH RISE - Hearing and first reading on ordinance adopting the N. C. State Building Code pertaining to these buildings-88; second reading-94; third reading-106.

BUDGET INCREASE - Adoption and first reading on ordinance requesting and authorizing this increase in the Community Development Home Onwership and Credit Counseling Project-81; second reading - 89; third reading - 94.

BUDGET AMENDMENT - Adoption and passed on all readings an ordinance to provide matching funds to State and Federal Grants for improvements to the Asheville Airport. 92

BUNCOMBE, COUNTY OF - Hearing scheduled on request by County to rezone property located on Leicester Highway and ERwin HIlls Road - 92; hearing and first reading- page 118; second reading - page 131; third reading - page 140.

BISHOP, RALPH G. - Criticizm against Chief Hall and Police Department for their lack of control of the gamblers in the City. 93

BUDGET AMENDMENT - Adoption and first reading on ordinance to amend the Community Development Project Budget of the City for 1976-77 - 97; second reading-107; third reading- 119

BIDS - Awarded to Matthews Motors, Inc. for ten sedans for the Inspection Division. 97

BIDS - Awarded to Appletree Chevrolet, Inc. for one sedan and one utility, four-wheel drive truck for the Water Department. 98

BIDS - Awarded to Dorato Motors, Inc. for Item I, two patrol cars, for the Police Dept. 98

BIDS - Awarded to Appletree Chevrolet for three compact detective cars for the Police. 98

BIDS - Awarded to Koppers Company, Inc. for two picnic shelters for Parks & Recreation. 99

BIDS - Awarded to Blue Cross and Blue Shield of N. C. for health insurance for employees. 99

BIDS - Awarded to Prudential Insurance Company for optional supplemental life insurance for City employees. 99

BREVARD ROAD - Hearing scheduled on Jack Ingram's request to rezone property located on this road. 102

BISHOP, RALPH G. - Additional complaints about lottery sales in the City. 103

BREVARD ROAD - Minutes of Sept. 16, 1976 meeting amended to change hearing date on zoning request of Jack Ingram. 106

BON MARCHE - Clain for damages referred to Corporation Counsel for investigation and recommendations. 108

Buncombe County - Resolution to become effective for assistance by City upon adoption of similiar resolution by County (Development of plant facility by Three Mountaineers. 5

BROADWAY - Downtown merchants petition Council to clean up this street (bars, drinking alcholic beverages on the streets, etc.). 7

BURTON STREET - Resolution of intent adopted to close this street and hearing date set for same-13; hearing held, resolution adopted closing this street - page 87.

BATTERY PARK HOTEL - Discussion of this site versus the Oteen VA site for Section 8 Housing for the Elderly. 13

BLACKWELL, DONALD M. - Owner of Battery Park Hotel presented Council with three solutions to the parking problem at this site. 14

BRIDGE - City Manager gives status report on replacement of Carroll Avenue bridge. 14

BATTERY PARK HOTEL - Mr. Audie Ellis states preference to Council endorses the proposal of this site for elderly housing. 16

BATTERY PARK HOTEL - David Jones, Executive Director of Housing Authority, presents Council with results of balloting by senior citizens as to their preference to this site or the Oteen VA site. 18

BIDS - Awarded to WNC Parking Lot Services to clean the Civic Center Parking Facility. 20

BUDGET AMENDMENT - (1976-77) to provide cleaning services to the Civic Center Parking Center; passed on all three readings. 21

BUILDINGS - HIGH RISE - Resolution adopted calling for public hearing on the adoption of the N. C. State Building Code pertaining to these buildings. 24

BRITTON AMUSEMENTS COMPANY - Council approves request for this company to hold a carnival on Amboy Road August 20 - August 23, 1976. 25

BATTERY PARK HOTEL - August 19, 1976 minutes amended relative to votes taken on preference of this site or the Oteen VA site for housing for the elderly. 27

BUNCOMBE COUNTY CHILD DEVELOPMENT DEPARTMENT - Resolution adopted approving an increase in matching funds for this department for fiscal year 1976-77. 31

BUDGET AMENDMENT (1976-77) - To appropriate funds to upgrade air conditioning in the traffic control tower at the Asheville Airport; passed on all readings. 71

BUDGET AMENDMENT (1976-77) - To appropriate funds for the N. C. Youth Conservation Corp first reading - 72; second reading - 79; third reading - 88.

BUDGET AMENDMENT (1976-77) - To appropriate funds for the Police/Fire Cadet Program; first reading - 72; second reading - 80; third reading - 89.

BIDS - Awarded to Talman's Office Supplies for folding tables for Civic Center. 73

BIDS - Awarded to Stinnette Uniform Company for uniforms for the Police Department. 74

BATTERY PARK HOTEL - Mrs. Roy Rogers appealed to Council to give HUD their support of the Oteen site for elderly housing. 77

BATTERY PARK HOTEL - Rev. DeSaix commended Council for their decision to ask HUD to approve both sites, expressing priority for the Oteen site. 78

BIDS - Awarded to Boyle L. Ford Company for fire hose for Fire Department. 81

BIDS - Awarded to Lynchburg Foundry Company for 6 months requirement for water main pipe. 73

Bids - Awarded to Matthews Motors, Inc. for one four-door car for the Police Dept. 169

Battery Park Hotel - Discussion; Council authorizes Mayor to write follow up letter to Don Blackwell asking him to comply with instructions to secure and maintain the vacant building and request the status of Section 8 Housing by HUD. 170

Blackwell, Don - Letter by Mayor asking him to comply with securing and maintaining the empty Battery Park Hotel and requesting the status of the Section 8 by HUD. 170

Buncombe County School Board - Announcement by Councilman Michael of lease with this Board for the Shiloh School Property by the City. 173

Bids - Awarded to Matthews Motors, Inc. for five refuse trucks for the Sanitation Division. 177

Bee Tree Road - Approval of the final plat of Avondale Estates off this road. 178

L.S. and M. Builders, Inc. - Approval of the final plat of Avondale Estates subdivision belonging to them off of Bee Tree Road. 178

Battery Park Hotel - Report of meeting pertaining to overall condition of this hotel. 189

Bible Week - Proclamation - November 21-28, 1976. 189

Beech Street - Discussion of closing this street. 189

Bill of Rights - Mayor read Senior Citizens Bill of Rights at the request of Mrs. Roy Rogers. 190

Beech Street - Public hearing and resolution adopted to close this street. 193

Battery Park Hotel - Councilwoman Swilling commended Mr. J. E. Johnson for efforts on improvements to this Hotel. 202

Beaucatcher Mountain - Request by E. R. McCarthy for stabilizing the French Broad River with the rocks from this mountain. 181

Bikeway Program - Rescinding a section of Ordinance No. 916 approving an appropriation for this program in the Community Development Program; first reading - page 222; second reading - page 223; third reading - page 223.

Board of Alcoholic Control - Mrs. Celeste L. Loftin was appointed to this Board. 214

Board of Alcoholic Control - Mr. Osborne M. Hart was appointed as Chairman to this Board. 215

Boxing and Wrestling Commission - Tax collected from this commission. 220

Beaverdam - Final subdivision plat for the forest, located in this section. 223

Banking Depositories - Designation of banking depositories for city funds. 224

BISHOP, RALPH G. - Complaints against Chief Hall; Mayor informs him he is taking these before the wrong board. 110

Blue Cross-Blue Shield - Awarded bid for group health insurance for City employees. 99

Bids - Two Leaf machines for the Sanitation Division awarded to North Carolina Equipment-120

Bishop, Ralph - Complaints relative to lottery sales in the City- page 122; same complaint- 139

Building - FCR - Execution of grant agreement approved for this project at the Airport. 123

Brevard Road Area - Public hearing and first reading - page 128; second reading - page 141; third reading - page 158.

Brevard Road & Dogwood Road - Public hearing on rezoning request by R. Jack Ingram; hearing to be readvertised and held on another date - page 138; hearing and first reading - page page 166; second reading - Failed on page 175

Buncombe, County of - Lease with this government for the operation of a county-wide zoo. 136

Beaucatcher - Mayor authorized to execute supplemental municipal agreement with the N.C. Department of Transportation relative to utility relocations in connection with the I-40 Connector through this mountain. 136

Bids - Appletree Chevrolet receives bid for one (1) pickup truck for the Civic Center. 136

Bids - Matthews Motors, Inc. received bid for two (2) pickup trucks for Traffic Eng. 136

Bids - Awarded to Supply Specialties, Inc. for 100 traffic model fire hydrants for the Fire Department. 142

Bids - Awarded to Supply Specialties, Inc. for copper tubing for use in the Water and Sewer Department. 142

Bids - Awarded to Porter Brothers, Inc. for one tractor-towed landscaping machine for the Parks and Recreation Department.

Bartlett Street - Resolution of intent adopted and public hearing date set on closing this street permanently; page 159; public hearing and street closed - page 194.

Beech Street - Resolution of intent adopted and public hearing date set on closing this street - page 160; Mrs. Roy Rogers and Mr. Carl Johnson protest closing of this street by the Asheville Housing Authority - page 173; hearing and street closed - page 193

Bids - Awarded to Southern Tank and Culvert Co, Inc. for corrugated steel culvert pipe for use by the Street Department. 161

Bids - Awarded to Morton Salt Co. for salt for the removal of snow and ice by the Street Department. 165

Bids - Awarded to Stancil-Hoffman Corporation for a four-channel recorder for use by the Fire Department. 165

Bids - Awarded to Arden Equipment Co., Inc. for one crawler tractor/dozer with heavy duty ripper for the Street Department. 168

Bids - Awarded to Boyce L. Ford Company for one custom built triple combination pumper for the Fire Department. 169

Bids - Awarded to M. B. Haynes Electric Corporation to construct ballfield lighting system at Livingston Street Park for Parks and Recreation Department. 368

Ballfield - Bid was awarded to M. B. Haynes Electric Corporation to construct ballfield lighting system at Livingston Street Park for Parks and Recreation Department. 368

Bids - Awarded to Sun Electric Corporation for one engine analyzer for Motor Transport Division. 368

Bids - Awarded to Southern Tank and Culvert Company, Inc. for galvanized corrugated steel pipe for Parks and Recreation. 368

Brookshire, Mrs. Donald - Claim received by this resident for water damages - referred to Corporation Counsel. 369

Bishop, Ralph - Resident not satisfied relative to answer for a clarification of meter feeding. 370

Brewer, Fred C. - Hearing on appeal of discharge of this person. 373

Bids - Awarded to Holladay Paint and Carpet Company for the installation of resiliant tile floor at the Hilltop Recreation Center for Parks & Recreation Department. 391

Bishop, Ralph - Discussion on meter feeding. 391

Biltmore Holiness Temple - Claim received from Rev. G. A. McCurry for water damages to this Temple. 393

Boggs, Mrs. Walter J. - Was appointed as a member to the Asheville School Board for a term of 6 years. 404

Bishop, Ralph - City Manager is in the process of studing the parking situation. 405

Bishop, Ralph - Complaint of parking meters being removed from Battery Park Hill and Haywood Street and not on Pack Square. 417

Ballard, Mrs. Ruby - Presented a plaque in observance of Private Property Week (April 17-23, 1977). 418

Bids - Awarded to Dorato Motors, Inc. for a 1-four door sedan for Meter Reading, Apple Tree Chevrolet for a four door sedan for the Street Division, Matthews Motors, Inc. - 8 1/2 ton pickup trucks for the various Water Divisions and 1 3/4 ton pick up truck for the Water Maintenance Division. 439

Bids - Awarded to Matthews Ford, Inc. for 3 dump trucks for Street Division and Carolina Truck and Body Company for 1 flat bed truck for Water Maintenance Division. 439

Bids - Awarded to Duffield & Associates for an automatic swimming pool treatment control system for Parks & Recreation Department. 440

Brackett, Gaston R. - Claim received by this resident for damages. 457

Bids - Was awarded to Vermeer Carolina Sales and Service for one stump cutter for the Parks and Recreation Department. 225

Bids - Was awarded to Arden Equipment Company, Inc. for one diesel powered crawler tractor/loader with multipurpose bucket for the Street Department. 225

Birch, Louise B. - Claim received by this resident and referred to Corporation Counsel for investigation and recommendation. 225

Bell, Glen A. - Claim received by this resident and referred to Corporation Counsel for investigation and recommendation. 225

Board of Tax Supervision - Reporting of Street Closings and Zoning Changes to this Board. 227

Brown, Bob - Report on water problems on Spivey Mountain Road. 229

Beaucatcher Mountain via College Street - Petition in relation to traffic problems. 236

Board of Tax Supervision - Mr. John B. Fisher and Mr. Traynham Houston were appointed to this board. 245

Bids - Awarded to American Locker Security Systems, Inc. for coin-operated metal lockers for the Livingston Street Center. 253

Brown, Robert E. - Report given by Water and Sewer Superintendent relative to problem of frozen water lines. 260

Biltmore Avenue - Resident complained relative to enforcement of traffic lights at this street and the Plaza Theatre. 285

Biltmore Avenue - Complaint received relative to traffic lights at this street and the Plaza Theatre - malfunction was found in traffic signal due to master mechanism. 308

Bids - Awarded to Apple Tree Chevrolet for a van type truck for the Office of the City Engineer. 321

Brady, Joe - Request that Council and City Manager thoroughly review qualified applicants for Chief of Police position in City. 325

Bishop, Ralph - Resident requested a clarification of "meter feeding". 353

Bidding - Vice-Mayor Horton expressed concern relative to bidding procedures. 353

Bids - Awarded to Asheville Army Store for uniforms for Asheville Fire Department. 367

Bids - Awarded to M. B. Haynes Electric Corporation to construct ball-field lighting system at Murphy-Oakley Park for Parks and Recreation Department. 367

Ballfield - M. B. Haynes Electric Corporation was awarded bids to construct ballfield lighting system at Murphy-Oakley Park for Parks and Recreation Department. 367

Control Tower, Airport - Council adopted and passed on all readings ordinance to appropriate funds to provide air conditioning in this facility.

Civic Center - Bids awarded to Talman's Office Supplies for 100 folding tables for this facility. 73

Civil Service - Commended by Councilman Michael for implementing promotional examination for Police Department which includes written and oral examination. 74

City Manager - Resolution authorizing City Manager to acquire the Riceville Forest Water System. 75

Closing - Announcement that Fairview Road would be closed to traffic on 8/30/76. 76

Civic Center Parking Facility- Announcement of opening and ribbon cutting ceremonies; public invited - 9/1/76 - 10:00 a.m. 76

Contract - Resolution authorizing Mayor to sign contract with Huntley Construction Co. and Taylor and Murphy Construction Co., Inc. for water improvements on Oak Hill Road, Riceville Road, Mann Road, and Haw Creek Road. 80

Complaint - Ms. Evelyn Hicks presents petition to Council concerning vacant lot which is overgrown on Sereva Place. 82

Complaint - Dr. Walter R. Boland concerning area cleared on Greenleaf Circle for new house which had never been built; weeds, lumber, etc. 82

Complaint - Sadie L. Sprinkle concerning stagnant water and mosquitoes on Barnard Avenue. 83

Complaint - Blandene S. Pettitt concerning lot on Barnard Avenue overgrown with weeds. 83

Complaints - Brought to the attention of Council by Councilman Rainey concerning vacant lots blighted by growth of weeds and littering. 82

Cancer Day - National - Proclaimed on September 8, 1976. 83

City Engineer - Resolution authorizing this officer to solicit informal bids for construction of 8-inch water line on Sardis Road. 85

Claim - Mildred R. Taylor for damages resulting from Street Dept. cutting trees on her property; referred to Corporation Counsel for investigation and recommendation. 86

Credit Counseling - First reading requesting budget increase in Community Development and Credit Counseling Project - page 81; seond reading - page - page 89; third reading - page 94

Community Development - First reading ordinance requesting and authorizing budget increase in the Community Development Home Ownership and Credit Counseling project - page 81; second reading - page 89; third reading - page 94.

Contract - Resolution to authorize City Manager to negotiate for and enter into contract for the inventory and appraisal of City owned fixed assets - Council tables. 90

Council - Resolution of appreciation to Quality '76 effort and Council's encouragement that the program will be continued in some form. 91

County of Buncombe - Request to rezone property on Leicester Highway and Erwin Hills Road public hearing scheduled - page 92; hearing and first reading - page 118; second reading - page 131; third reading - page 140.

City of Asheville - Resolution of intent to assist Three Mountaineers, Inc. for development of new plant facility in City - effective upon adoption of same by County. 5

Clingman Avenue - Public hearing and first reading on Ordinance to demolish house at this address (80), page 3; second reading - page 11; third reading - page 17.

College Street - Petition from Downtown Asheville Merchants requesting clean up of this street (drunks, etc.) 7

Carolina Power & Light Company = Mayor authorized by resolution to execute easement in favor of this company on Hiawassee St. and Rankin Avenue. 12

Community Relations - Police: Report from Sam Graves, Personnel Division, on agreement between the staff of the City and the Citizens Coalition. 12

Closing, Street - Resolution of Intent and calling public hearing on question for closing of portions of Blanton Street, Dewitt Street, South Grove Street, Silver Street and five (5) unnamed alleys; p. 13 - Hearing & resolution closing - page 87.

Carroll Avenue - City Manager gives Council report on replacing bridge on this avenue. 14

Claim - Received from Wesley Fleming Talman, Jr. on behalf of Moneyworth, Inc. for damages as a result of a backed-up city sewer at 46 Wake Robin Way. 16

Claim - Curtis James due to Police Department towing away his car from in front of his house; referred to Corporation Counsel. 16

Civic Center - Bids for service contract for cleaning of this facility; parking garage portion. Also ordinance passed on all readings to amend operating budget for this expense. 20

Civic Center - Discussion and review of possible surcharge at this facility; matter to be reconsidered before Sept. 1, 1976.- page 22; further discussion - 76;motion-Michael 84

Contract - Awarded by resolution to Asheville Steel Company for new roof on the Street and Sanitation garage on Valley Street. 24

Contract - Authorized by resolution with Carolina Power & Light Company for the supply of electricity to the Water Treatment Facilities at North Fork Dam. 24

Carnival - Council approves Britton Amusements Company's request to be held 8/23/76 on Amboy Road. 25

Complaints - Amusement Arcades (Space Mission and Pinball Wizard) versus Inspections Division of City registered by Nicholas Peterson, co-owner of Space Mission - page 6; further discussion and complaints - page 25; report on same from Inspections Division - page 33; Cioffari confutes report given by Inspection Division - page 84.

Ciofarri, Frank - Owner of Pinball Wizard complains about classification given business by Inspections Division - page 25; further report by Inspections Division - page 33; Cioffari confutes points of report given by Inspection Division - page 84.

Contract - Mayor authorized by resolution to sign contract with Computer System Services, Inc. for Data Processing Division - maintenance and computer programming. 29

Computer System Services, Inc. - Mayor authorized to sign contract with this company to provide Data Processing Division with maintenance and computer programming. 29

Child Development, Buncombe County- Resolution approving matching funds for this program to provide child care at various centers. 32

Civic Redevelopment Project-NC-13-- Mayor authorized to sign agreement with the Housing Authority of the City and the U.S. of Ameria to close out this project. 133

Capital Projects - 1st reading on an ordinance appropriating these as of 7/1/76. 134

Community Development Project Budget - all reading on ordinance requesting and authorizing support for Public Work Improvements and amending this budget.for FY 197677. 135

Civic Center - Bids awarded for one pickup truck for this facility. 136

Claim - From Carolina Power & Light Co., for damages sustained to electric facilities by a garbage truck. 138

Carolina Power & Light Co.- Claim by this company for damages sustained to electric facilities by a garbage truck. 138

Claim - Presented to Council received from Robert M. Pitts, Attorney for Roderick Christopher Hawkins, by and through his Guardian Ad Litem, Gail McCarter. 138

Certificates - Presentation of these by Mayor to four of five Fire Cadets who completed training under the Fire Cadet Program funded by Title I funds. 140

Capital Projects - Second reading on Ordinance appropriating these as of 7/1/76, page 141; third and final reading - page 158.

Charlotte Street Extension - Petition and adoption of resolution of intent to close portion of this street and calling a public hearing, page 143; public hearing held and street closed - page 185.

Council Meetings - Councilman Michael requests that item to consider later meetings to be on the next agenda. 144

Claim - Mrs. Syble N. Hamilton referred to Corporation Counsel for investigation and recommendations. 144

Choctaw Street - Resolution of Intent to close this street and public hearing date set.159

City Manager - Authorized to acquire a right-of-way easement from Nola O. Whitaker for a 24-inch water line on Aurora Drive, City. 161

City Manager - Reports on Minority Employment.. 163

Complaints - Mrs. Lillian Wilson, 296 S. Michigan Avenue regarding people parking on both sides of this street and dogs being allowed to run loose. 163

Closing - Mr. E. R. McCarthy suggests legislation to be initiated to give the City authority to receive funds on street closings and alleys. 163

City Manager - Authorized to negotiate for and enter into a contract for the inventory and appraisal of City owned fixed assets. 168

Contract - City Manager authorized to negotiate for and enter into contract for the inventory and appraisal of City owned fixed assets. 168

Council Meeting - Announcement of Night Council Meeting, First Thursday of each month and to be held in rotating neighborhoods.

Claim - Walter Howard Lewis for damages resulting from a hole in public sidewalk. 93

Complaint - Ralph G. Bishop on lack of control by Police Dept. with gamblers in City. 93

Contract - Resolution authorizing Mayor to sign contract with Taylor and Murphy Construction Co., Inc. for Monte Vista Booster Pump Station Project. 96

Contract - Resolution authorizing Mayor to sign contract with Cooper Construction Co., Inc. for the Montford Avenue Fire Line Project. 96

Community Development - First reading on ordinance amending Community Development Project Budget for fiscal year 1976-77 - page 97; second reading - page 107; third reading - 119

Civic Center - Statement by Mayor that Council will set aside additional funds for this facility for operations. 103

Civil Air Patrol - Presentation by Art Jacobson proposes space at the airport for their operations. 103

Complaint - Mrs. Mary Holcombe concerning contract for 312 Home Improvement Loan. 105

Cheesborough, John - Attorney - Presents petition to Council requesting increase in taxicab fares; first reading on ordinance - page 119; second & third readings - page 132

Claim - Bon Marche Store for damages; referred to Corporation Counsel. 108

Claim - Civil Sujmons - Dorothy W. Chambers, administratrix to the Estate of Ralph C. Chambers, Deceased; referred to Corporation Counsel. 109

Chambers, Dorothy W., Administratrix - Estate of Ralph C. Chambers, Deceased; claim referred to Corporation Counsel. 109

Claim - Civil Summons - Relative to Ray Sellers against City; referred to Corp. Counsel. 109

Canter, David H. - Complaint relative to neighbor, Mr. Francis Stevens, on Stevens Hill Road. 109

Complaint - Councilman Michael concerning water cut-off. 110

Complaint - Mrs. Nettie C. Smith, 23 Short Street, concerning chickens on this street. 110

Complaint - Ralph G. Bishop concerning Police Chief J. C. Hall. 110

Cooper Construction Company, Inc. - Resolution authorizing Mayor to sign contract with this company for the Montford Avenue Fire Line Project. 96

Citizens Committee - Gives report to Council; presented by W. T. Duckworth, Jr. 112

Complaint - Nettie C. Smith, 23 Short Street - complaint regarding chickens. 123

Chickens - Complaint about these by Nettie C. Smith of 23 Short Street. 123

College Street - Report by Chief Hall regarding petition received from Downtown Merchants relating to Lexington Avenue and this street. (Public drinking) 123

Council - Request by Councilman Michael to hold Council meeting at a later hour. 113

Court - Proclamation of Day-In-Court for Legal Secretaryies, October 14, 1976. 125

City Manager's Report - On Pearson Bridge Road. 201

Community Development - Extension in West Asheville area. 201

Claim - For damage received from Westgate Corporation, Gordon's Jewelers and Hallmark Cafeteria. 201

Complaints - Councilman Michael requested that city employees bring matters to City Manager before members of Council. 201

Civic Center - Amendment to resolution establishing regulations for the operation of this. 208

Carolina Power and Light - Resolution to execute easement in favor of CP&L. 208

Claim - Received from Maggie Tobe, referred to Corporation Counsel. 209

Carroll Street - Report on this streets acdess. 209

Council Meetings - Statements relative to night council meetings. 209

Community Development - Relative to additional support for this demolition project; first reading - page 206; second reading - page 206; third reading - page 207.

Chestnut Street - Relative to the water line on this street, the Appalachian Way/Huffman Road Water Line - first reading - page 207; second reading - page 207; third reading - page 207.

Civic Center Commission - Establishing an administrative body known as this; first reading - page 214; second reading - page 221; third reading - page 231.

Community Development - Relative to unspent balances in Taft Avenue Water Line Project and rescinding an appropriation for a Bikeway Program; first reading - page 222; second reading - page 223; third reading - page 223.

Clinics - Date set for public hearing relative to amending an ordinance to include veterinary hospitals and clinics as allowable uses in the Commercial Highway District - page 216; hearing and first reading - page 231; second reading - page 240; third reading - page 251.

Commercial Highway District - Date set for public hearing relative to amending an ordinance to include veterinary hospitals and clinics as allowable uses in this district - page 216; hearing and first reading - page 231; second reading - page 240; third reading - page 251.

Chambers, Marvin - This resident read a letter relative to the Kenilworth Playground Improvement Program. 217

Community Development - These meetings have been excellent. 219

Claims - Received from Mr. & Mrs. Glen A. Bell, Mrs. Reva Johnson and Louise B. Birch - referred to Corporation Counsel. 225

Council Meetings - Announcement that agenda will be confined to short one to give citizens an opportunity to meet with Council members on every third Thursday. 170

Complaints - Report by City Manager relative to complaints by Mrs. Wilson and Mrs. Elrod at last week's meeting on the S. Michigan situation. 170

Claim - Louise Burts Middlebrook for damages due to personal injury. 171

Claim - Ruth Wright Sinclair for damager due to personal injury. 171

Civic Center Flea Market - Petition relative to this operation. 171

Commerical Regional District - Wording amendment to Zoning ordinance to allow additional uses in this district; public hearing date set - page 173; public hearing and first reading on ordinance - page 204; second reading - pg. 212; third reading-pg.220

Consumers Credit Counseling Week - Week of November 7-13, 1976 proclaimed as such.173

Community Development - Relative to change orders to Shiloh Street and sidewalk project and Oakley public works project; first reading - page 187; second reading - page 198; third reading - page 206.

Choctaw Street - Public hearing and resolution adopted to close this street. 194

Cowan, Earl K. and Mable - Approval of a final plat of a proposed subdivision belonging to these people off Avondale Road. 179

Complaints - Report by Police Chief relative to these by Mrs. Elrod and Mrs. Wilson on the Short Michigan situation. 180

Civic Center Flea Market - Statement by Mayor and discussion. 181

Complaints - Mrs. Reid, owner of Town and Country Mobile Home Park complained of the strict requirements of the plumbing inspectors on trailer parks in the 1-mile perimeter. 183

Certificate of Completion - Agreement for deposit of funds and the issuance of this concerning the Landmark Hotel Property. 184

Closings - Request to check with Board of Tax Supervision in relation to street closings and rezonings affecting property taxes. 189

Civic Center Roof - Response to Mr. Don Fox relative to this. 191

Complaint - Mrs. Lillian Johnson complained relative to the Civic Center Insurance. 191

Civic Center Insurance - Complaint by Mrs. Lillian Johnson. 191

Community Development - Public Hearings for 3rd Action Year. 199

Council Meetings - December 9, 1976 meeting will be held in the auditorium of the Willima Randolph Elementary School. 200

City Hall - News release from Congressman Roy A. Taylor relative to City Hall being entered into the National Register of Historic Places. 200

Community Relations Council - James M. Pressley was appointed to this Council. 282

College Street - Report from residents relative to snow removal, broadening of the intersection of Mountain and College Street and speed limit signs. 284

Claim - Morris, Golding, Blue and Phillips on behalf of Dr. W. P. Cave, Holly McKee, Dr. Joe B. Roberson, Jr. and Dental Associates, Inc.; referred to Corporation Counsel for investigation and recommendation. 284

Cave, Dr. W. P. - Claim received from Morris, Golding, Blue and Phillips on behalf of this resident. 284

Claim - Virgil A. Maxwell presented claim; referred to Corporation Counsel for investigation and recommendation. 308

Claim - Received from Joseph A. Connolly representing Mr. and Mrs. Leroy Scott and their two minor children; referred to Corporation Counsel for investigation and recommendation. 314

Cedar Hill Road - Petition read by Mr. Thomas A. Smith relative to water problems on this road. 323

Community Development - Resolution amending and approving budget changes in the Community Development Rehabilitation Grant Program. 338

Civic Redevelopment Project - Resolution accepting the dedication and quitclaim deed with reference to property in this project. 339

Carolina Power & Light Company - Mayor authorized to execute easement in favor of this company. (update existing power line on Kimberly Avenue) 339

Candler Knob Road - Petition from residents on this road relative to their water problems. 340

Community Development - Councilman Michael commented relative to these funds for rehabilitation of substandard houses. 347

City Manager's Report - Given to Council relative to investigation into the cost overruns on the Shiloh-Oakley Public Works Project. (from A. M. Pullen and Company) 352

Claim - Received from S. M. Schochet for water damage to the Bootery at 16 Patton Avenue; referred to Corporation Counsel for investigation and recommendation. 352

Claim Amendment - Received from Morris, Bolding, Blue and Phillips on behalf of Dr. W. P. Cave, Holly McKee, Dr. Joe B. Roberson, Jr., and Dental Associates, Inc. relative to electrical damage in thawing water pipes; referred to Corporation Counsel. 352

Cave, Dr. W. P. - Claim amendment received from this resident from Morris, Bolding, Blue and Phillips relative to electrical damage in thawing of water pipes. 352

Claim - Received from Mr. Hilliard Massey for water damage; referred to Corporation Counsel 352

Closings - Report to the Board of Tax Supervision on street closings and zoning changes. 227

Crescent Street (30) - Public hearing called to demolish house at this address - page 232; first reading - page 286; second reading - page 312; third reading - page 320.

Civic Redevelopment Area - Advertisement of a lease-purchase agreement to sell disposal parcel 1 in this area to the Allen Center. 233

Community Relations Council - Appointment of Libby Henry and Joseph Trulove as members of the Board of Directors to this council. 243

Curve at N.C. 694 - Councilman Michael requested that this curve on Town Mountain Road be altered to make the open cut. 245

Community Development - First reading of ordinance to include surplus funds from Civic Redevelopment (R-13), Carroll Avenue Access Project and School Playgrounds Project - page 260; second reading - page 260; third reading - page 260.

Carroll Avenue Access Project - First reading of ordinance to include this project in Community Development - page 260; second reading - page 260; third reading - page 260.

Civic Redevelopment (R-13) - First reading of ordinance to include surplus funds from Civic Redevelopment - page 260; second reading - page 260; third reading - page 260.

Community Development - First reading of ordinance to include a new project - Incentive Housing Program - page 309; second reading - page 309; third reading - page 309.

Community Development - First reading of ordinance to include consultant services within the Community Development Planning budget relative to environmental work - page 365; second reading - page 365; third reading - page 365.

Community Development - Report from Council Committee relative to proposed projects for Community Development third year. 252

Club View Road - Resolution of intent to close a portion of this road - page 253; hearing and resolution closing - page 348.

Claim - From Samuel M. Camp - referred to Corporation Counsel. 253

Camp, Samuel M. - Claim referred to Corporation Counsel. 253

Community Development - Submission of application to HUD for third year funds. 258

Civic Redevelopment Area - Mayor authorized to sign a lease-purchase agreement to sell disposal parcel 1 in this area to Friends Enterprises d/b/a Allen Center. 259

Civic Center - Wade Thomas, John Jersoe, Janet Hare, Anne Chesson, Bill Norwood, Richard Trammell, Jesse Ray, Jr., Barbara Keleher, and B. Paul Goodman were appointed to this Commission. 282

Chesson, Anne - Appointed to Asheville Civic Center Commission. 282

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Civic Redevelopment Project - Sale of disposal parcel 26. 453

Community Development - Approving and amending the Housing Rehabilitation Incentive Program. 454

Clean Community System Program - Supported by Quality Forward. 454

Contract - Application with the Department of Transporation for a grant under the Urban Mass Transportation Act. 455

Carolina Power & Light Company - Execute easement in favor of this company for the purpose of updating an existing electric power line. 456

Claim - Received from Mrs. Ethel P. Dasher. 457

Claim - Received from Thomas C. Ruff, Jr. representing Patricia R. Dressen. 457

Community Development - Letter received from HUD relative relative to receiving Community Development application. 457

Claim - Received from Arnold Jones & Son, Inc. for water damage to a new residence on Patton Cemetary Road; referred to Corporation Counsel. 352

Clarification - Ralph Bishop would like a clarification of meter feeding. 353

Claim - Received from J. Lawrence Smith, Attorney for Ms. Nancy J. Hewitt; referred to Corporation Counsel. 369

Claim - Received from Mrs. Donald Brookshire for water damages; referred to Corporation Counsel. 369

Claim - Received from Mr. John W. Cromwell for damages to his car; referred to Corporation Counsel. 370

Cromwell, John W. - Claim received from this resident for damages to his car; referred to Corporation Counsel. 370

Clarification - Ralph Bishop not satisfied with answer relative to clarification of meter feeding. 370

Civil Air Patrol - Request from WNC Pilots Association for an Air Show on May 21 & 22, 1977. 393

Claim - Recieved from Rev. G. A. McCurry for water damages of the Biltmore Holiness Temple. 393

Community Development - Amendment to Community Development budget to support HUD Environmental Review requirements. 401

Clark, Everett W., Jr. - Appointed as a member to the Asheville School Board for a term of 6 years. 404

Cross Street - Hearing called on intent to close all of this street - page 404 - hearing -page 22, continuation of hearing and closing - page 35.

Claim - Received from Lawrence Gilliam for damages. 405

Civic Center - Request from Councilman Rainey relative to changes in personnel policies at this center. 407

Civic Center - Resolution relative to complaint procedure policy at this center. 412

Complaints - Procedure relative to complaints at the Asheville Civic Center. 412

City Employees - Hearing scheduled relative to residence of these employees. 417

Claim - Received from Mrs. Marjorie P. Lockwood. 417

Community Development - Amendment to the Community Development budget to reclassify capital projects. 433

Cars - Bids awarded to Dorato Motors, Inc. for a four door sedan for Meter Reading and bids awarded to Apple Tree Chevrolet for a four door sedan for the Street Division. 439

Carolina Truck & Body Company - Bids were awarded to them for 1 flat bed truck for Water Maintenance Division. 439

Day Care Center - Lease agreement with County of Buncombe to permit the County to lease a certain portion of the Livingston Street Neighborhood Facility for the operation of a day care center. 186

Demolition - Relative to additional support the the Community Development Demolition project - first reading - page 206; second reading - page 206; third reading - page 207.

Deaverview Road - Relative to amending the budget for this road's connector; first reading - page 232; second reading - page 232; third reading - page 232.

Dawson, George E. - Appointed to the Metropolitan Sewage District Board. 216

December 23 & 30, 1976 - Council meetings cancelled on these dates. 217

Downtown - Quality Forward is interested in these improvements. 253

Downtown - Report by Mr. Charles Kern relative to downtown improvements and the legislative needs relating to the same. 261

Dental Associates, Inc. - Claim received from Morris, Golding, Blue and Phillips on behalf of Dental Associates, Inc.; referred to Corporation Counsel. 284

DeBruhl, William - Was appointed Utilities Coordinator for the Water and Sewer Department. 308

Downtown - Public hearing held relative to proposals relative to future downtown revitalization efforts to be undertaken. 310

Downtown Advisory Committee - Mayor thanked members for their efforts. 329

Deaverview Road - City Manager reported working on water problems in this road. 335

Dillingham Road (51) - Mr. Joe Rotowitz complained of street condition. 342

Dental Associates, Inc. - Claim amendment received from Morris, Bolding, Blue and Phillips on behalf of Dental Associates, Inc. relative to electrical damage in thawing water pipes; referred to Corporation Counsel. 352

Deaverview - Mayor authorized to sign a contract with Hobson Construction Company, Inc. for project known as Haywood-Shelburne 12-inch and 16-inch water main and Deaverview 10-inch connection. 369

Discussion - Relative to city employees employed at the Asheville Airport living outside of Buncombe County. 370

Discussion - Hearing set relative to revoking the City's right to enforce extra-territorial zoning. 406

Dorato Motors, Inc. - Was awarded bids for 1 four door sedan for Meter Reading. 439

Duffield & Associates - Was awarded bids for an automatic swimming pool treatment control system for Parks & Recreation Department. 440

Demolition - Hearing and first reading on ordinance to demolish houses at 80 Clingman Avenue, 126 Higgins Alley, 9 Mountain Street, and 78 Robindale Avenue.- page 3; second reading - page 11; third reading - page 17.

Downtown Merchants - Present petition to Council requesting cleanup of Broadway, College, and Lexington Avenue. 7

DeSaix, Rev.- Commends Council for their decision to ask HUD to approve both the Oteen and the Battery Park for elderly housing. 78

DeWitt Street - Resolution of intent adopted to close this street and hearing date set for same - page 13; hearing held, resolution adopted closing this street - page 87

Detective Cars - Bids awarded to Appletree Chevrolet, Inc. for three of these cars for the Police Department. 98

Dorator Motors, Inc. - Bids awarded to this company for two patrol cars for Police Dept. 98

Downtown Business District - Statement by Vice Mayor Horton referring to petition presented to Council by the Downtown Merchants. 109

Dog Control - Complaint by Mr. Virgil L. Sturgill, 102 Tacoma Circle, concerning enforcement of this ordinance. 110

Duckworth, William T., Jr. - Chairman of the Mayor's Citizens Committee presents the committee's report to Council. 112

Downtown Merchants - Report by Chief Hall on petition received from these merchants relative to public drinking on College Street and Lexington Avenue. 123

Dog Control - Virgil L. Sturgill complains relative to roaming dogs in City. 124

Dogwood Road - Public hearing held and first reading on ordinance to rezone property on this road as requested by R. Jack Ingram, and Brevard Road. 127

Discussion - Relative to proposed motel/hotel room tax in the City. 137

Dogwood Road - R. Jack Ingram requests Council to schedule a public hearing date on rezoning this road, page 138; public hearing and first reading - page 166; Second reading failed - page 175.

Dog Catcher - Complaint relative to Dog Catcher, Lee Hyatt's dog being allowed to run loose. 163

Dreamland Drive-In Theatre and Fleamarket - Owner, Joe Pless, requests that Council give the local businessman consideration in the operation of the Civic Center Flea Market. 165.

Discussion - Relative to Battery Park Hotel; Mayor requested to write to Mr. Blackwell for status of Section 8 Housing funding. 170

Dog Control - Report by Police Chief relative to complaints from Mrs. Elrod and Mrs. Wilson on Short Michigan Avenue. 180

Deposit of Funds - Agreement for these and the issuance of a certificate of completion concerning the Landmark Hotel Property. 184

Dog Control - Councilwoman Swilling is working on this problem. 191

Downtown Demolition - Vice-Mayor Horton made a statement relative to this. 202

Dasher, Mrs. Ethel P. - Claim received by this resident. 442

Downtown Revitalization & Appearance Commission - Hearing set relative to receiving public comments on the establishment of an administrative body known as this commission. 442

Discussion - Relative to meter feeding - the City will stop issuing citations for meter feeding. 443

Drainage - Complaint from Robert Lipe of 39 Delaware Avenue relative to water drainage problems. 444

Delaware Avenue (39) - Robert Lipe at this street complained of water drainage problems. 444

Dressen, Patricia R. - Claim received by Thomas C. Ruff, Jr. representing this person. 451

Eugene Rankin School - Chief Hall reports to Council on petition requesting school guard for this school. 123

125

Employment, National Employ the Handicapped Week - First week of October proclaimed as such.

East Riverside Urban Renewal Project; NC-R48 - Approval of sales of parcels in this area. 133

Employment - Report to Council by City Manager on Minority Employment. 163

Elrod, Mrs.- Complaints regarding parking on S. Michigan Avenue and dogs running loose. 163

Epilepsy Month - Month of November proclaimed as such. 165

Elrod, Mrs. - Announcement by City Manager that Police Department is working on complaints by this resident. 170

Equipment - Two leaf machines for the Sanitation Division awarded to North Carolina Equipment. 120

Electric Supply Company - Site plan of proposed addition on Asheland Avenue; public hearing set. 179

Elrod, Mrs. - Report by Police Chief on complaints regarding parking on S. Michigan Avenue and dogs running loose. 180

Equal Employment - Mayor thanked Councilman Michael for attending this meeting at Hilton Head, South Carolina. 189

Electric Supply Company - Public hearing held and site plan approved of the proposed addition to this company. 195

Employees - Councilman Michael requested that city employees bring matters to City Manager before members of council. 201

Easement - Execute easement in favor of the Carolina Power & Light Co. 208

Elm Street - Date set for hearing relative to rezone property on this street on property owned by Mr. Graham Smith of Le Chateau Management - page 216; hearing and first reading - page 230; second reading - page 240; third reading - pages 251 and 256.

Eve, Arthur E., Jr. - Appointed member to the Asheville Transit Authority. 214

Encroachment Agreement - Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the N.C. Department of Transportation for a sewer line across U.C. 74 (South Tunnel Road). 215

Encroachment Agreement - Resolution authorizing Mayor to execute right-of-way encroachment agreement with the N.C. State Board of Transportation for a water line along N.C. 1208 (Justice Ridge Road) for a distance of 4150 feet. 223

Electric Power - Service would not be cut back in this shortage. 243

Environment - First reading of ordinance relative to consultant services in the Community Development Program - page 365; second reading - page 365; third reading - page 365.

East Riverside Urban Renewal Project N. C. R-48 - Approval of sale of parcels in this area by Council. 4

Eubanks, Mrs. Elizabeth - Appointed to the Adult Advisory Board of the Asheville Buncombe County Youth Council. 7

Edwards, Wayne - Rezoning request by this resident for Western Food Systems; hearing scheduled - page 7; hearing and first reading - page 10; second reading - page 17; third reading - page 28.

Encroachment Agreement - Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the N. C. State Board of Transportation for a water line crossing SR 2066 (Pinecroft Road). 11

Easement - Mayor authorized to execute easement in favor of Carolina Power & Light Co. on Hiawassee Street and Rankin Avenue. 12

Engineering Services - Resolution authorizing the City Engineer to accept a proposal from Froehling and Robertson Inc. to provide these services regarding a water main crossing the French Broad River at Smith Bridge. 13

Elderly - Discussions on site approval for housing for these residents (Oteen/Battery Park) Mr. Audie Ellis prefers Council endorse Battery Park Hotel for this housing - p. 16 - 13

Ellis, Mr. Audie - Prefers that Council endorse Battery Park Hotel as housing for the elderly. 16

Elderly - Housing - Further discussion on site plan endorsement by Council; no action taken by Council - page 18; Motion by Council to endorse both sites - page 77

Electricity - Mayor authorized by resolution to enter into agreement with Carolina Power and Light Company for the supply of electricity to the Water Treatment Facilities at the North Fork Dam. 24

Examinations - Civil Service - Councilman Michael commends Chief Hall and this board for implementing promotional exam to include written and oral examinations. 74

Eve, Mr. Arthur E., Jr. - Appointed as member to the Asheville Transit Authority. 74

Erwin Hills Road - Request by County of Buncombe to rezone property on this road; hearing scheduled - page 92; hearing and first reading - page 118; second reading - page 131; third reading - page 140.

Engineering Services - Approved by resolution for these services for the design of the Haw Creek Junction Pressure Regulating Station. 97

Employee's Health Insurance - Bid awarded to Blue Cross-Blue Shield. 99

Employee's Life Insurance - Bid awarded to Prudential Insurance Company. 99

Economic Development Administration - Under Department of Commerce; resolution authorizing application to the U.S.A. for a grant under Title I of the Public Works Employment Act of 1976. 100

Eugene Rankin PTA - Petition Council for school guard at crossing at this school. 108

Encroachment Agreement - N. C. Dept. of Transportation for water line on SR 3430, Sardis Road and SR 3412, Sand Hill Road. 107

Energy - Report given by City Manager relative to conserving energy. 284

Edwards, Kenneth C. - Appeal of discharge. 287

Engineer - Bids awarded to Apple Tree Chevrolet for a van type truck for the Office of the City Engineer. 321

Edwards, Kenneth C. - Petition from Fraternal Order of Police relative to Mr. Edwards. 325

Easement - Mayor authorized to execute easement in favor of the Carolina Power and Light Company. (update an existing power line on Kimberly Knoll) 339

Employees - City Manager recognized retired City employees. 346

Examiners, Board of - Dr. Bruce E. Elliston was elected to this Board for Policemen's and Firemens Pension and Disability Fund. 349

Elliston, Dr. Bruce E. - Was elected to the Board of Examiners for Policemen's and Firemen's Pension and Disability Fund. 349

Employ the Older Worker Week - Proclaimed as the week of March 13-19, 1977. 353

East Riverside Urban Renewal Project - Relative to the sale of Parcels 34 and 124 in this project. 365

Engine Analyzer - Bids was awarded to Sun Electric Corporation for one engine analyzer for Motor Transport Division. 368

Extraterritorial Zoning Jurisdiction - Statement by Mrs. Vida Reed relative to enforcement of zoning in the 1-mile perimeter. 405

Extraterritorial Zoning Jurisdiction - Discussion and public hearing set relative to revoking the Citys right to enforce this. 406

Extraterritorial Zoning Jurisdiction - Public hearing relative to this. 448

East Riverside Urban Renewal Project - Sale of Parcels 62, 93, 163, 151, 153 in this project. 453

Easement - In favor of Carolina Power & Light Company on property bounded by lands of Redevelopment Commission of Asheville on the East and by Herman Avenue on the West and Livingston Street on the South. 456

Encroachment Agreement - Agrrement with the NC Department of Transportation for the installation of a 12-inch water line on N.C. 280 (Longshoals Road) and an 8-inch and 12-inch water line on N.C. 191 (Brevard Road) and an 8-inch water line on N.C. 3468 (Avery Creek Road) and a 6-inch water line on N.C. 3487 (McDonald Road). 456

Fletcher Water System - Agreement with the City of Hendersonville relative to this system. 223

Forest - Final subdivision plat for the Forest, located in Beaverdam. 223

FAA - Councilman Michael attended a meeting with FAA and the Airport Director relative to taking on passengers at the air terminal. 237

Fire Hydrants - Report by Fire Chief relative to fire hydrants inspected annually. 243

Fisher, John B. - Appointed to Board of Tax Supervision. 245

Flag - City has received an American Flag which was flown over the USS Asheville. 254

Friends Enterprises - Mayor authorized to sign a lease-purchase agreement to sell disposal parcel 1 in the Civic Redevelopment Area to Friends Enterprises d/b/a Allen Center. 259

Fraternal Order of Police - Presented a petition and documents relative to Kenneth C. Edwards. 325

Firemen - Resolution relative to Policemen's and Firemen's Pension and Disability Fund being closed to future participation so that Council can begin new actuarially sound pension plan for future employees. 336

Foster, Seaborn Parks - Resolution of intent to close alley and calling a public hearing - page 340; hearing and alley closed - page 400 .

Fourth Street (26) - Resident of this address, Mrs. Coy Johnson, complained of water problem. 342

Foster, Seaborn P. - Date set for public hearing relative to rezoning property on Haywood Street on property owned by this resident - page 349; hearing and first reading - page 401 ; second reading - page 409 ; third reading - page 432.

Firemen - Appointment of Dr. Bruce E. Elliston to the Board of Examiners for the Policemen's and Firemen's Pension and Disability Fund. 349

Flood Insurance Study - City Manager reported relative to contract with the Tennessee Valley Authority. 352

Finance, Director of - Resolution relative to selling an old, inoperable and obsolete Rectigraph #2251 Copy Camera in the Inspections and Demolitions Division. 364

Fire Department - Bids was awarded to Asheville Army Store for uniforms for this department. 367

Firemen - Meeting with legislators relative to proposed police and fire pension bill. 370

Floor - Bids awarded to Holladay Paint & Carpet Company to install resiliant tile floor at the Hilltop Recreation Center for Parks & Recreation Department. 391

Fair Housing Month - The month of April proclaimed as such. 405

French Broad River - Resolution regarding engineering services for main crossing this river at Smith Bridge. 13

Funds - Resolution approving an increase in matching funds for the Buncombe County Child Development for fiscal year 1976-77. 31

Fire Cadet - Ordinance adopted and passed on first reading appropriating funds for the Fire Cadet Program.(1976-77).- page 72; second reading - page 80; third reading-page 89

Fairview Road - Announcement that this road will be closed to traffic all day on August 30, 1976. 76

Fire Hose - Bids awarded to Boyce L. Ford Company, Inc. for this type hose for Fire Dept. 81

Fire Department - Bids awarded to Boyce L. Ford Company, Inc. for fire hose for this Department. 81

Federal Grants - Resolution authorizing Mayor to apply for and execute these grants for airport improvements. 91

Fire Line - Mayor authorized to sign contract with Cooper Construction Company, Inc. for this project on Montford Avenue. 96

Fire Station - Resolution to arrange for a Realtor to locate potential land parcels for the purpose of constructing a West Asheville Fire Station 121

Firearms - Michael Argo appeals to Council to clarify Section 18-7 of the Code so he can go ahead with plans for opening the Wilderness Shop which he plans to equip with firing range. 122

Fire Prevention - Proclamation proclaming October 3 - 9, 1976, as National Fire Prevention Week in Asheville. 125

Fire Cadet - Certificates to four of five fire cadets who completed six weeks of basic fire training under the Fire Cadet Program. 140

Fire Hydrants - Bid awarded to Supply Specialties, Inc. for 100 traffic model fire hydrants for the Fire Department. 142

Finance - Report of Finance and Legislative Committee by Wm. Morgan. 145

Fire Department - Bid awarded to Stancil-Hoffman Corporation for one four channel dual recorder for the Fire Department. 162

Flea Market - Owner, Joe Pless, requests that Council give the local businessman consideration in the operation of the Civic Center Flea Market. 165

Fire Department - Bid awarded to Boyce L. Ford Company for one 1,000 gpm custom built triple combination pumper for the Fire Department. 169

Ford, Boyce L., Company - Bid awarded to this Company for one 1,000 gpm custom built triple combination pumper for the Fire Department. 169

Flea Market - Petition relative to the Civic Center Flea Market. 171

Flea Market - Statement relative to Civic Center Flea Market. 181

Fox, Don - Response to this person relative to Civic Center Roof. 191

Federal Communications Commission - Thoms Cablevision requests that the FCC amend Section 76.54 of the FCC regulations - tabled until language can be modified. 414

Federal Communications Commission - Thoms Cablevision requests that the FCC amend Section 76.54 of the FCC regulations - tabled until language can be modified. 433

Food Day '77 - April 21, 1977 proclaimed as such. 441

Flooding - Statement received from Mrs. C. A. Noblett relative to flooding in Haw Creek. 443

Fain, Richard - Appointed as member of the Recreation Board of Asheville. 445

Farzanegan, Bob - Appointed as member of the Recreation Board of Asheville. 445

Girl Scout Week - March 6-12, 1977 proclaimed as such. 343

Graves, Samuel - Presented Council members a report on Affirmative Action and Equal Employment Opportunity. 392

Gaston Street - Mayor authorized to sign documents to sell a portion of City property on this street to the Asheville Housing Authority. 402

Grant Agreement - Amendment of this agreement which would permit minority business enterprises to have a maximum opportunity in bidding for work to be done under the agreement. 403

Gilliam, Lawrence - Claim received by this person. 405

Group Development - Hearing held on site plan for the proposed Arrowhead apartments.- page 1; Further discussions - page 77; discussion of new site for this project - page 102.

Group Development - Hearing date set on site plan approval by Three Mountaineers, Inc.-p. 7; Hearing held and site plan approved by Council - page 28.

Greenhill Avenue - Rezoning request by Western Food Systems - hearing scheduled - page 7; #907 Alley- hearing and first reading on ordinance - page 27; second reading - 79; third reading - 88.

Group Development - Site plan approved for development on the Western North Carolina Baptist Home off Richmond Hill Drive. 9

Grove Street, South - Resolution of intent to close this street-hearing date set - page 13; hearing and adoption of resolution to close street permanently - page 87.

Greenhill Avenue - Public hearing and first reading on ordinance to rezone property on this avenue - page 10; second reading - page 17; third reading - page 28 (O-904)

Gay, Mr. Glenn - Owner of Computer Services, Inc. contract for service and and programming of Data Processing Equipment. 29

Greenleaf Circle - Complaint brought before Council by Dr. Walter R. Boland on lot that was cleared for new home which has never been built. 82

Grant - Federal: Mayor authorized to apply for and execute these grants for airport improvements. 91

Grant - State: Mayor authorized to apply for and execute these grants for airport improvements. 91

Grant - Public Works Employment - Application to the U.S.A. Department of Commerce, Economic Development Administration for a grant under Title I of the Public Works Employment Act.of 1976. 100

Grant - Hearing date set on Urban Mass Transportation Administration Grant. 102

Guard - Crossing: Eugene Rankin PTA petition Council for guard for this school crossing.108

Gillespie, Conley - Claim received from Carolina Power & Light for damages by a garbage truck to electric facilities. 138

Grant Proposal - Hearing held; city manager authorized to authorize and endorse the filing of applications for Mass Transit Funds. 157

Garland, John Harold - Received award for outstanding contributions to electrical safety. 192

Group Development - Hearing held and site plan approved. 195

Gordon's Jewelers - Claim for damaged received. 201

Grant Agreement - Resolution accepting grant from the federal government for the preparation of an Airport Master Plan. 224

Gift Shop - Their lease has been agreed upon and will be advertised. 243

Goodman, B. Paul - Was appointed to Asheville Area Civic Center Commission for three year term beginning February 3, 1977. 282

Hearing - Held on rezoning Greenhill Avenue as requested by Western Food Systems, Council passes on first reading - page 10; second reading - page 17; third reading - page 28.

Handicapped Awards - Presented to ten (10) persons on behalf of the Committee on Employment of the Handicapped. 79

Huntley Construction Company - Mayor authorized to sign contract with this company for certain water improvements on Oak Hill Road, Riceville Road, Mann Road, and Haw Creek Road. 80

Home Ownership - First reading on ordinance requesting and authorizing a budget increase in the Community Development Home Ownership and Credit Counseling Project - page 81; second reading - page 89; third reading - page 94.

Hicks, Ms. Evelyn - Presents petition to Council complaining about a vacant lot where mosquitoes abound and dense vegetation blocks air and sunlight - page 82.

Horton, Vice Mayor - Statement by Vice Mayor Horton relative to continuation of the Quality '76 Program. 83

Hearing - Date set for hearing on closing portions of Blanton St., Dewitt St., South Grove St., Silver Street and five (5) unnamed alleys - page 13; hearing held and streets closed by resolution - page 87.

Hearing - Date set for hearing on the County of Buncombe's request to rezone property on Erwin Hills Road and Leicester Highway - page 92; hearing and first reading - page 118; second reading - page 131;third reading - page.140.

Hearing - Date set for hearing on Mrs. Louise Tomlinson's request to rezone property on N. Liberty Street - page 92; hearing and first reading - page 117; second reading - page 131; third reading - page 140.

Haw Creek Junction Pressure Regulating Station - Resolution adopted providing engineering services for the design of this station. 97

Health Insurance - Employees: Bid awarded to Blue Cross-Blue Shield for this insurance for employees. 99

Holcombe, Mary- Complaint relative to 312 Home Improvement Loan. 105

Home Improvement Loan - 312: Complaint by Mary Holcome relative to this. 105

Horton, Vice Mayor - Statement by Vice Mayor concerning downtown business district; e.g., public drunkenness, prostitution activity, etc. 109

Hall, Chief J. C. - Complaints from Ralph Bishop. 110

Hearing - Date set on Urban Mass Transportation Grant Hearing. 102

Hotel Room Tax - Mr. Lloyd Kirk - proposed motel/hotel room tax 121

Handicapped Week - Proclamation proclaiming the first full week in October as National Employ the Handicapped Week. 125

Hearing - Public hearing held and first reading on ordinance to rezone Dogwood Road and Brevard Road area as requested by R. Jack Ingram. 127

Housing Authority - Resolution giving the City an opportunity to close out the Civic Redevelopment Project N.C. R-13. 133

Hearing - Held on site plan for Arrowhead Apartments - page 1; more discussion - page 77; new site submitted for consideration - page 103.

Hearing - Held on relative to the demolition of 80 Clingman Avenue, 126 Higgins Alley, 9 Mountain Street, and 78 Robindale Avenue and first reading of ordinance - page 3; second reading - page 11; third reading - page 17.

Housing Officer - Public hearing held to direct Housing Officer to demolish 80 Clingman Ave. 126 Higgins Alley, 9 Mountain Street and 78 Robindale Avenue and first reading on ordinance - page 3; second reading - page 11; third reading - page 17.

Hearing - Date set for group development site plan for Three Mountaineers, Inc. to expand their facilities.- page 7; hearing held - Council approves site plan - page 28.

Holland, Reverend Bud - Appointed to the Adult Advisory Board of the Asheville-Buncombe County Youth Council. 7

Hearing - Date set on rezoning request by Western Food Systems, Wayne Edwards - page 7; hearing and first reading - page 27 ; second reading - page 79 ; third reading - page 88

Hall Fletcher School - Council members invited to attend the playground finale at this school sponsored by Parks and Recreation. 8

Hearing - Held on site plan for the proposed Western North Carolina Baptist Home off Richmond Hilk Drive - Council approves. 9

Hearing - Held on rezoning request by George A. Stowe, property on Leicester Highway; Council passes on first reading - page 10; second reading - page 17; third reading - 17

Higgins Place - 126: Public hearing held to direct Housing Officer to demolish 80 Clingman Avenue, 126 Higgins Place, etc.; Council passed on first reading - page 3; second reading page 11; third reading - page 17.

Hiawassee Street - Mayor authorized to execute easement in favor of Carolina Power & Light Company. 12

Hearing - Date set to close portions of Blanton Street, Dewitt Street, South Grove Street, and all of Silver Street and five (5) unnamed alleys - page 13; hearing held and streets closed permanently by adoption of resolution - page 87.

Housing - Discussion on Battery Park and Oteen sites for housing for the elderly - page 13; presentation by Donald M. Blackwell relating to Battery Park site - page 14; Mr. Audie Ellis states preference for Battery Park - page 16; presentation by David Jones on ballots by elderly on their preference of these sites - page 18; minutes amended relative to ballots by elderly - page 27; Mrs. Roy Rogers appeals to Council to give HUD their support of Oteen site - page 77; Rev. DeSaix commends Council for their decision to ask HUD for their approval of both sites - page 78;

Hazard - Petition from residents of North Asheville Community relative to creek hazard. 15

Housing - Resolution calling for public hearing for the adoption of amendments to the N. C. State Building Code, Volume I, General Construction, High Rise Bldg. - page 24; Hearing and first reading of ordinance - page 88; second reading - page 94; third reading - page 106.

Hearing - Date set for hearing on the adoption of the N. C. State Building Code, Volume I, General Construction, High Rise Buildings - page 24; hearing and first reading - page 88; second reading - page 94; third reading - page 106.

Hearing - Public hearing held and resolution adopted to close portions of Bartlett Street, Choctaw Street, Southside Avenue, Smith Street, Owens Alley, Powell Alley and four un-named alleys. 194

Hearing - Community Development public hearings for 3rd Year. 199

Historic - News release from Congressman Roy A. Taylor relative to City Hall being entered into the National Register of Historic Places. 200

Hallmark Cafeteria - Claim for damages received referred to Corporation Counsel. 201

Horton, Vice- Mayor - Statement on two news articles. 202

Huffman Road - Appropriation of funds for the Chestnut Street Water Line and the Appalachian Way/Huffman Road Water Line - first reading - page 207; second reading - page 207; third reading - page 207.

Hearing - Date set for hearing relative to rezoning property located on Elm Street on property owned by Mr. Graham Smith of Le Chateau Management - page 216; hearing and first reading - page 230; second reading - page 240; third reading - pages 251 and 256.

Hearing - Date set relative to amendment to ordinance to include veterinary hospitals and clinics as allowable uses in the Commercial Highway District - page 216; hearing and first reading - page 231; second reading - page 240; third reading - page 251.

Hearing - Date for hearing set, relative to rezoning property at the corner of St. Dunstan's Road and McDowell Street on property owned by James W. Moore - page 216; hearing and first reading - page 238; second reading - page 250; third reading - page 256.

Hart, Osborne M. - Appointed Chairman to the City of Asheville Board of Alcoholic Control. 215

Hearings - Community Development public hearings have been excellent. 219

Hendersonville - Agreement with this City relative to the Fletcher water system. 223

Hearing - Date set for public hearing relative to direct Housing Officer to demolish 30 Crescent Street, 114 Millbrook Road, 37 Ravenscroft Drive and 7 Toxaway Street - page 232; hearing and first reading - page 286; second reading - page 312; third reading - page 320.

Hazel Mill Road - Agreement between the N.C. Board of Transportation and the City relative to reimbursable work at the intersection of US 19-23 and this road. 241

Haywood Road at Covington Street - Execute three right-of-way agreements with the N.C. Department of Transportation relative to installation of 12-inch water line on these roads. 242

Hearing - Resolution of intent and calling a public hearing for closing Laurel Street and portions of McLean Street and Oak Street - page 242; hearing and resolution closing - page 319.

HUD - HUD is giving the City an opportunity to close out the Civic Redevelopment Project NC R-13. 133

Housing Authority - Council approves of parcels 112 and 114 in the East Riverside Urban Renewal Project N.C. R-48 by this authority. 133

Hotel - Discussion relative to proposed motel/hotel room tax in City. 137

Hawkins, Roderick Christopher - Claim received by Mr. Hawkins. 138

Hydrants - Bid awarded to Supply Specialties, Inc. for 100 traffic Model Fire Hydrants for the Fire Department. 142

Hearing - Petition requesting Council to close a portion of Charlotte Street Extension and calling a public hearing on the question. 143

Hearing - Request by Mrs. Estie Wilson to rezone property on 15 Arlington Street; hearing scheduled - page 143; hearing and first reading - page 175; Failed on first reading - Ordinance 326

Hamilton, Syble N. - Claim received by Mrs. Hamilton. 144

Hearing - City manager authorized to authorize and endorse the filing of applications for Mass Transit Funds. 157

Hearing - Resolution of intent to close portions of Bartlett St., Choctaw St., Southside St., Smith Street., Owens Alley, Powell Alley, and 4 un-named alleys and calling a public hearing on the question. 159

Hearing - Resolution of intent adopted and public hearing date set on closing Beech Street - page 160; Mrs. Roy Rogers and Mr. Carl Johnson protest closing of Beech Street by the Asheville Housing Authority - page 171; hearing and street closed - page 193.

Hearing - R. Jack Ingram requests council to schedule a public hearing on the rezoning of property on Brevard Road and Dogwood Road. 166

Hearing - Proposed amendment to present zoning ordinance (322) relative to Commercial Regional District; hearing scheduled - page 173; hearing and first reading on ordinance - page 203; second reading - page 212; third reading - page 220.

Hearing - Date set for hearing on site plan of a proposed addition to Electric Supply Company on Asheland Avenue - page 179; hearing - page 194;

Hearing - Date set for hearing on rezoning property located on North Louisiana Avenue - page 179; hearing and first reading - page 211, 220, 250; second reading - page 255; third reading - page 287.

Horton, Vice-Mayor - Request the City Manager for brief report on status of improvements to the access road to Richmond Hills. 183

Hearing - Public hearing held and resolution adopted to close portion of Charlotte Street Extension. 185

Hearing - N.C. Department of Transportation will hold a hearing relative to the proposed improvements of Valley Street. 189

Horton, Vice-Mayor - Report by Vice-Mayor relative to "Kiss" Concert. 344

Hearing - Resolution of intent to change names of some streets and call for obliteration of other streets in the renewal area - page 340; public hearing held - page

Haywood Street - Date set for public hearing relative to rezoning property on this street on property owned by Mr. Seaborn Foster - page 349; hearing and first reading - page 401; second reading - page 409; third reading - page 432.

Horton, Vice-Mayor - Comments by Vice-Mayor relative to bidding procedures. 353

M. B. Haynes Electric Corporation - Bids was awarded to construct ball-field lighting system at Murphy-Oakley Park for Parks and Recreation Department. 367

M. B. Haynes Electric Corporation - Bids was awarded to construct ballfield ballfield lighting system at Livingston Street Park for Parks and Recreation Department. 368

Hobson Construction Company, Inc. - Mayor authorized to sign a contract with this company for the project known as Haywood-Shelburne 12-inch and 16-inch water main and Deaverview 10-inch connector. 369

Haywood Road - Mayor authorized to sign a contract with Hobson Construction Company, Inc. for the project known as Haywood-Shelburne 12-inch and 16-inch water main and Deaverview 10-inch connection. 369

Hewitt, Nancy J. - Claim received by this resident; referred to Corporation Counsel. 369

Huntley Construction Co., Inc. - Mayor authorized to sign a contract with this company for the project known as Justice Ridge Road Water Line. 390

Holladay Paint & Carpet Company - Bids awarded to install resiliant tile floor at the Hilltop Recreation Center for the Parks & Recreation Department. 391

Hilltop Recreation Center - Bids awarded to Holladay Paint & Carpet Company to install resiliant tile floor to this center for the Parks & Recreation Department. 391

Hearing - Hearing held relative to changing names of some streets and calling obliteration of other streets in the renewal area. 400

Hearing - Public hearing scheduled to close a portion of Asheland Avenue and all of Cross Street, Wallack Street, Short McDowell and 2 unnamed alleys - page 404 - hearing -page 22 and 35, resolution to close - page 35.

Hearing - Public hearing set relative to revoking the City's rights to enforce extraterritorial zoning, 406

Hilltop Center - Councilman Michael wanted to make it clear that he has no intention of pursuing the closing of this center. 407

HUD Section 8 - Asheville Housing Authority requested to assume jurisdictional administration of the HUD Section 8 Housing Program for the City. 411

Henry, Libby - Appointed to Board of Directors of the Asheville-Buncombe Community Relations Council. 243

Hertz - Lease has been agreed upon and will be advertised. 243

Hydrants - Report by Fire Chief on inspection of fire hydrants annually. 243

Houston, Traynham - Appointed to Board of Tax Supervision. 245

Hall, J. C. - Resignation as Chief of Police. 245

Housing Incentive Program - First reading to include this program in the Community Development Program - page 309; second reading - page 309; third reading - page 309.

Hearing - Date set for hearing relative to amendment to revised Sign and Outdoor Advertisement Regulations and its one mile extraterritorial jurisdiction - page 314; hearing and first reading - page 346; second reading - page 432; third reading - page

Hearing - Date set for public hearing on Arrowhead Apartments - page 318; Council approval and hearing - page 354.

Hall, Joseph C. - Appreciation to Chief of Police J. C. Hall. 249

Hearing - Resolution of intent to close a portion of Club View Road - page 253; hearing and resolution closing - page 348.

HUD - Application being sent to HUD for Community Development Block Grant funds. (3rd Year) 258

Hare, Janet - Appointed to the Asheville Area Civic Center Commission for a one year term beginning February 3, 1977. 282

Heazel, Francis J. - Resolution in Memorium of Ms. Heazel. 283

Hearing - Hearing held relative to proposals relative to future downtown revitalization efforts to be undertaken. 310

House Bill 44 - Resolution relative to opposing this House Bill. 315

House Bill 45 - Resolution relative to opposing this House Bill. 317

House Bills 44 and 45 - Letters to legislators relative to annexation and extraterritorial jurisdiction. 329

Hearing - Date set relative to closing an alley requested by Seaborn Parks Foster of Spring Street - page 340; hearing and alley closed - page 400.

Hearing - Date set for public hearing relative to rezoning property on Haywood Street on property owned by Mr. Seaborn Foster - page 349; hearing and first reading - page 401; second reading - page 409; third reading - page 432.

Harris, Ron - This resident requested something be done about water problems on Justice Ridge Road. 342

Henderson County - Councilman Michael spoke in relation to airport employees living in this County. 343

Hearing - Public hearing scheduled relative to deleting Section 28-119 of the Code of Ordinances dealing with meter feeding. 412

Hearing - Public hearing scheduled relative to residences of City employees. 417

Hearing - Public hearing scheduled relative to receiving public comments on the establishment of an administrative body known as the Asheville Downtown Revitalization & Appearance Commission. 442

Haw Creek - Compalint received by Mrs. C. A. Noblett relative to flooding in this area. 443

Hearing - Relative to the City of Asheville relinquishing its extraterritorial zoning jurisdiction in the 1-mile area surrounding the City limits. 448

Housing Rehabilitation Incentive Program - Approving and amending this Community Development Program. 454

HUD - Contract with HUD for a grant under provisions of Section 701 of the Housing Act of 1954, as amended. 457

Interior, Department of - Agreement with the Department of Agriculture and this department for a Youth Employment, Conservation and Environmental Program. 348

International Association of Convention and Visitor Bureaus - City was voted into this membership. 366

Inspections Division - Complaints against this division from owner of Pinball Wizard and Space Mission - page 6; further discussion and complaints registered by these parties - page 25; report by this division presented to Council - page 33; statement by Cioffari confuting points of report by Inspections Division - page 84;Query by Rainey 25

Invitation - Council members invited to playground finale at Hall Fletcher School. 8

Invitation - Public invited by Mayor to attend ribbon cutting ceremonies at the new Parking Facility. 76

Inspections Division - Commended by Mrs. Pettit for their good work on Robindale Ave. 83

Inventory - Resolution which would authorize City Manager to negotiate for and enter into a contract for the inventory and appraisal of City owned fixed assets tabled. 90

Improvements - Mayor authorized to apply for and execute Federal and State Grants for airport improvements. 91

Inspections Division - Bids awarded to Matthews Motors, Inc. for ten (10) sedans for this division. 97

Insurance - Bids awarded to Blue Cross-Blue Shield for group health insurance and to Prudential Life Insurance Company for life insurance for City employees. 99

Ingram, R. Jack - Public hearing date set on request to rezone property by this resident. 103

Ingram, R. Jack - Minutes amended for 9/16/76 to change date of hearing on rezoning request by this resident. 106

Improvements - These to airport; ordinance to appropriate funds to match grants for this project - all reading passed. 92

Ingram, R. Jack - Rezoning request on Brevard Road and Dogwood Road. 138

Intent to Close - Portions of Bartlett Street, Choctaw Street, Southside Avenue, Smith Street, Owens Alley, Powell Alley and 4 un-named alleys and calling a public hearing on the question. 159

Intent to Close - All of Beech Street and calling a public hearing. 160

Ice - Bid awarded to Morton Salt Company for bulk rock salt for snow and ice control. 162

Inventory - Resolution authorizing City Manager to negotiate for and enter into a contract for the inventory and appraisal of city-owned fixed assets. 168

Insurance - Complaint from Mrs. Lillian Johnson relative to Civic Center Insurance. 191

Intersection of US 19-23 - Agreement between N.C. Board of Transportation and City relative to reimbursable work at this intersection and Hazel Mill Road. 241

Incentive Housing Program - First reading of ordinance to include this program in the Community Development Program - page 309; second reading - page 309; third reading - page 309.

Jones, David, C. - Executive Director of the Asheville Housing Authority relative to site approval for elderly housing (Battery Park or Oteen). 13
Ballots presented to Council showing elderly's preference of Oteen site. 18
Minutes amended on ballots by elderly relative to site preference. 27

James, Curtis - Claim by this resident relative to Police Department. 16

Johnson, Carl - This person and Mrs. Roy Rogers protest the closing of Beech Street and the taking of the property by the Asheville Housing Authority. 173

Jewish Community Center Week - This is proclaimed the week of October 24-31, 1976. 165

Johnson, Lillian - Complaint by this resident relative to Civic Center Insurance. 191

Justice Ridge Road - Amending the budget appropriating funds for this road's water line. 211

January - Mayor announced January night Council meeting would be held in Council Chambers. 216

Justice Ridge Road - Resolution authorizing Mayor to execute right-of-way encroachment agreement with the N.C. State of Board of Transportation for a water line along N.C. 1208 (this road) for a distance of approximately 4150 feet. 223

Johnson, Reva - Claim received by this resident and referred to Corporation Counsel for investigation and recommendation. 225

Johnson, David - This resident of 9 Weaver Street complained of his water bill. 245

Jerome, John - Appointed as a member to the Asheville Area Civic Center Commi-sion for one year term beginning February 3, 1977. 282

Johnson, Coy Mrs. - This resident of 26 Fourth Street complained about water problems. 342

Justice Ridge Road - Mr. Ron Harris of this road requested something be done to improve the water system on Justice Ridge Road. 342

Jones, Arnold & Son, Inc. - Claim received for damage to a new residence on Patton Cemetary Road; referred to Corporation Counsel. 352

Justice Ridge Road Water Line - Contract with Huntley Construction Co., Inc. for this project. 390

Joseph, Sister Mary - Nominated with Mrs. Tulula Rogers and Mrs. Catherine McRea to represent WNC on the Governor's Committee for Volunteers of the Year. 418

Kenner, Mrs. Ava - Representing Asheville Antiques Fair tells Council that her event might be destroyed by an increase in admission cost or seat tax at Civic Center. 76

Koppers Company - Bids awarded to this company for picnic shelters for the Parks and Recreation Department. 99

Kenilworth Road - Announcement that water service will be interrupted in this section on Friday, Sept. 17, 1976. from 9 a.m. to 6 p.m. 105

Kirk, Lloyd - Proposed hotel/motel room tax. 121

Kirk, Lloyd - Discussion relative to the proposed motel/hotel room tax by this person. 137

Kenilworth Residents Association - Mr. Marvin Chambers, President of this association, read letter requesting assistance for the Kenilworth Playground Improvement Program. 217

Kern, Charles - Report on progress on downtown improvement committee and legislative needs relating to same. 261

Keleher, Barbara - Was appointed to the Asheville Area Civic Center Commission for a term of three years beginning February 3, 1977. 282

Kimberly Knoll - Mayor authorized to execute easement in favor of Carolina Power and Light in order to update an existing power line on this road. 339

Kiss Concert - Vice-Mayor Horton reported on this concert. 344

Kiss Concert - Report by City Manager relative to this concert. 350

Library - Ordinance amending the operating budget for the City for the fiscal year 1976-77 to provide funds for the library to purchase books, audio equipment, visual equipment and provide travel funds. - first reading - page 134; second reading - page 141; third reading - page 158.

Lease Agreement - For the operation of a county-wide zoo facility. 136

Lottery Sales - Ralph Bishop protested against lottery Sales. 139

Library - Second reading of ordinance amending the operating budget for the City for fiscal year 1976-77 appropriating library funds. 141

Landscaping - Bid awarded to Porter Brothers, Inc. for one tractor-towed landscaping machine, seeder/turf shaper. 143

Legislative - Report of Finance and Legislative Committee read by Mr. William M. Morgan. 145

Library - Third and final reading of ordinance to amend the operating budget of the City for fiscal year 1976-77 appropriating library funds. 158

Lease - Shiloh School property. 173

Loading Zones - Discussion on vaguely worded present ordinance. 176

Limestone Township - Allocation of water to serve the proposed Westinghouse Electric Company Plant in this township. 177

Louisiana Avenue - Hearing set to rezone property located on this Avenue by Mrs. Louise Ray. 179

Landmark Hotel - Deposit of funds and the issuance of a certificate of completion concerning this hotel. 185

Lease - Agreement with Buncombe County Board of Education permitting the City of Asheville to lease the Shiloh School. 186

Lease - Agreement with the County of Buncombe to permit the county to lease a certain portion of the Livingston Street Neighborhood Facility for the operation of a day care center. 186

Livingston Street Neighborhood Facility - Agreement with County of Buncombe to lease a certain portion of this facility for the operation of a day care center. 186

Lease - Agreement with Buncombe County Board of Education permitting the City to lease the Shiloh School for a community & recreation center. 199

Lease - Agreement with the Opportunity Corporation to permit the Opportunity Corporation to sub-lease the Shiloh School. 208

Land-of-Sky - Increase of matching funds to increase this nutrition program; first reading - page 213; second reading - page 213; third reading - page 213.

Leicester Highway - Third reading on ordinance to rezone property on this highway. 4

Livingston Street Neighborhood Facility- Resolution relative to the Audit contract for this facility awarded to A. M. Pullen Company. 5

Lexington Avenue - Petition presented to Council by Downtown Merchants relative to cleaning up of this avenue; i.e., public drinking on streets and prostitutes. 7
Statement by Vice Mayor Horton concerning this matter. 109

Leicester Highway - Public hearing on rezoning request by George A. Stowe to rezone property in this area; Council passes on first reading - page 10; second reading - page 17 third and final reading - page 17.

Legal Advisor Program - Mayor authorized to sign a new attachment "C" form for these services to the City to the Law & Order Section. 29

Lynchburg Foundry Company - Council awards bids to this company for six (6) months estimated requirements for water main pipe. 73

Litter - Review of requests relative to removal of litter, weeds from vacant lots. 82

Leicester Highway - Rezoning request by County of Buncombe; hearing date set - page 92; hearing and first reading - page 118; second reading - page 131; third reading - page 140

Liberty Street - Rezoning request by Mrs. Louise Tomlinson; hearing date set - page 92; hearing and first reading - page 117; second reading - page 131; third reading - page 140

Lewis, Walter Howard - Claim by this resident against City due to injuries caused by a hole in the sidewalk on Livingston Street. 93

Livingston Street - Claim against the City by Walter Howard Lewis due to injuries as a result of a hole in the sidewalk on this street. 93

Life Insurance - Bids awarded to Prudential Life Insurance to provide this type of insurance for City employees. 99

Lottery Sales - Ralph Bishop complains again to Council concerning this activity. 103

Loan - 321: Complaint by Ms. Mary Holcombe concerning this loan and inspection by the Asheville Housing Authority inspectors. 105

Leaf Machine - Bid - Two leaf machines for the Sanitation Division awarded to North Carolina Equipment. 120

Land Realtor - Resolution to arrange for a Realtor to locate potential land parcels for the purpose of constructing a West Asheville Fire Station 121

Lottery Sales - Ralph Bishop complained about lottery sales; same complaint - 139 122

Lexington Avenue - Report by Chief Hall regarding petition received from Downtown Merchants relating to College Street and this street. (Public Drinking) 123

Lighting - Resolution on grant with the U. S. A. for runway extension, MITL and HITL Lighting system, construction of FCR building, and acquisition of fire and crash resure vehicle for the Asheville Airport. 123

Livingston Street - Mayor authorized to sign a document to sell a portion of City property on this street to the Asheville Housing Authority. 402

Lease Agreement - Mayor authorized to execute these for space in the Airport buidling for National Car Rental of Asheville, Inc., Avis Rent-A-Car System, Inc. and the Hertz Corporation. 409

Lockwood, Mrs. Marjorie P. - Claim received by this person. 417

Lipe, Robert - Complained of water drainage problem at 39 Delaware Avenue. 444

Le Chateau Management - Date for public hearing set relative to rezoning property on Elm Street on property owned by Mr. Graham Smith of this management - page 216; hearing and first reading - page 230; second reading - page 240; third reading - pages 251 and 256.

Loading Zones - Relative to amending the Code of Ordinances - Traffic - first reading - page 233; second reading - page 241; third reading - page 252.

Louisiana Avenue - Date set for hearing on rezoning property located on this avenue - page 179; hearing and first reading - pages 211, 220, and 250; second reading - page 255; third reading - page 287.

Loftin, Celeste L. - Appointed to Asheville Board of Alcoholic Control. 214

Lease-Purchase Agreement - Advertisement of this authorizing the City to sell disposal parcel 1 in the Civic Redevelopment Area to Allen Center. 233

Laurel Street - Resolution of intent and calling a public hearing for closing this street- page 242; hearing and resolution closing - pg. 319.

Limousine Service - Lease has been agreed upon and will be advertised. 243

Leases - Advertising of Airport Leases - Hertz, Avis, National Rental Cars, Gift Shop and Limousine Service. 243

Land-of-Sky Regional Council - Mayor authorized to enter an agreement with this council for services to be provided under the nutrition program for older adults. 252

Lockers - Bids awarded to American Locker Security Systems, Inc. for coin-operated metal lockers for the Livingston Street Center. 253

Livingston Street Center - Bids awarded to American Locker Security Systems, Inc. for coin-operated metal lockers for this Center. 253

Lynch, Mr. and Mrs. Lloyd - Claim received from this resident; referred to Corporation Counsel. 253

Lease - Mayor authorized to sign a lease-purchase agreement to sell disposal parcel 1 in the Civic Redevelopment Area to Friends Enterprises d/b/a Allen Center. 259

Lease - Mayor authorized to execute lease agreements for space in the Asheville Airport Terminal Building. 287

Lease - Mayor authorized to execute lease agreements for space in the Asheville Airport Terminal Building - postponed in order for more details to be worked out. 314

Lease - Mayor authorized to execute lease agreements for space in the Asheville Airport Terminal Building. 337

Livingston Street - Bids awarded to M. B. Haynes Electric Corporation to construct ballfield lighting system at this Center for the Parks and Recreation Department. 368

Michael, Councilman - Requests that Mayor be allowed to discuss the acquisition of the Shiloh School Property at 10-9-76 meeting. 124

Michael, Councilman - Request by Councilman Michael to hold Council meeting at a later hour. 124

Meeting - Request by Councilman Michael to hold Council meeting at a later hour. 124

Memorium - Resolution in memorium of Ruth Snipes Summey. 127

Moore, Peimster - Sale of Parcel 114 to this resident approved by Council for use as residential property. (East Riverside Urban Renewal Project NC R-48). 133

Motel - Discussion on proposed motel/hotel room tax in the City. 137

Michael, Councilman - Suggestion of late council meetings. 144

Meeting - Councilman Michael suggested late council meetings. 144

Morgan, William M. - Report of Finance and Legislative Committee. 145

Morton Salt Company - Bid was awarded for bulk rock salt for snow and ice control. 162

McCarthy, E. R. - This person felt that property owners should have to pay for the land and the City should receive funds for the closing of streets and alleys. 163

McConnell, Virgil - Read petition for the acquisition of Shiloh School. 164

Meet N' Treat Day - Proclaimed as October 31, 1976. 165

Marshall and Stevens - Resolution that would contract with this firm for a detailed inventory and appraisal of city-owned fixed assets. 168

Matthews Motors, Inc. - Bid was awarded for one four door car for the Police Department. 169

Michigan Avenue - Report relative to complaints by Mrs. Wilson and Mrs. Elrod at last week's meeting on the Short Michigan situation. 170

Middlebrook, Louise Burts - Claim received for damages for personal injury. 171

Matthews Motors, Inc. - Bid was awarded for five refuse trucks for the Sanitation Division. 178

Michigan Avenue - Report on complaints received by Mrs. Wilson and Mrs. Elrod in reference to parking on this street. 180

Michael, Councilman - Mayor thanked Councilman for representing City at Equal Employment Opportunity Corporation meeting at Hilton Head, South Carolina. 189

Mountain Street - 9: - Hearing and first reading on ordinance to demolish this house. 3
second reading - page 11; third reading - page 17.

Moser, Mr. Mike - Appointed to serve on the Adult Advisory Board of the Asheville Buncombe County Youth Council. 7

Murders - Statement by Councilman Michael relative to these inside the City. 13

Michael, Councilman - Statement by this member of Council relative to murders in City. 13

Moneyworth, Inc. - Claim against the City filed by this company as a result of a sewer at 46 Wake Robin Way. 16

Minutes - Amended for the 8/19/76 meeting to alter ballots taken relative to housing site preference by the elderly. 27

Montford Recreation Center Complex - Resolution amending and extending contract and agreement for this complex. 31

Michalove, Ken, Assistant City Manager/Planning & Development - Report relative to the Inspection Divisions and Amusement Centers. 33

Murphy and Taylor Construction Company - Mayor authorized to sign contract with this company for certain water improvements on Oak Hill Road, Riceville Road, Mann Road and Haw Creek Road. 80

Michael, Councilman - Statement by this councilman relative to surcharge at Civic Center. 84

Meter Feeding - Consideration and first reading on ordinance relative to this. 89
Ordinance tabled on second reading - page 95; second reading - page 119; third - page 131

Murphy and Taylor Construction Company - Mayor authorized to sign contract with this company for the project known as the Monte Vista Booster Station. 96

Monte Vista Booster Station - Mayor authorized to sign contract for this project with the Taylor and Murphy Construction Company. 96

Montford Fire Line - Mayor authorized to sign contract with Cooper Construction Co, Inc. for this project. 96

Mathews Motors, Inc. - Awarded bid for ten (10) cars for the Inspections Division. 97

Mayor - Statement relative to seat surcharge. 102

Minutes - Amended to re-set the date of the public hearing on the R. Jack Ingram request to rezone property on Brevard Road. 106

Michael, Councilman - Complaint received from Ms. Minnie Anderson concerning water cut off. 110

Montford Avenue Area - Complaint from Virgil L. Sturgill relative to dog control. 110

Motel Room Tax - Mr. Lloyd Kirk - proposed hotel/motel room tax. 121

Montford Avenue - Virgil L. Sturgill complains relative to roaming dogs in City. 124

Michael, Councilman - Councilman expressed concern relative to airport employees living in Henderson County. 343

Metcalf, Jesse C. - City Manager recognized this retired City employee who worked 23¼ years for the Sanitation Department. 346

Massey, Hilliard - Received claim from this resident for water damage; referred to Corporation Counsel. 352

Meter Feeding - Ralph Bishop requested a clarification of meter feeding. 353

Murphy-Oakley Park - Bids awarded to M. B. Haynes Electric Corporation to construct ballfield lighting system at this park for the Parks and Recreation Department. 367

Motor Transport Division - Bids awarded to Sun Electric Corporation for one engine analyzer for this division. 368

Meter Feeding - Ralph Biship has not received a satisfactory answer to clarification of meter feeding. 370

Montford Recreation Complex - Approving fair market value of Parcel #16 of Real Property to be purchased for the development of this complex. 372

Meter Feeding - Discussion with Ralph Bishop relative to this. 391

Meter Feeding - Discussion with Ralph Bishop ending with the City Manager studing parking situation and a report should be available. 405

Michael, Councilman - Statement clarifing that he has no intention of pursuing the closing of the Hilltop Center. 407

Motor Pool - Councilman Michael requested that City Manager pursue his request that a motor pool be established for City vehicles. 407

Michael, Councilman - Requested that a motor pool be established for City vehicles. 407

Michael, Councilman - Requested City Manager to research the guidelines of the Rehabilitation Grant Program. 407

Meter Feeding - Public hearing scheduled relative to deleting Section 28-119 of the Code of Ordinances dealing with this. 412

Meter Reading Division - Bids were awarded to Dorato Motors, Inc. for 1 four-door sedan for this division. 439

Matthews Motors, Inc. - Bids were awarded to them for 9 pick-up trucks for various water divisions. 439

Matthews Motors, Inc. - Bids were awarded to them for 3 trucks for the Water Maintenance Division. 439

Meter Feeding - Discussion and report from Drew Walker relative to penalties for this. 442

Michalove, Kenneth Mr. - Took Oath of Office for City Manager. 445

Michael, Councilman - Statement made by Councilman relative to Beech Street closing. 189

Meeting - Council meeting held at William Randolph Elementary School. 200

Michael, Councilman - Councilman suggested a motor pool for City vehicles. 201

Motor Pool - Suggested by Councilman Michael for City vehicles. 201

Michael, Councilman - Requested that city employees bring matters before City Manager before members of council. 201

McDowell Street - Date set for hearing relative to rezoning property at the corner of St. Dunstan's Road and this street on property owned by James W. Moore - page 216; hearing and first reading - page 238; second reading - page 250; third reading - page 256.

Moore, James W. - Date set for hearing relative to rezoning property at the corner of St. Dunstan's Road and McDowell Street on property owned by this resident - page 216; hearing and first reading - page 238; second reading - page 250; third reading - page 256.

Metropolitan Sewerage District Board - Mr. George E. Dawson was appointed to this Board. 216

Meeting - January Council meeting will be held in Council Chambers. 216

Meeting - December 23 & 30, 1976 Council meetings cancelled. 217

Millbrook Road (114) - Public hearing called to demolish house at this address - page 232; first reading - page 286; second reading - page 312; third reading - page 320.

Michael, Councilman - Attended meeting with FAA and the Airport Director relative to general aviation aircraft taking on passengers at the air terminal. 237

Michael, Councilman - Request from Councilman to eliminate the curve at the bottom of N.C. 694 (Town Mountain Road) to make the open cut. 245

Meeting - The February 3, 1977 Council meeting will be held in the Council Chambers at 7:30 p.m. 254

Michalove, Kenneth M. - Oath of Office for Acting City Manager. 258

Maxwell, Virgil A. - Claim received by this resident; referred to Corporation Counsel. 308

Markings - N.C. Department of Transportation authorized to place thermoplastic markings at all paved railroad crossings on non-state system streets in the City. 313

Montford Recreation Complex Project - City authorized to proceed with the purchase and/or condemnation of property in this project. 313

Maple Avenue in Candler - Petition from these residents relative to water problems. 321

McKell, Rev. Dick - Appointed to serve on the Adult Advisory Board of the Asheville Buncombe County Youth Council. 7

McConnell, Virgil - Presents petition to Council relative to the acquisition of Shiloh School on behalf of the South Asheville Community Center. 104

McCarthy, E. R. - Tells Council that the nationwide surveys indicate that the elderly people prefer to be downton in the mainstream of life. 14

McCarthy, E. R. - Feels that property owners should have to pay for the land and the City should receive funds for the closing of streets and alleys. 163

McConnell, Virgil - Read petition for the acquisition of Shiloh School. 164

McCarthy, E. R. - Suggested stabilizing the French Broad River with the rocks in Beaucatcher Mountain. 181

McDowell Street - Date set for hearing relative to rezoning property at the corner of St. Dunstan's Road and this street on property owned by James W. Moore - page 216; hearing and first reading - page 238; second reading - page 250; third reading - page 256.

McConnell, Virgil - This resident questioned progress of the investigation of the cost overrun in the Shiloh-Oakley Public Works Project. 217

McLean Street - Resolution of intent and calling a public hearing for closing a portion of this street - page 242; hearing and resolution closing - page 319.

McKee, Holly - Claim received from Morris, Golding, Blue and Phillips on behalf of this resident; referred to Corporation Counsel. 284

McCarthy, Mr. E. R. - Asked if any information has been obtained from other cities relative to the City's tow-away ordinance. 308

McKee, Holly - Amended claim received from Morris, Bolding, Blue and Phillips on behalf of this resident relative to electrical damage in thawing water pipes. 352

McCurry, Rev. G. A. - Claim received from this person for water damage of the Biltmore Holiness Temple. 393

McCarthy, E. R. - Made comments relative to City conventions and tow-away zones. 393

McDowell, Short - Hearing set relative to closing all of this street. 404

McRea, Mrs. Catherine - Was nominated to represent WNC on the Governor's Committee for Volunteers of the Year. 418

North Carolina Board of Transportation - Entered into a contract with the Mayor and City Clerk for the purchase of re-evaluation of the transit plan and other related transit planning activities. 313

North Carolina Symphony Concert - Mrs. Dorothy Peeke appealed for the use of the Thomas Wolfe Auditorium for this concert rent free on 4-28-77. 324

North Carolina Symphony Concert - Councilwoman Swilling said Mrs. Dorothy Peeke was not able to attend the Civic Center Commission meeting relative to use of the Thomas Wolfe Auditorium for this concert rent free. 335

North Carolina Department of Transportation - Mayor authorized to execute right-of-way agreement with this department for a water line on State Road 3522, for the Westinghouse Electric Plant in Skyland, NC. 349

Norwood, Amogene - This resident requested permission to conduct an air show the week-end of May 21-22, 1977. 363

N. C. Division of Law and Order - Mayor authorized to sign an application for a Federal grant with this division ofr the Police-School Liaison Officer Project. 390

Noblett, Mrs. C. A. - Complaint by this person relative to flooding in Haw Creek. 443

North Carolina State Board of Transportation - Encroachment agreement with this board for a water line crossing SR 2066 (Pinecroft Road). 11

North Asheville Community Residents - Petition relative to creek hazard. 15

North Carolina State Building Code - Resolution calling for public hearing on the adoption of this code - page 24; hearing and first reading on ordinance - page 88; second reading page 92; third reading - page 106.

North Fork Dam - Mayor authorized to enter into agreement with the Carolina Power and Light Company for the supply of electricity to this facility. 24

North Carolina Youth Conservation Corp - First reading on ordinance amending budget to appropriate funds for this corp - page 72; second reading - page 79; third reading = 88

North Carolina State Board of Transportation - Encroachment agreement with this board for a water line on SR 3430 (Sardis Road and SR 3412 (Sand Hill Road). 107

North Carolina Equipment - Bid - Two leaf machines for the Sanitation Division awarded to North Carolina Equipment. 120

National Fire Prevention Week - Vice-Mayor Horton proclaimed October 3-9, 1976 as National Fire Prevention Week in Asheville. 125

Night Meetings - Councilman Michael announced night council meetings. 169

Nutrition - Increase of matching funds for this Land-of-Sky program; first reading - page 213; second reading - page 213; third reading - page 213.

North Carolina Department of Transportation - Mayor authorized to execute a right-of-way encroachment agreement with this department for a sewer line across U.S. 74 (South Tunnel Road). 125

North Carolina State Board of Transportation - Mayor authorized to execute a right-of-way encroachment agreement with this board for a water line along N.C. 1208 (Justice Ridge Road) for a distance of approximately 4150 feet. 233

North Carolina Board of Transportation - Mayor authorized to execute and agreement between this Board and the City relative to reimbursable work at the intersection of US 19-23 and Hazel Mill Road. 241

National Rental Cars - Lease has been agreed upon and will be advertised. 243

Nutrition Program - Mayor authorized to enter into an agreement with Land-of-Sky Regional Council for services to be provided under this program for older adults. 252

North Carolina Board of Transportation - Was requested to assign higher priorities to improvements scheduled in the Highway Improvement program. 261

Norwood, Bill - Appointment to the Asheville Area Civic Center Commission for a two year term beginning February 3, 1977. 282

North Carolina Department of Transportation - Authorized to place thermoplastic markings at all paved railroad crossings on non-state system streets in the City. 313

ORDINANCE NO. 914
AN ORDINANCE PROVIDING FOR FIXED PENALTIES FOR VIOLATION OF CERTAIN TRAFFIC ORDINANCES OF THE CITY OF ASHEVILLE.

First Reading	89
Second Reading	119
Third Reading	131

ORDINANCE NO. 915
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77 (Airport Improvements)

First Reading	92
Second Reading	92
Third Reading	92

ORDINANCE NO. 916
AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT PROJECT BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77.

First Reading	97
Second Reading	107
Third Reading	119

ORDINANCE NO. 917
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (N. Liberty by Mrs. Louise Tomlinson)

First Reading	117
Second Reading	131
Third Reading	140

ORDINANCE NO. 918
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF AHSVILLE," AS AMENDED (N. Leicester Highway & Erwin Hill Road by County of Buncombe)

First Reading	118
Second Reading	131
Third Reading	140

ORDINANCE NO. 919
AN ORDINANCE AMENDING SECTIONS 27-8, 27-15 AND 27-50 OF CHAPTER 27 OF THE ASHEVILLE CODE RELATING TO TAXICABS

First Reading	119
Second Reading	132
Third Reading	132

ORDINANCE NO. 920
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Brevard Road Area)

First Reading	128
Second Reading	141
Third Reading	158

ORDINANCE NO. 921
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77 (Library Funds)

First Reading	134
Second Reading	141
Third Reading	158

ORDINANCE NO. 922
AN ORDINANCE APPROPRIATING CAPITAL PROJECTS IN EFFECT AS OF JULY 1, 1976

First Reading	134
Second Reading	141
Third Reading	158

ORDINANCE NO. 923
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77 (Parking Garage Funds)

First Reading	134
Second Reading	141
Third Reading	159

ORDINANCE NO. 924
AN ORDINANCE REQUESTING AND AUTHORIZING SUPPORT FOR PUBLIC WORK IMPROVEMENTS AND AMENDING THE COMMUNITY DEVELOPMENT PROJECT BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77

First Reading	135
Second Reading	135
Third Reading	135

ORDINANCE NO. 925
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Property on Brevard Road and Dogwood Road from R-3 Residential District to CH Commercial Highway District, owned by R. Jack Ingram)

First Reading 167
Second Reading Failed

ORDINANCE NO. 902
AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 80 CLINGMAN AVENUE, 126 HIGGINS PLACE, 9 MOUNTAIN STREET, AND 78 ROBINDALE AVENUE.

First Reading	3
Second Reading	11
Third Reading	17

ORDINANCE NO. 903
AN ORDINANCE AMENDING SECTION 28-83 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

First Reading	4
Second Reading	4
Third Reading	4

ORDINANCE NO. 904
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE AS AMENDED (Greenhill Avenue)

First Reading	10
Second Reading	17
Third Reading	28

ORDINANCE NO. 905
AN ORDINANCE AMENDING ORDINANCE NO. 322 KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE AS AMENDED (Leicester Highway)

First Reading	10
Second Reading	17
Third Reading	17

ORDINANCE NO. 906
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1976-77 (Civic Center Parking Garage)

First Reading	21
Second Reading	21
Third Reading	21

ORDINANCE NO. 907
AN ORDINANCE AMENDING ORDINANCE NO. 322 KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE AS AMENDED (Alley off Greenhill Ave.)

First Reading	27
Second Reading	79
Third Reading	88

ORDINANCE NO. 908
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77 (Air conditioning control tower - airport)

First Reading	71
Second Reading	71
Third Reading	71

ORDINANCE NO. 909
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976=77 (N.C. Youth Conservation Corp)

First Reading	72
Second Reading	79
Third Reading	88

ORDINANCE NO. 910
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77 (Police/Fire Cadet Program)

First Reading	72
Second Reading	80
Third Reading	89

ORDINANCE NO. 911
AN ORDINANCE REQUESTING AND AUTHORIZING A BUDGET INCREASE IN THE COMMUNITY DEVELOPMENT HOME OWNERSHIP AND CREDIT COUNSELING PROJECT

First Reading	81
Second Reading	89
Third Reading	94

ORDINANCE NO. 912
AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77 PERTAINING TO THE CONSTRUCTION OF WATER IMPROVEMENT PROJECTS.

First Reading	85
Second Reading	85
Third Reading	85

ORDINANCE NO. 913
AN ORDINANCE AMENDING SECTION 8-1 OF CHAPTER 8 ARTICLE I OF THE CODE OF ORDINANCES, ENTITLED STATE BUILDING CODE (High Rise Buildings)

First Reading	88
Second Reading	94
Third Reading	106

ORDINANCE NO. 936
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

First Reading 230
Second Reading 240
Third Reading 251 & 256

ORDINANCE NO. 937
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (including veterinary hospitals and clinics as allowable uses in the Commercial Highway District)

First Reading 231
Second Reading 240
Third Reading 251

ORDINANCE NO. 938
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77 (DEAVERVIEW ROAD CONNECTOR)

First Reading 232
Second Reading 232
Third Reading 232

ORDINANCE NO. 939
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, CHAPTER 28 - TRAFFIC, SPECIFICALLY SECTION 28-96 (PASSENGER ZONES AND LOADING ZONES) AND SECTION 28-107 (IMPOUNDMENT OF PARKED VEHICLES)

First Reading 233
Second Reading 241
Third Reading 252

ORDINANCE NO. 940
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Rezoning property at the corner of St. Dunstan's Road and McDowell Street)

First Reading 239
Second Reading 250
Third Reading 256

ORDINANCE NO. 941
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Property on North Louisiana Avenue owned by Mrs. Louise Ray)

First Reading 250
Second Reading 255
Third Reading 287

ORDINANCE NO. 942
AN ORDINANCE AMENDING AND APPROVING COMMUNITY DEVELOPMENT BUDGET CHANGES UNDER THE CITY OF ASHEVILLE'S GENERAL FUND BUDGET - 1976-77 - TO INCLUDE SURPLUS FUNDS FROM CIVIC REDEVELOPMENT - R-13, AND TWO NEW PROJECTS - CARROLL AVENUE ACCESS PROJECT AND SCHOOL PLAYGROUNDS PROJECT

First Reading 260
Second Reading 260
Third Reading 260

ORDINANCE NO. 943
AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 30 CRESCENT STREET, 114 MILLBROOK ROAD, 37 RAVENSCROFT DRIVE AND 7 TOXAWAY STREET

First Reading 286
Second Reading 312
Third Reading 320

ORDINANCE NO. 944
AN ORDINANCE AMENDING AND APPROVING A COMMUNITY DEVELOPMENT BUDGET CHANGE IN THE CITY OF ASHEVILLE'S GENERAL FUND BUDGET - 1976-77 - TO INCLUDE A NEW PROJECT, COMMUNITY DEVELOPMENT INCENTIVE HOUSING PROGRAM

First Reading 309
Second Reading 309
Third Reading 309

ORDINANCE NO. 945
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Sign and Outdoor Advertisement Regulations for the City of Asheville and its one mile extraterritorial jurisdiction)

First Reading 346
Second Reading 432
Third Reading 63

ORDINANCE NO. 926
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," (Rezoning 15 Arlington Street by Mrs. Estie Wilson)

First Reading Failed(175)

ORDINANCE NO. 927
AN ORDINANCE REQUESTING AND AUTHORIZING CHANGE ORDERS FOR COMMUNITY DEVELOPMENT PUBLIC WORKS PROJECTS AND AMENDING THE COMMUNITY DEVELOPMENT PROJECT BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77

First Reading 187
Second Reading 198
Third Reading 206

ORDINANCE NO. 928
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

First Reading 204
Second Reading 212
Third Reading 220

ORDINANCE NO. 929
AN ORDINANCE REQUESTING AND AUTHORIZING ADDITIONAL SUPPORT FOR THE COMMUNITY DEVELOPMENT DEMOLITION PROJECT AND AMENDING THE COMMUNITY DEVELOPMENT PROJECT BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77

First Reading 206
Second Reading 206
Third Reading 207

ORDINANCE NO. 930
AN ORDINANCE REQUESTING AND AUTHORIZING THE APPROPRIATION OF FUNDS FOR THE CHESTNUT STREET WATER LINE AND THE APPALACHIAN WAY/HUFFMAN ROAD WATER LINE AND AMENDING THE COMMUNITY DEVELOPMENT PROJECT BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77

First Reading 207
Second Reading 207
Third Reading 207

ORDINANCE NO. 931
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77 (Justice Ridge Road Water Line)

First Reading 212
Second Reading 212
Third Reading 212

ORDINANCE 932
AN ORDINANCE AUTHORIZING THE INCREASE OF MATCHING FUNDS FOR THE LAND-OF-SKY NUTRITION PROGRAM

First Reading 213
Second Reading 213
Third Reading 213

ORDINANCE 933
AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE BODY KNOWN AS THE ASHEVILLE CIVIC CENTER COMMISSION

First Reading 214
Second Reading 221
Third Reading 231

ORDINANCE 934
AN ORDINANCE AMENDING ORDINANCE NO. 861, KNOWN AS "AN ORDINANCE ESTABLISHING THE ASHEVILLE GENERAL EMPLOYEES' RETIREMENT PLAN AND TRUST"

First Reading 222
Second Reading 231
Third Reading 240

ORDINANCE 935
AN ORDINANCE TRANSFERRING AN UNSPENT BALANCE FROM THE COMMUNITY DEVELOPMENT TAFT AVENUE WATER LINE PROJECT TO CONTINGENCY I; RESCINDING A SECTION OF ORDINANCE NO. 916 APPROVING AN APPROPRIATION FOR A BIKEWAY PROGRAM TRANSFERRING THE UNSPENT BALANCE TO CONTINGENCY II AND AMENDING THE COMMUNITY DEVELOPMENT PROJECT BUDGETS OF THE CITY OF ASHEVILLE FOR FISCAL YEARS 1975-76 AND 1976-77

First Reading 222
Second Reading 223
Third Reading 223

ORDINANCE NO. 946
AN ORDINANCE AMENDING AND APPROVING COMMUNITY DEVELOPMENT BUDGET CHANGES IN THE CITY OF ASHEVILLE'S GENERAL FUND BUDGET, 1976-77, TO INCLUDE CONSULTANT SERVICES WITHIN THE COMMUNITY DEVELOPMENT PLANNING BUDGET

First Reading 365
Second Reading 365
Third Reading 365

ORDINANCE NO. 947
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Haywood Street)

First Reading 401
Second Reading 409
Third Reading 432

ORDINANCE NO. 948
AN ORDINANCE AMENDING AND APPROVING COMMUNITY DEVELOPMENT BUDGET CHANGES SET FORTH IN THE CITY OF ASHEVILLE GENERAL FUND BUDGET 1976-77 TO SUPPORT HUD ENVIRONMENTAL REVIEW REQUIREMENTS

First Reading 402
Second Reading 402
Third Reading 402

ORDINANCE NO. 949
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1976-77

First Reading 412
Second Reading 412
Third Reading 412

ORDINANCE NO. 950
AN ORDINANCE AMENDING AND APPROPRIATING COMMUNITY DEVELOPMENT BUDGET CHANGES RECLASSIFYING CAPITAL PROJECTS FOR 1975-76

First Reading 433
Second Reading 433
Third Reading 433

ORDINANCE NO. 951
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1976-77 (general aviation aircraft)

First Reading 441
Second Reading 441
Third Reading 441

Oteen Site - Discussion relative to this site and Battery Park for housing for the elderly - page 13; presentation by David Jones of ballots by elderly on their preference of these sites - page 18; minutes amended relative to ballots by elderly - page 27; Mrs. Roy Rogers appeals to Council for them to give JUD their support of Oteen site - page 77; Rev. DeSaix commends Council for their decision to ask HUD to approve both sites - page 78.

Oak Hill Road - Mayor authorized to sign contract with Huntley Construction Co. and Taylor and Murphy Construction Co., Inc. for water improvements on this road. 80

Options - Resolution authroizing the Mayor to arrange for a realtor to locate potential land parcels for the purpose of constructing a West Asheville Fire Station and authorization for the Mayor to sign opitons to acquire land for that purpose. 121

Owens Alley - Resolution of intent to close portions of Bartlett St., Choctaw Street, Southside Ave., Smith St., Owens Alley, Powell Alley, and four un-named alleys and calling a public hearing. 159

Owens Alley - Public hearing and resolution adopted to close this Alley. 194

Opportunity Corporation - Lease agreement with them to permit them to sublease the Shiloh School. 208

Oak Street - Resolution of intent and calling a public hearing for closing a portion of this street - page 242; hearing and resolution closing - page 319.

Outdoors - Date set for hearing relative to amendment to revised sign and outdoor advertisement regulations and its one mile extraterritorial jurisdiction - page 314; hearing and first reading - page 346; second reading - page 432; third reading - page 63.

Oath of Office - Mayor administered the oath of office for Acting City Manager to Kenneth M. Michalove. 258

Optimist Club - Request from WNC Pilots Association for an Air Show on May 21 & 22, 1977. 393

Oath of Office - Taken by Mr. Kenneth M. Michalove for City Manager. 445

Proclamation - September 6-12, 1976 as American Institute of Banking Week in Asheville. 83

Parking - Ordinance providing for fixed penalties for violation of certain traffic ordinances of the City of Asheville (Parking) - passed on first reading - page 89; ordinance tabled on second reading - page 95; second reading reconsidered and passes - page 119; third reading - page 131.

Police Department - Complaint by Ralph Bishop relative to this department. 93

Pump Station - Mayor authorized to sign contract with Taylor and Murphy Construction Co., Inc. for this booster station at Monte Vista. 96

Patrol Cars - Bids awarded for these for the Police Department to Dorato Motors, Inc. 98

Police Deaprtment - Bids for 2 patrol cars for this department awarded to Dorato Motors. 98

Parks and Recreation - Bids awarded for picnic shelters (2) to Koppers Company, Inc. 99

Picnic Shelters - Bids awarded to Koppers Company, Inc. for two of these for Parks & Rec. 99

Prudential Life Insurance - Bid awarded to this company to provide life insurance coverage for City employees. 99

Public Works Employment Act - Mayor authorized to apply to the U.S. Dept. of Commerce, Economic Development Administration under the provisions of this act. 100

Proposal - Civil Air Patrol makes proposal to Council for space at the airport. 103

Petition - Virgil McConnell presents to Council petition relative to the Acquisition of the Shiloh School for the South Asheville Community Center. 104

Petition - Presented to Council by Mr. John Cheesborough, Attorney, requesting rate increase in taxicab fares. 107

Petition - The Eugene Rankin PTA petition to provide a school guard for the crossing at Hanover and Steward Street intersection. 108

Pearson Drive - 332: - Complaint from Margaret Rice relative to a broken sewer line within 10 to 15 feet of her back door. 111

Petition - Petition Council for school guard at crossing at Eugene Rankin PTA. 123

Petition - Report by Chief Hall regarding petition received from downtown merchants related to College Street & Lexington Ave. (Public Drinking) 123

Police - Report by Chief Hall regarding petition received from downtown merchants relating to College St. & Lexington Ave. (Public Drinking) 123

Proclamation - Vice-Mayor Horton proclaimed the week of August 12, 1976 through August 18, 1976 as Alpha Delpha Kappa Week. 124

Proclamation - Vice-Mayor Horton proclaimed October 14, 1976 as Day in Court for Legal Secretaries. 125

Pullen, A. M. Co., - Contract by resolution with this company for the audit of the Livingston Street Neighborhood Facility. 5

Pinball Wizard - Discussion of inspection made to this amusement center by Inspections Division - page 6; further discussions and complaints registered by this party - page 25; report by Inspections Division to Council - page 33; statement by Cioffari confuting points of report by Inspections Division - page 84; query by Councilman Rainey - page 25

Petition - Submitted to Council by Downtown Merchants relative to cleanup of Broadway, College and Lexington Avenue of drunks, public drinking and prostitutes. 7

Playground Finale - Council members invited to attend final session at Hall Fletcher School by Parks and Recreation Department. 8

Pinecroft Road - SR 2066: Encroachment agreement with the N. C. State Board of Transportation for a water line on this road. 11

Police - Status report by Sam Graves on Police Community Relations. 12

Police Department - Statement by Councilman Michael relative to murders in City. 13

Petition - Residents petition Council relative to creek hazard (North Asheville Community Residents.) 15

Police Department - Claim against this department filed by Curtis James. 16

Parking-Bids let to WNC Parking Lot Services for cleanup of new parking facility. 20

Parking Facility - Ordinance amended to appropriate funds for cleanup services to this facility - page 21; passes on all readings - page 21.

Police Cadet Program - Ordinance appropriating funds for this program - page 72; second reading - page 80; third reading - page 89

Police Department - Councilman Michael commends Chief Hall and Civil Service Board for implementing a promotional examination that includes written and oral examinations. 74

Promotions - Written and oral examinations implemented by Chief Hall and Civil Service Board for these in the Police Department. 74

Police Department - Bids awarded to Stinnette Uniform Company for uniforms for the personnel of this department. 74

Proclamation - August 26, 1976 as Woman's Day. 75

Parking Garage - Mayor invites public to ribbon cutting and grand opening of this new facility. 76

Presentation - Awards: Mayor presents handicapped awards on behalf of the Committee on Employment of the Handicapped. 79

Pettit, Mrs. Blandene S. - Commends Inspections Division for their good work on Robindale Avenue. 83

Petition - Presented to Council by Ms. Evelyn Hicks of 9 Sareva Place relative to vacant lot on this street where mosquitoes abound and dense vegetation blocks air and sun. 82

Proclamation - September 8, 1976 as National Cancer Day. 83

Proclamation - Week of October 24-31, 1976 as Davis Community Center Week. [illegible]

Proclamation - Month of November as Epilepsy Month. 165

Proclamation - October 31, 1976 as Meet N' Treat Day. 165

Pumper - Bid was awarded to Boyce L. Ford Company for one 1,000 gpm custom built triple combination pumper for the Fire Department. 169

Police Department - Bid was awarded to Boyce L. Ford Company for one 1,000 gpm built triple combination pumper to this department. 169

Police Department - Was working on complaints received by Mrs. Wilson and Mrs. Elrod during last week's Council meeting. 170

Petition - In reference to Flea Market at Civic Center from the Merchants of Biltmore Village. 171

Proposed Wording Amendment - To zoning ordinance (322) relative to Commercial Regional District; hearing scheduled - page 173; hearing and first reading on ordinance - page 204; second reading - page ; third reading - page .

Proclamation - Week of November 8-15, 1976 as Youth Appreciation Week. 173

Proclamation - Week of November 7-13, 1976 as Consumers Credit Counseling Week. 173

Public Works - Relative to Community Development change orders for Shiloh street and sidewalk projects and Oakley public works projects; first reading - page 187; second reading - page 198; third reading - page 206.

Passenger Zones - Discussion on vaguely worded present ordinance. 176

Plat - Approval of the final plat of Avondale Estates, off Bee Tree Road subdivision belonging to L.S. and M. Builders, Inc. 178

Plat - Approval of a final plat of a proposed subdivision off Avondale Road belonging to Earl K. and Mable Cowan. 179

Proclamation - November 11, 1976 as Veterans Day. 181

Plumbing Inspectors - Complaints by Mrs. Reid, owner of Town and Country Mobile Home Park relative to strict requirements on trailer parks in one-mile perimeter. 183

Pearson Bridge - Report from City Manager on this road improvements and Richmond Hill Road Study. 187

Property Taxes - Vice-Mayor Horton requests that the City Clerk check with Board of Tax Supervision in relation to street closings and rezonings a-fecting property taxes. 189

Proclamation - Week of November 21-28, 1976 as Bible Week. 189

Proclamation - First full week in October as National Employ the Handicapped Week. 125

Proclamation - National Fire Prevention Week in Asheville - October 3-9, 1976. 125

Parcels - Sale of parcels 112 and 114 in the East Riverside Urban Renewal Project NC R-48. 133

Pack Memorial Library - Ordinance 921 amending the operating budget of City for fiscal year 1976-77 appropriating library funds for travel and books and audio visual equipment. 134

Parking Garage - Ordinance 923 amending the operating budget for fiscal year 1976-77 for the parking garage appropriations for additional funds in order to complete the project. 134

Proclamation - October 15, 1976 as White Cane Safety Day. 138

Proclamation - Week of October 17-23, 1976 as National Women's Business Week. 138

Presentation - Mayor presented certificates to fire cadets. 140

Parking Garage - Second reading amending the operating budget for fiscal year 1976-77 for parking garage appropriations for additional funds in order to complete the project. 141

Porter Brothers, Inc. - Was awarded bid for one tractor-towed landscaping machine, seeder/turf shaper. 143

Parks & Recreation Department - Bid was awarded to Porter Brothers, Inc. for one tractor-towed landscaping machine, seeder/turf shaper. 143

Petition - Petition to close a portion of Charlotte Street Extension. 143

Parking Garage - Third and final reading amending the operating budget for fiscal year 1976-77 for funding for the completion of the Parking Garage. 159

Powell Alley - Resolution of intent to close portions of Bartlett St., Choctaw St., Southside Avenue, Smith St., Owens Alley, Powell Alley, and four un-named alleys and calling a public hearing. 159

Pipe - Bid awarded to Southern Tank and Culvert Company, Inc. for galvanized corrugated steel culvert pipe for the Street Department. 161

Parking - Complaint by Mrs. Lillian Wilson, 296 S. Michigan Avenue, of parking on both sides of S. Michigan Avenue. 163

Petition - Petition for the acquisition of Shiloh School presented by Mr. Virgil McConnell. 164

Pless, Joe - Owner of Dreamland Drive-In Theatre and Flea Market requests that Council give the local businessman consideration in the operation of the Civic Center Flea Market. 165

Peeke, Mrs. Dorothy - Appealed to Council for the use of the Thomas Wolfe Auditorium for the North Carolina Symphony Concert rent free. 324

Police - Mr. Joe Brady requested that the Council and City Manager thoroughly review qualified applicants for Chief of Police position. 325

Petition - From Fraternal Order of Police relative to Kenneth C. Edwards. 325

Peeke, Mrs. Dorothy - Councilwoman Swilling said this resident was not able to attent the Civic Center Commission meeting relative to the use of the Thomas Wolfe Auditorium for the North Carolina Symphony Concert rent free. 335

Pension - Resolution relative to Policemen's and Firemen's Pension and Disability Fund being closed to future participation so that Council can begin new actuarially sound pension plan for future employees. 336

Police - Resolution relative to Policemen's and Firemen's Pension and Disability Fund being closed to future participation so that Council can begin new actuarially sound pension plan for future employees. 336

Petition - From residents of Candler Knob Road off Deaverview Road relative to water problems. 340

Proclamation - Girl Scout Week - March 6-12, 1977. 343

Parks and Recreation - Agreement with the Department of Agriculture and the Department of Interior for a Youth Employment, Conservation and Environmental Program. 348

Policemen - Appointment of Dr. Bruce E. Elliston to the Board of Examiners for the Policemen's and Firemen's Pension and Disability Fund. 349

Pension - Appointment of Dr. Bruce E. Elliston to the Board of Examiners for the Policemen's and Firemen's Pension and Disability Fund. 349

A. M. Pullen and Company - City Manager's Report from this company relative to investigation into the cost overruns on the Shiloh-Oakley Public Works Project. 352

Patton Cemetary Road - Claim received from Arnold Jones & Son, Inc. for water damage to a new residence on this road; referred to Corporation Counsel. 352

Proclamation - Week of March 13-19, 1977 as Employ the Older Worker Week. 353

Pension Plan - Mayor announced a work session on the proposed police and fire pension plan. 353

Parks and Recreation Department - Bids awarded to M. B. Haynes Electric Corporation to construct ballfield lighting system at Murphy-Oakley Park for this department. 367

Parks and Recreation Department - Bids awarded to M. B. Haynes Electric Corporation to construct ballfield lighting system at Livingston Street Park for this department. 368

Parks and Recreation Department - Bids awarded to Southern Tank & Culvert Company, Inc. for galvanized corrugated steel pipe for this department. 368

Proclamation - November 20, 1976, is "National Youth Project Using Mini-Bike Day" 189

Powell Alley - Hearing held and resolution adopted to close this alley. 194

Pearson Bridge Road - City Manager's Report relative to the Pearson Bridge Road improvements. 201

Proclamation - The month of December as "Substance Abuse Awareness Month" 201

Passenger Zones - Relative to amending the Code of Ordinances - Traffic - first reading - page 233; second reading - page 241; third reading - page 252.

A. M. Pullen Company - Employed to do audit work as it relates to the cost overruns in the Shiloh-Oakley Public Works Project. 217

Plat - Final subdivision plat for the Forest, located in Beaverdam. 223

Parks and Recreation Department - Bid awarded to Vermeer Carolina Sales and Service for one stump cutter for this department. 224

Petition - Traffic problems relative to Beaucatcher Mountain via College Street. 236

Patton Avenue - Mayor authorized to execute right-of-way agreement with N.C. Department of Transportation for 8-inch water line to be installed on U.S. 19-23 (Patton Avenue) in the vicinity of Deaverview Road. 242

Police - Resignation of Chief J. C. Hall. 245

Priorities - N.C. Board of Transportation requested to assign higher priorities to improvements scheduled in the highway improvement program for the Asheville NC transportation planning area. 261

Pressley, James M. - Appointed to the Board of Directors of the Asheville-Buncombe Community Relations Council. 282

Petition - Report received on petition from residents of College Street relative to snow removal, broadening of the intersection and Mountain and College Street and speed limit signs. 284

Plaza Theatre - Complaint relative to traffic lights on Biltmore Avenue at this theatre not being enforced. 285

Police Chief - Letters relative to seclection of new police chief. 303

Plaza Theatre - Complaint relative to traffic signals at Biltmore Avenue and this theatre - there was some malfunction in the traffic signal. 308

Police Department - Councilman Michael clarified comments relative to this department. 318

Petition - From residents of Maple Avenue in Candler relative to water problems. 321

Petition - Thomas A. Smith read petition relative to water problems in the Cedar Hill Road - Deaverview Mountain Area. 323

Parcel 26 - Sale of this parcel in the Civic Redevelopment Project N.C. R-13. 453

Proclamation - National YWCA Week is the week of April 24-30, 1977. 457

Proclamation - Volunteer Recognition Week for the week of April 24-30, 1977. 457

Pipe - Bids awarded to Southern Tank and Culvert Company, Inc. for galvanized corrugated steel pipe for the Parks and Recreation Department. 368

Police - Meeting with legislators relative to proposed police and fire pension bill. 370

Pension - Meeting with legislators relative to proposed police and fire pension bill. 370

Pension - Council commended Michael Smith, Personnel Director, for efforts in this bill. 371

Parcel #16 - Resolution approving fair market value of this parcel of Real Property to be purchased for the development of the Montford Recreation Complex. 372

Police-School Liaison Officer Project - Mayor authorized to sign an application for a Federal grant with the N. C. Division of Law and Order for this project. 390

Parks & Recreation Department - Bids awarded to Holladay Paint & Carpet Company to install resiliant tile floor at the Hilltop Recreation Center for this department. 391

Proclamation - April proclaimed as Fair Housing Month. 405

Personnel - Information requested relative to any changes in the personnel and payroll policies for part-time employees. 408

Payroll - Information requested relative to any changes in the personnel and payroll policies for part-time employees. 408

Part-time employees - Information requested relative to any changes in the personnel and payroll policies for these employees. 408

Peyton, William M. - Appreciation to Mr. Peyton for services as Chairman of the City of Asheville Parks and Recreation Advisory Board. 410

Parks & Recreation Advisory Board - Appreciation to William M. Peyton for services as Chairman of this Board. 410

Proclamation - The week of April 17-23, 1977 proclaimed as Private Property Week. 418

Private Property Week - April 17-23, 1977 proclaimed as such. 418

Pool - Bids awarded to Duffield & Associates for an automatic swimming pool treatment control system for the Parks & Recreation Department. 440

Parks & Recreation Department - Bids awarded to Duffield & Associates for an automatic swimming pool treatment control system for this department. 440

Parks & Recreation Department - Authorization of an increase in certain salary rates for summer employees of this department. 441

Proclamation - April 21, 1977 proclaimed as Food Day '77. 441

Pennell, Margaret S. - Commendation to this past Chairman of the Asheville School Board. 445

Parcels 62, 93, 163, 151, 153 - Sale of these parcels in the East Riverside Urban Renewal Project. 453

Quality '76 - Statement by Vice Mayor Horton and motion to prepare resolution for Council's consideration relative that the program should be continued and in appreciation of this program. 83

Quality '76 - Resolution of appreciation to this program for their efforts and Council's encouragement that the program be continued in some form. 91

Quitclaim Deed - Resolution accepting the dedication and quitclaim deed with reference to property in the Civic Redevelopment project NC R-13. 339

Quality Forward - Quality Forward is willing to work with Council on the downtown improvements. 253

Quality Forward - Supports the "Clean Community System" Program. 454

Room Tax - Discussion on proposed hotel/motel room tax for City. 137

Report - Report of Finance and Legislative Committee by Wm. Morgan. 145

Right-of-Way - City manager authorized to acquire this easement from Nola O. Whitaker for a 24-inch water line on Aurora Drive. 161

Recorder - Bid awarded to Stancil-Hoffman Corporation for one four channel dual recorder for the Fire Department. 162

Report - By City Manager on minority employment. 163

Rezoning - Public hearing relative to the rezoning of property on Brevard Road and Dogwood Road - property owned by R. Jack Ingram. 166

Rogers, Mrs. Roy - She and Mr. Carl Johnson protested the closing of Beech Street and the taking of the property on Beech Street by the Asheville Housing Authority. 173

Reed, Andy - Opposed the rezoning of property on Brevard Road and Dogwood Road with Mr. Al Williamson and Mr. J. A. Williams.

Ray, Louise - Rezoning request by this resident on North Louisiana Ave. 179

Rocks - Mr. E. R. McCarthy suggested stabilizing the French Broad River with the rocks in Beaucatcher Mountain. 181

Richmond Hills Project - Vice-Mayor requested the City Manager a brief report relative to improvements to the access road to Richmond Hills. 183

Reid, Mrs. - Owner of Town and Country Mobile Home Park, complained of strict requirements of the plumbing inspectors on trailer parks in the one-mile perimeter. 183

Report - By City Manager relative to the Pearson Bridge Road Improvements and the Pearson Bridge and Richmond Hill Road Study. 187

Richmond Hill Road - Report by City Manager relative to the Pearson Bridge Road Improvements and the Pearson Bridge and this road study. 187

Rogers, Mrs. Roy - Senior Citizens Bill of Rights read by Mayor requested by this resident. 190

Roof - Response to Mr. Don Fox's questions relative to the Civic Center Roof. 191

Religious Campaign - Vice-Mayor Horton read statements relative to news articles. 202

Regulations - Establishing regulations for the operation of the Civic Center. 208

Report - In answer to Councilman Michael's request for a report on the Carroll Street Access. 209

Retirement Plan - Amendment to Ordinance 861; first reading - page 222; second reading - page 231; third reading - page 240.

Robindale AVenue - 78: Public hearing and first reading on ordinance to authorize the housing officer to demolish this dwelling - page 3; second reading - page 11; third reading - page 17.

Rankin Avenue - Mayor authorized to execute easement in favor of Carolina Power and Light Company on this street. 12

Report - Presented to Council by Sam Graves of the Personnel Division relative to Police Community Relations. 12

Report - City Manager reports to Council on status of Carroll AVenue Bridge. 14

Review - Discussions and review of proposed Civic Center Surcharge. 22

Roof - Mayor authorized to sign contract with Asheville Steel Company for this on the Street and Sanitation garages on Valley Street. 24

Rainey - Query by this Councilman relative to the Inspections Division. 25

Report - Given to Council by Ken Michalove, Asst. City Manager, relative to amusement center inspections by the Inspections Division. 33

Riceville Forest - City Manager authorized to acquire this additional water system. 75

Rogers, Mrs. Roy - Appeals to Council to give their support to HUD on the Oteen site for housing for the elderly. 77

Robinson, Mr. Ridgley, Architect for Arrowhead Apts., asked Council to reconsider this Group Development by referring back to the Planning & Zoning Commission or setting another public hearing on the matter. 77

Riceville Road - Mayor authorized to sign contract with Huntley Construction Company and Taylor and Murphy Construction Co., Inc. for water improvements on this road. 80

Requests - Litter & Weed Removal; Presented to Council by Councilman Rainey. 82

Rainey, Councilman - Presents requests to Council for the removal of litter and weeds. 82

Robindale Avenue - Mrs. Blandene S. Pettit commends Inspections Division for their good work on this street. 83

Rat Problem - Mr. David H. Canter of Stevens Hill Road requests Council's help relative to a neighbor, Mr. Francis Stevens, who brings trash home and puts it in his yard causing this problem for the neighborhood. 109

Rice, Margaret - Complaint by this resident relative to a broken sewer line within 10 to 15 feet of her back door at 332 Pearson Drive. 111

Report - Given to Council by W. T. Duckworth, Jr., Chairman of the Citizens Committee. 112

Realtor - Resolution authorizing Mayor to arrange for a Realtor to locate potential land parcels for the purpose of constructing a West Asheville Fire Station. 121

Room Tax - Mr. Lloyd Kirk - Proposed hotel/motel room tax. 121

Runway Extension - Resolution on grant with the U. S. A. for runway extension, MITL and HITL Lighting system, construction of FCR building, and acquisition of fire and crash rescue vehicle for the Asheville Airport. (Grant Execution) 124

Rehabilitation Grant Program - Resolution amending and approving program budget changes in the Community Development Rehabilitation Grant Program. 338

Renewal Area - Resolution of intent to change some streets and call for obliteration of other streets in this area - page 340; public hearing held - page 394.

Rotowitz, Joe - This resident of 51 Dillingham Road complained of the street condition and inadequate fire protection on this road. 342

Retired Employees - City Manager recognized W. B. Allison, Charles R. Rhew, Jesse C. Metcalf and Thomas A. Yarborough. 346

Rhew, Charles R. - City Manager recognized this retired employee who 25½ years for the Asheville Police Department. 346

Rehabilitation - Councilman Michael commented on Community Development funds for rehabilitation of substandard houses. 347

Right-of-Way Agreement - Mayor authorized to execute right-of-way agreement with the N.C. Department of Transportation for a water line on State Road 3521 and State Road 3522, for the Westinghouse Electric Plant in Skyland. 349

Report - Given by City Manager on "Kiss" Concert. 350

Report - Given by City Manager from A. M. Pullen and Company regarding investigation into the cost overruns on the Shiloh-Oakley Public Works Projects. 352

Roberson, Joe B. Jr. - Claim amendment received from Morris, Bolding, Blue and Phillips on behalf of this resident relative to electrical damage in thawing water pipes; referred to Corporation Counsel. 352

Report - Given by Councilwoman Swilling relative to meeting with legislators on proposed police and fire pension bill. 370

Residence - Discussion relative to city employees employed at the Asheville Airport who live outside of Buncombe County. 370

Reid, Mrs. Vida - Statement urging Council to let the County enforce zoning in the 1-mile perimeter. 405

Rehabilitation Grant Program - Comment by Councilman Michael relative to net income requirements to qualify for a grant loan. 407

Residence of City Employees - Public hearing scheduled relative to this. 417

Rogers, Mrs. Tulula - Was nominated to represent WNC on the Governor's Committee for Volunteers of the Year. 418

River Improvement Committee - Mr. Ed Todd of Land-of-Sky Regional Council appointed Councilwoman Swilling to this committee. 442

Recreation Board of Asheville - Appointed Mr. Richard Fain & Mr. Bob Farzanegan as members. 445

Ray, Douglas - Proposed a new service at the Asheville Airport. 446

Ramsey, Phil - Proposed a new service at the Asheville Airport. 446

Ray, Louise - Date set for hearing on rezoning property located on North Louisiana Avenue - page 179; hearing and first reading - pages 211, 220, and 250; second reading - page 255; third reading - page 287.

Resignation - Mr. Ernest J. Ward as City Manager. 225

Report - Given to Council on water problems on Spivey Mountain Road. 229

Ravenscroft Drive (37) - Public hearing called to demolish house at this address - page 232; first reading - page 286; second reading - page 312; third reading - page 320.

Right-of-Way Agreements - With North Carolina Department of Transportation for the installation of a 12-inch water line on Haywood Road at Covington Street and the crossing of Sand Hill Road at Shelburne Road. Also 12-inch water line to be installed on US 19-23 (Patton Avenue) in the vicinity of Deaverview Road. 242

Report - Given to Council by Fire Chief on Fire hydrants inspected annually. 243

Report - Given to Council by W. Michael Smith on cold weather affecting the City's operation in almost every area. 244

Rainey, Councilman - Request by Councilman for a report of the amount of money spent on automobile spare parts and where they are purchased. 245

Resignation - Chief J. C. Hall as Chief of Police. 245

Report - Council Committee reported on the proposed projects for the Community Development Third Year Program. 252

Report - Given by Robert E. Brown, Water and Sewer Superintendent, relative to frozen water lines. 260

Report - Mr. Charles Kern reported on progress of downtown improvement committee and legislative needs relating to same. 261

Ray, Jesse Jr. - Appointed to the Asheville Area Civic Center Commission for a term of three years beginning February 3, 1977. 282

Report - Given by City Manager relative to conserving energy. 284

Report - Report on petition received from residents of College Street relative to snow removal, broadening of the intersection of Mountain and College Street and speed limit signs. 284

Roberson, Joe B. Jr. - Claim received from Morris, Golding, Blue and Phillips on behalf of this resident; referred to Corporation Counsel. 284

Railroad Crossings - N.C. Department of Transportation authorized to place thermoplastic markings at all paved railroad crossings on non-state system streets in the City. 313

Report - City Manager reported on the frozen water problems. 318

Rogers, Mrs. Roy - Resident requested that Council purchase a van for the Senior Opportunity Center. 318

Sareva Place - Residents of this street petition Council relative to vacant lot on this street where mosquitoes abound and vegetation blocks air and sunlight. 82

Sprinkle, Ms. Sadie L. - Complains to Council about mosquitoes and stagnant water in the Barnard Avenue section. 83

Statement - By Vice Mayor Horton and motion for preparation of resolution of appreciation and commendation of the Quality '76 Program and the continuation of the program. 83

Seat Surcharge - Motion by Councilman Michael relative to these charges at the Civic Center-84

Sardis Road - Resolution regarding 8-inch water line on this road; Ordinance amending the operating budget of the City for fiscal year 1976-77 pertaining to the construction of water improvements on this road. Council passes on all readings. 85

Street Department - Claim by Mildred R. Taylor against this department of the City for damages due to this department cutting trees on her property. 86

State Grants - Mayor authorized to apply for and execute grants from this government for Airport Improvements. 91

Sedans - Bids awarded to Mathews Motors, Inc. for ten (10) cars for the Inspection Div. 97

Statement - By Mayor Ochsenreiter relative to Civic Center Promotional efforts and seat surcharge. 102

Surcharge - Statement by Mayor Ochsenreiter relative to this charge. 102

Shiloh School - Residents of South Asheville petition Council for the acquisition of this school for use as a Community Center for this area. 104

Sardis Road - Encroachment agreement with the N. C. State Board of Transportation for a water line on this road (3430). 107

Sand Hill Road - Encroachment agreement with the N. C. State Board of Transportation for a water line on this road (3412). 107

School Guard - Eugene Rankin PTA petition Council for guard at the Hanover and Steward Street Intersection. 108

Summons, Civil - Presented to Council by City Manager relative to Ray Sellers' claim against the City. 109

Statement - Vice Mayor Horton relative to Downtown District cleanup of public drinking, prostitutes, etc. 109

Stevens Hill Road - Mr. David H. Canter request Council's help in cleaning up neighbor's yard where he brings trash in and causes rats. 109

Stevens, Mr. Francis - Mr. David H. Canter request Council's help in cleaning up this man's yard of trash which he brings home and is causing rats. 109

Sturgill, Mr. Virgil L. - Complaint relative to dog control in the Montford area. 110

Smith, Nettie C. - Complaint relative to chickens at 23 Short Street. 110

Short Street - Complaint by Nettie C. Smith relative to chickens on this street. 110

Sewerage Problem - Complaint by Margaret Rice of 332 Pearson Drive relative to sewer line which is broken and approximately 10 to 15 feet from her back door. 111

Site Approval - Public hearing and Council denies approval on proposed Arrowhead Apts. 1

Sale - Council approves of this sale of parcels 60, 111, 122, and 144 in the East Riverside Urban Renewal.

Shuford, M. A. - Council approves of sale to this resident of parcel 122 in the East Riverside Urban Renewal Area for residential use. 4

Sulton, Jake - Council approves of sale to this resident of parcel 111 in the East Riverside Urban Renewal Area for residential uses. 4

State Road - Amboy Road number for this road changed from SR 3557 to SR 3556. Council passes on all three readings. 4

Space Mission Amusement Center- Discussions relative to the inspection by the Inspections Division - page 6; further discussions and complaints registered by owners of these - page 25; report by Inspections Division presented to Council - page 33; statement by Cioffari confuting points of report by Inspections Division - page 84; query by Councilman Rainey relative to the Inspections Division - page 25.

Site Approval - Public hearing and Council approves plans for proposed Western North Carolina Baptist Home to be located off Richmond Hill Road. 9

Stowe, George A. - Public hearing and first reading passed on this resident's request to rezone property on Leicester Highway - page 10; second reading - page 17; third reading - page 17.

Smith Bridge - Resolution relative to engineering services for water main crossing the French Broad River at this bridge. 13

Statement - By Councilman Michael relative to murders in the City. 13

Silver Street - Resolution calling for public hearing on closing this street; hearing date set - page 13; hearing held and resolution adopted closing this street - page 87

Sewer Line - Claim filed against the City by Moneyworth, Inc. for damages caused by this line at 46 Wake Robin Way. 16

Surcharge - Review of proposed charge at Civic Center. 22

Street Department - Asheville Steel Company awarded contract for roof over this building on Valley Street. 24

Sanitation Department - Asheville Steel Company awarded contract for roof over this building on Valley Street. 24

Site Plan - Approved by Council for the proposed expansion of Three Mountineers, Inc. 28

Simpson Street - Site Plan approved by Council for the proposed expansion of Three Mountaineers, Inc. on this street. 28

Southern Railway Company - Announcement by this Company that Fairview Road will be closed all day to traffic on August 30, 1976. 76

Surcharge - Further discussion of this proposed charge at Civic Center. 76

Stinnettee Uniform Company - Receives bids to provide uniforms for Police Department. 74

Street Department - Bid was awarded to [illegible] Salt Company for bulk rock salt for snow and ice control. 161

Stancil-Hoffman Corporation - Bid was awarded for one four channel dual recorder for the Fire Department. 162

Streets - Mr. E. R. McCarthy suggested the City of Asheville give authority to receive funds for the closing of streets and alleys. 163

Shiloh School - Petition presented by Virgil McConnell for the acquisition of this school. 164

Shiloh Community - Mr. Virgil McConnell presented a petition from this community for the acquisition of the Shiloh School. 164

Street Department - Bid was awarded to Arden Equipment Company, Inc. for one crawler tractor/dozer with heavy duty ripper for this department. 168

Sinclair, Ruth Wright - Claim received for damages for personal injury. 171

School - Leasing of Shiloh School property. 173

Shiloh School - Leasing of this property. 173

Sanitation Division - Bid awarded to Matthews Motor, Inc. for five refuse trucks for this division. 177

Subdivision - Approval of a final plat of Avondale Estates, off Bee Tree Road subdivision belonging to L.S. and M. Builders, Inc. 178

Subdivision - Approval of a final plat of a proposed subdivision belonging to Earl K. and Mable Cowan - off Avondale Road. 179

Statement - By Mayor relative to the Civic Center Flea Market. 181

Shiloh School - Lease Agreement with the Buncombe County Board of Education permitting the city to lease this school for a community and recreation center. 186

Senior Citizens - Bill of Rights for senior citizens as read by the Mayor requested by Mrs. Roy Rogers. 190

Swilling, Councilwoman - Advised that she is working on the dog control problem. 191

Southside Avenue - Public hearing held and resolution adopted to close this avenue. 194

Smith Street - Public hearing held and resolution adopted to close this street. 194

Shiloh School - Lease agreement with Buncombe County Board of Education permitting the City to lease the Shiloh School. 199

Substance Abuse Awareness Month - Proclamation - the month of December. 201

Shiloh School - Lease agreement with the Opportunity Corporation to permit the Opportunity Corporation to sub-lease the Shiloh School. 208

Sanitation - Bid - Two leaf machines for the Sanitation Division awarded to North Carolina Equipment. 120

Smith, Nettie C. - Complaint regarding chickens from Mrs. Smith of 23 Short Street. 123

Short Street - Complaint from Nettie C. Smith regarding chickens - 23 Short Street. 123

School - Petition Council for school guard at crossing at Eugene Rankin PTA. 123

Sturgill, Virgil L. - Complaint of roaming dogs in City. 124

Shiloh School - Letter sent to Buncombe County Board of Education requesting that the Mayor be allowed to discuss the acquisition of the Shiloh School Property at their meeting of October 9, 1976. 124

Secretaries - Legal - Proclamation pooclaiming October 14, 1976 as Day in Court for Legal Secretaries. 125

Summey, Ruth Snipes - Memorium 127

Sale of Parcels - Approval of sales of parcels in the East Riverside Urban Renewal Project NC R-48. 133

Sanitation Department - Claim recieved from Mr. Conley Gillespie for damages by garbage truck to electric facilities. 138

Supply Specialties, Inc. - Awarded for 100 traffic model fire hydrants for the Fire Department. 142

Supply Specialties, Inc. - Bid was awarded for copper tubing for use in the Water and Sewer Department. 142

Seeder/Turf Shaper - Bid was awarded to Porter Brothers, Inc. for one tractor-towed landscaping machine, seeder/turf shaper. 143

Southside Avenue - Resolution of intent to close portions of Bartlett St., Choctaw St., Southside Ave., Smith St., Owens Alley, Powell Alley, and 4 un-named alleys and calling a public hearing. 159

Smith Street - Resolution of intent to close portions of Bartlett St., Choctaw St., Southside Ave., Smith St., Owens Alley, Powell Alley, and 4 un-named alleys and calling a public hearing. 159

Street Department - Bid awarded to Southern Tank and Culvert Company, Inc. for galvanized corrugated steel culvert pipe for this department. 161

Southern Tank and Culvert Company, Inc. - Was awarded for galvanized corrugated steel culvert pipe for Street Department. 161

Salt - Bid was awarded to Morton Salt Company for bulk rock salt for snow and ice control for Street Department. 164

Snow - Bid was awarded to Morton Salt Company for bulk rock salt for snow and ice control for Street Department. 164

Smith, Thomas A. - Read petition relative to water problems in the Cedar Hill Road and Deaverview Mountain area. 323

Southern Railway Meeting - Relative to problems of the railroad crossing at Biltmore. 329

Storm Drain Problem - Report by Vice-Mayor Horton on the storm drain problem on the property of Thoms Cablevision. 335

Space - Mayor authorized to execute lease agreements for space in the Asheville Airport Terminal Building. 337

Spring Street - Resolution of intent to close alley and calling a public hearing requested by Seaborn Parks Foster of Spring Street - page 340; hearing and alley closed - page 400.

Streets - Joe Rotowitz of 51 Dillingham Road complained of his street condition and inadequate fire protection. 342

Schochet, S. M. - Claim received from this resident for water damage to the Bootery at 16 Patton Avenue; referred to Corporation Counsel. 352

Surplus Property - Resolution authorizing the Director of Finance to sell an old, inoperable and obsolete Rectigraph #2251 Copy Camera in the Divison of Inspections and Demolitions. 364

Sun Electric Corporation - Bids was awarded for one engine analyzer for Motor Transport Division. 368

Southern Tank & Culvert Company, Inc. - Bids awarded for galvanized corrugated stell pipe for Parks and Recreation Department. 368

Smith, W. Michael - Was commended for efforts in the pension bill. 371

Storm Drainage & Sub-surface Drainage Policy - Establishment of this policy for the City of Asheville and the property owners of the City of Asheville. 403

Southeastern Airport Managers' Association - Presentation of 1976 Air Safety Award to the Asheville Airport Personnel from this association. 410

Street Division - Bids were awarded to Apple Tree Chevrolet for a four-door sedan for this division. 439

Swilling, Councilwoman - Mr. Ed Todd of Land-of- Sky Regional Council appointed Mrs. Swilling as a member of the River Improvement Committee. 442

Snack Shop - Specifics of a lease agreement of a snack shop in the City Hall Building. 455

Section 701 - Contract with HUD for a grant under provisions of this Section of the Housing Act of 1954, as amended. 457

Smith, Graham - Date set for public hearing relative to rezoning property on Elm Street owned by this resident of Le Chateau Management - page 216; hearing and first reading - page 230; second reading - page 240; third reading - pages 251 and 256.

St. Dunstan's Road - Date set for hearing relative to rezoning property at the corner of this road and McDowell Street on property owned by Mr. James W. Moore - page 216; hearing and first reading - page 238; second reading - page 250; third reading - page 256.

Shiloh - Virgil McConnell questioned the progress of the investigation of the cost overrun in this public works project. 217

Sanders, Samuel E. - Presented an idea of the City erecting a marble angel in Pritchard Park in honor of Thomas Wolfe. 220

Stump Cutter - Bids awarded to Vermeer Carolina Sales and Service for one stump cutter for the Parks and Recreation Department. 224

Street Department - Bids awarded to Arden Equipment Company, Inc. for one diesel powered crawler tractor/loader with multipurpose bucket for this department. 225

Spivey Mountain Road - Report was given on this road's water problems by Mr. Bob Brown, Water & Sewer Maintenance Superintendent. 229

Sand Hill Road - Mayor authorized to execute right-of-way agreement with the N.C. Department of Transportation for the crossing of this road at Shelburne Road. 242

Shortage - Service would not be cut back for customers conserving electric power during the cold weather. 243

School Playgrounds - First reading of ordinance to include this project in Community Development - pg. 260; second reading - page 260; third reading - page 260.

Signs - Date set for hearing relative to amendment to revised Sign and Outdoor Advertisement Regulations and its one mile extra territorial jurisdiction - page 314; hearing and first reading - page 346; second reading - page 43?; third reading - page 62.

Swilling, Councilwoman - Statement relative to extraterritorial zoning jurisdiction. 284

Space - Postpone resolution regarding space in the Asheville Airport Terminal building because need more information on how the leases are negotiated, what the percentages are and whether or not other companies were given the opportunity to bid on the leases. 287

Senior Opportunity Center - Mrs. B. A. Culberson requests funds be appropriated for the purchase of a new van for this center. 308

Space - Postponed resolution regarding space in the Asheville Airport Terminal building. 314

Scott, Mr. and Mrs. Leroy - Claim received from Joseph A. Connolly, representing these people; referred to Corporation Counsel. 314

Senior Opportunity Center - Mrs. Roy Rogers requested a van for the Senior Opportunity Center. 318

Truck - Matthews Motors, Inc. received bid for two (2) pickup trucks for Traffic Engineer. 136

Traffic Engineering Division - Received bid for two (2) pickup trucks for this Division. 136

Tax - Discussion on proposed motel/hotel room tax by Lloyd Kirk. 137

Tubing - Bid awarded to Supply Specialties, Inc. for copper tubing for use in the Water and Sewer Department. 142

Transportation - Hearing held; City Manager authorized to authorize and endorse the filing of application for Mass Transit Funds. 157

Tow-Away Zones - Discussion relative to vaguely worded present ordinance. 176

Traffic - Discussion relative to vaguely worded present ordinance. 176

Trucks - Bid awarded to Matthews Motors, Inc. for five refuse trucks for the Sanitation Division. 177

Town and Country Mobile Home Park - Owner, Mrs. Reid, complained of the strict requirements of the plumbing inspectors on trailer parks in the one-mile perimeter. 183

Taxes - Vice-Mayor Horton requested that the City Clerk check with the Board of Tax Supervision on street closings and rezonings affecting property taxes. 189

Tobe, Maggie - Claim received by this resident and referred to the Corporation Counsel. 209

Taft Avenue - Transferring the unspent of this Community Development Project to Contingency I; first reading - page 222; second reading - page 223; third reading - page 223.

Traffic - Relative to amending this Code of Ordinances - first reading - page 233; second reading - page 241; third reading - page 252.

Transit Authority - Reappointed Arthur E. Eve, Jr. for a term of five years to the Asheville Transit Authority. 214

Tunnel Road - Mayor authorized to execute a right-of-way encroachment agreement with the N.C. Department of Transportation for a sewer line across U.S. 74 (South Tunnel Road). 215

Thomas Wolfe - Samuel E. Sanders presented an idea of the City erecting a marble angel in Pritchard Park in honor of Thomas Wolfe. 220

Tax - Boxing and Wrestling Commission presented Council with a check for tax collected from boxing and wrestling promoters. 220

Tractor - Bids awarded to Arden Equipment Company, Inc. for one diesel powered crawler tractor/loader with multipurpose bucket for the Street Department. 225

Toxaway Street (7) - Public hearing called to demolish house at this address - page 232; first reading - page 286; second reading - page 312; third reading - page 320.

Three Mountaineers, Inc.- Resolution of intent to assist this corporation in developing a new plant facility in the City and Buncombe County; to be located on Simpson St. (Effective upon similiar adoption of resolution by County) 5

Three Mountaineers, Inc.-Hearing date set on site plan. 7

Three Mountaineers, Inc. - Hearing held on site plan; Council approves. 28

Traffic Control Tower - Mayor authorized to execute supplemental agreement No. 3 to FAA Lease No. DOTFA71SO-6028 covering the ATCT/SFO Facility at the Airport, which will provide air conditioning to this tower. Ordinance adopted to amend operating budget to appropriate funds for the same. 71 71

Tables - Folding: Bids awarded to Talman's Office Supplies for 100 tables for the Civic Center. 73

Talman Office Supplies - Receives bid to provide 100 folding tables for the Civic Center. 73

Taylor, Mildred R. - Claim against the City relative to Street Dept. cutting trees on her property. 86

Traffic Ordinance - An Ordinance providing for fixed penalties for violation of certain traffic ordinance of the City of Asheville (Overtime parking, meter feeding) first reading - page 89; second reading tabled by Council - page 95; second reading - page 119 third reading - page 131.

Tomlinson, Mrs. Louise - Hearing date on this resident's request to rezone property located on North Liberty Street - page 92; hearing held and first reading - page 117; second reading - page 131; third reading - page 140.

Taylor and Murphy Construction Company, Inc. - Mayor authorized to sign contract with this company for the project known as the Monte Vista Booster Pump Station. 96

Truck - Bid for one (1) utility type truck for the Water Department awarded to Appletree Chevrolet, Inc. 98

Transportation Administration Grant -Urban: Public hearing set to submit application to this administration for the operation of the Asheville Bus System. 102

Tunnel Road - Announcement by W. F. Wolcott, Jr. that water service on this road will be interrupted on Friday, September 17, 1976 from 9 a.m. to 6 p.m. 105

Transportation, N. C. Dept. of - Enroachment agreement with this board for water line on SR 3430 (Sardis Road) and SR 3412 (Sand Hill Road). 107

Taxicabs - Petition presented to Council by John Cheesborough, Attorney for the taxicab association requesting an increase in fares. First reading on ordinance increasing these rates - page 119; second and third readings - page 132. 107

Tax - Mr. Lloyd Kirk - proposed hotel/motel room tax. 121

Truck - Bid - Appletree Chevrolet receives bid for one (1) pickup truck for the Civic Center. 136

Traffic - Petition relative to traffic problems on Beaucatcher Mountain via College Street. 236

Trulove, Joseph - Appointed to the Board of Directors of the Asheville-Buncombe Community Relations Council. 243

Town Mountain Road - Councilman Michael requested that the City Manager request the Department of Transportation to eliminate the curve at the bottom of N.C. 694 that was altered to make the open cut. 245

Thomas, Wade - Appointed to Asheville Area Civic Center Commission for a one year term beginning February 3, 1977. 282

Trammell, Richard - Appointed to Asheville Area Civic Center Commission for a two year term beginning February 3, 1977. 282

Traffic Lights - Complaint of these on Biltmore Avenue at the Plaza Theatre not being enforced. 285

Traffic Signals - Relative to complaint of these on Biltmore Avenue at the Plaza Theatre not being enforced - Some malfunction in the traffic signal due to the master mechanism. 308

Tow-Away Ordinance - Mr. McCarthy asked if any information has been obtained from other cities relative to the City's tow-away ordinance. 308

Truck - Bids awarded to Apple Tree Chevrolet for a van type truck for the Office of the City Engineer. 321

Thomas Wolfe Auditorium - Mrs. Dorothy Peeke would like the use of this auditorium for the N.C. Symphony Concert rent free. 324

Thoms Cablevision - Report by Vice-Mayor Horton on storm drainage problem located around the Cablevision property. 335

Thomas Wolfe Auditorium - Ms. Dorothy Peeke would like to use this auditorium for the N.C. Symphony Concert rent free. 335

Talbert & Cox Associates, Inc. - City Manager authorized to enter into contract for engineering services with with association for improvements to the Asheville Airport. 338

Tennessee Valley Authority - City Manager reported relative to executing a contract with them to conduct a flood insurance study. 352

Thoms Cablevision - Resolution supporting Thoms Cablevision in requesting that the FCC amend Section 76.54 of the FCC Regulations - tabled until language could be modified. 414

Thoms Cablevision - Resolution supporting Thoms Cablevision in requesting that the FCC amend Section 76.54 of the FCC Regulations - tabled until language could be modified. 433

Trucks - Bids awarded to Matthews Motors, Inc. for 9 pick-up trucks for the Water Maintenance Division. 439

Trucks - Bids awarded to Matthews Motors, Inc. and Carolina Truck & Body Company for trucks in the Water Maintenance Division. 439

Urban Renewal, East Riverside - Approval of Sale of Parcels 60, 111, 122, and 144 in this area (Project N.C.R-48). 4

Uniforms - Bids for these for the Police Department awarded to Stinnette Uniform Co. 74

U. S. Dept. of Commerce - Resolution authorizing application to this government dept. of the Economic Development Administration, for a grant under the provisions of Title I of the Public Works Employment Act of 1976. 100

Urban Mass Transportation Administration Grant - Hearing date set on applying for a grant under this administration for operation of the Asheville Bus System. 102

United States of America - Resolution authorizing, adopting, approving, accepting and ratifying the execution of grant agreement for project no. 6-37-0005-03 between the USA and the City of Asheville 123

United States of America - Resolution authorizing the Mayor to sign an agreement with the Housing Authority of Asheville and the USA for the purpose of closing out the Civic Redevelopment Project NC R-13. 133

Utility - Mayor authorized to execute supplemental municipal agreement with the N.C. Department of Transportation relative to utility relocations in connection with the I-40 Connector through Beaucatcher Mountain. 136

Uniforms - Bids awarded to Asheville Army Store for uniforms for the Asheville Fire Department. 367

Urban Mass Transportation Act - Contract with the Department of Transportation for a grant under this act. 455

Votes - Minutes amended of the 8/19/76 meeting to correct ballot taken at Aston Park Towers relative to housing for the elderly (Battery Park vs. Oteen site) 27

Vacant Lots - Councilman Rainey presents request for removal of weeds and litter from these lots throughout the City. 81

Vehicle - Resolution on grant with the USA for runway extension, MITL and HITL Lighting system, construction of FCR building, and acquisition of fire and crash rescue vehicle for the Asheville Airport. (Grant Execution) 124

Veterans Day - Proclamation - November 11, 1976 181

Valley Street - N.C. Department of Transportation will hold a public hearing relative to the proposed improvements on this street from Biltmore Avenue to Popular Street. 189

Veterinary Hospitals - Date set for public hearing relative to amending an ordinance to include these hospitals and clinics as allowable uses in the Commercial Highway District - page 216; hearing and first reading - page 231; second hearing - page 240; third reading - page 251.

Vermeer Carolina Sales and Service - Was awarded bids for one stump cutter for the Parks and Recreation Department. 224

Van - Mrs. B. A. Culberson requested that funds be appropriated for the purchase of a new van for the Senior Opportunity Center. 308

Van - Mrs. Roy Rogers requested purchasing a van for the Senior Opportunity Center. 318

Volunteers of the Year - Mrs. Tulula Rogers, Sister Mary Joseph and Mrs. Catherine McRea were nominated to represent WNC on the Governor's Committee for the Volunteers of the Year. 418

Volunteer Recognitation Week - The week of April 24-30, 1977 proclaimed as this week. 457

Water Line - Encroachment Agreement with the N. C. Department of Transportation for a water line on SR 3430 (Sardis Road) and SR 3412 (Sand Hill Road). 107

Water Cut-off - Statement by Councilman Michael relative to these. 110

Wilderness Shop - Michael Argo appeals to Council to clarify Section 18-7 of the Code so he can go ahead with plans for opening the Wilderness Shop which he plans to equip with firing range.

White Cane Safety Day - Proclamation proclaimed October 15, 1976 for this day. 138

Women's Business Week - Proclamation proclaimed October 17-23, 1976 as National Women's Business Week. 138

Water and Sewer Department - Bid was awarded to Supply Specialties, Inc. for copper tubing for use in this department. 142

Wilson, Mrs. Estie - Requested to rezone property on 15 Arlington St.; hearing scheduled - page 143; hearing and first reading - page 175; Failed on first reading - Ordinance No. 926.

Water Line - City Manager authorized to acquire a right-of-way easement from Nola O. Whitaker for a 24-inch water line on Aurora Drive. 161

Whitaker, Nola O. - City Manager authorized to acquire a right-of-way easement from this person for a 24-inch water line on Aurora Drive. 161

Wilson, Lillian - She complained about people parking on both sides of Short Michigan Avenue. 163

Williams, J. A. - Opposed the rezoning of property on Brevard Road and Dogwood Road with Mr. Al Williamson and Mr. Andy Reed. 167

Williamson, Al - Opposed the rezoning of property on Brevard Road and Dogwood Road with Mr. J. A. Williams and Mr. Andy Reed. 167

Wilson, Mrs. - Police Department was working on complaints received from this person and Mrs. Elrod from the last week's Council meeting. 172

Water - Allocation of water to serve the proposed Westinghouse Electric Company Plant in Limestone Township. 177

Westinghouse Electric Company Plant - Allocation of water to serve this Plant in Limestone Township. 177

Wilson, Mrs. - Report on complaints about dogs on Short Michigan Avenue from this resident and Mrs. Elrod. 180

William Randolph Elementary School - Council meeting held here at night. 200

West Asheville - Community Development boundaries extended to this area. 201

Westgate Corporation - Claimed received and referred to the Corporation Counsel. 201

Westwood Drive - Third reading on ordinance to rezone property located on this street. Council passes. 4

Winner, Eugene - Approval by Council for sale of Parcel 111, located off Bartlett St. in the East Riverside Urban Renewal Project N.C.R-48, for commercial use. 4

Western Food Systems - Hearing date set on this company's request to rezone property page 7; hearing and first reading - page 10; second reading - page 17; third reading 28

Western North Carolina Baptist Home - Hearing held on site plan for this; Council approves site plan. 9

Water Line - Mayor authorized to execute right-of-way encroachment agreement with the N. C. State Board of Transportation for this line crossing SR 2066 (Pinecroft Road). 11

Water Main - Engineering services approved by Council for construction of this main line crossing the French Broad River at Smith Bridge. 13

Wake Robin Way - 46: Claim filed against City by Moneyworth, Inc. for damages due to a sewer backing up at this address. 16

WNC Parking Lot Services - Receives bid for cleaning services to the New Parking Facility - page 20; ordinance adopted to appropriate funds for this service and amend operating budget for 1976-77 - Council passes on all readings - page 20.

Water Treatment Facilities - Mayor authorized to enter into agreement with the Carolina Power and Light Company for the supply of electricity to this facility at North Fork Dam. 24

Western Food Systems - Public hearing and first reading on ordinance to rezone property on this avenue - page 27; second reading - page 79; third reading - page 88.

Water Main Pipe - Lynchburg Foundry Company receives bid on a 6 months estimated requirement for this type of pipe. 73

Water System - City Manager authorized to acquire the Riceville Forest Water System. 75

Woman's Day - August 26, 1976 proclaimed as such. 75

Water Improvements - Mayor authorized to sign contract with Huntley Construction Co. and Taylor and Murphy Construction Co,, Inc. for these improvements on Oak Hill Road Riceville Road, Mann Road, and Haw Creek Road. 80

Weeds - Councilman Rainey presents list of requests for removal of weeds and litter from vacant lots throughout the City. 82

Water - Relative to 8-inch water line on Sardis Road; ordinance adopted and passed on all readings to amend the 1976-77 operating budget to appropriate funds for construction of these improvements on Sardis Road. 85

Water Department - Bids Awarded to Appletree Chevrolet, Inc. for one (1) four-door sedan and one (1) four-wheel drive utility type truck for this department. 98

Wood Avenue - Discussion on possible location of Arrowhead Apts. on this street. 103

Water Service - Announcement of interruption of this service in the Tunnel Road and Kenilworth area on Friday, September 17, 1976 from 9 a.m. to 6 p.m. 105

West Asheville Park - Establishment of a fair market value for a portion of property immediately adjacent to this park and authorizing the Director of Parks & Recreation to proceed with acquisition of said property. 410

Water Rates - Memos read relative to reviewing background for the need of a water rate increase. 434

Water Maintenance Division - Bids awarded to Matthews Motors, Inc. and Carolina Truck & Body Company for trucks for this division. 439

Walker, Drew - Gave a report relative to meter feeding. 442

Water Meters - Policy of bi-monthly billings of these. 454

Ward, Ernest J. - Resignation as City Manager. 225

Water Problems - Report given by Bob Brown, Water and Sewer Maintenance Supervisor, on these problems on Spivey Mountain Road. 229

Weather - Report given by W. Michael Smith on work conditions - cold weather has affected the City's operation in almost every area. 244

Weaver Street (9) - Mr. David Johnson of this address complained of high water bill which he could not pay due to income. 245

Water Bill - Mr. David Johnson of 9 Weaver Street complained of high water bill which he could not pay due to income. 245

Ward, Ernest J. - Mayor read resolution of appreciation to Mr. Ward. 256

Water Problems - Report by Robert E. Brown, Water and Sewer Superintendent, relative to frozen water lines. 260

Water and Sewer Department - Appointment of William DeBruhl as Utilities Coordinator for this department. 308

Water Problems - Progress report by City Manager relative to frozen water problems. 318

Water Problems - Petition from Residents of Maple Avenue in Candler relative to water problems. 321

Water Problems - Petition from residents, read by Mr. Thomas A. Smith, relative to water problems in the Cedar Hill Road/Deaverview Mountain area. 323

Water Problems - Relative to problems on Deaverview Road. 335

Water Problems - Petition from residents of Candler Knob Road off Deaverview Road relative to water problems. 340

Water Problem - Mrs. Coy Johnson, 26 Fourth Street, complained of no water due to frozen water lines. 342

Water Problem - Mr. Ron Harris, Justice Ridge Road complained of nothing done to improve water system on Justice Ridge Road. 342

Westinghouse Electric Plant - Mayor authorized to execute right-of-way agreement with the N.C. Department of Transportation for a water line on State Road 3521 and State Road 3522, for this plant in Skyland, NC 349

WNC Pilots Association, Inc. - Mrs. Amogene Norwood requested permission to conduct an air show the week-end of May 21-22, 1977. 363

Winner, Mrs. Linda C. - Was appointed as a member of the Asheville School Board for a term of 6 years. 404

Wallack Street - Public hearing set relative to intent to close this street. 404

Water Rates - Discussion relative to minimum water rates - waiving of rates not recommended. 405

YMCA Project Youth Outreach Program - Resolution authorizing the Mayor to sign an Attachment "C" Form for this program. 30

Youth Conservation Corp, N. C. - 1976-77 Operating budget amended to appropriate funds for this program - first reading on page 72; second reading - page 79; third reading 88

Youth Appreciation Week - Proclamation proclaimed the week of November 8-15, 1976 as Youth Appreciation Week. 173

Youth Project Using Mini-Bike Day - Proclamation - November 20, 1976. 189

Yarborough, Thomas A. - City Manager recognized this retired employee who worked 35½ years for the Street Department. 346

Youth Employment, Conservation and Environmental Education Program - Agreement with the Department of Interior and the Department of Agriculture for this program. 348

YWCA - The week of April 24-30, 1977 proclaimed as National YWCA Week. 457

Zones - Discussion on present ordinance governing tow away zones which are vaguely worded. 176

Zoning - Hearing set on rezoning request by Mrs. Louise Ray on property located on North Louisiana Avenue. 179

Zoning - Vice-Mayor Horton requested that the City Clerk check with the Board of Tax Supervision to determine whether the City is receiving full benefits of street closings and rezonings affecting property taxes. 189

Zoning - Date set for public hearing relative to rezoning property on Elm Street owned by Mr. Graham Smith of Le Chateau Management - page 216; hearing and first reading - page 230; second reading - page 240; third reading - pages 251 and 256.

Zoning - Date set for public hearing relative to amending an ordinance to include veterinary hospitals and clinics as allowable uses in the Commercial Highway District - page 216; hearing and first reading - page 231; second reading - page 240; third reading - page 251.

Zones - Relative to amending the Code of Ordinances - Traffic- first reading - page 233; second reading - page 241; third reading - page 252.

Zoning - Date set for public hearing relative to rezoning property at the corner of St. Dunstan's Road and McDowell Street on property owned by James W. Moore - page 216; hearing and first reading - page 238; second reading - page 250; third reading - page 256.

Zoning - Date set for hearing on rezoning property located on North Louisiana Avenue on property owned by Mrs. Louise Ray - page 179; hearing and first reading - pages 211, 220 and 250; second reading - page 255; third reading - page 287.

Zoning - Reporting of street closings and zoning changes to the Board of Tax Supervision. 227

Zoning - Date set for hearing relative to amendment to revised Sign and Outdoor Advertisement Regulations and its one mile extraterritorial jurisdiction - page 314; hearing and first reading - page 346; second reading - page 432; third reading - page 62.

Zoning - Councilwoman Swilling made a statement relative to extraterritorial zoning jurisdiction. 284

Zoning - Date set for public hearing relative to rezoning property on Haywood Street on property owned by Mr. Seaborn Foster - page 349; hearing and first reading - page 401; second reading - page 409; third reading - page 432.

Zoning - Third reading on ordinance to rezone property on Westwood Dr. & Leicester Hwy. 4

Zoning - Date set for hearing on rezoning request by Western Food Systems - page 7; hearing and first reading - page 27; second reading - page 79; third reading - page 88

Zoning - Hearing held on rezoning request by George A. Stowe, property located on Leicester Highway and Council passes on first reading - page 10; second reading - page 17; third reading - page 17.

Zoning - Hearing held on the rezoning request by Western Food Systems, Council passes on first reading - page 10; second reading - page 17; third reading - page 28.

Zoning - Hearing date set on County of Buncombe's request to rezone property located on Erwin Hills Road and Leicester Highway - page 92; hearing and first reading - page 118; second reading - page 131; third reading - page 140.

Zoning - Hearing date set on Mrs. Louise Tomlinson;s request to rezone property located on N. Liberty Street - page 92; hearing and first reading - page 117; second reading page 131; third reading - page 140.

Zuegner, Mr. H. H. - Appointed to serve on the Adult Advisory Board of the Asheville Buncombe County Youth Council. 7

Zoning - Public hearing set on request of R. Jack Ingram to rezone property on Brevard Road - page 103; minutes amended for 9/16/76 to change date of hearing - page 106 hearing continued - page ... ; hearing

Zoning - Public hearing held and first reading on this ordinance to rezone property on Dogwood Road as requested by R. Jack Ingram, and Brevard Road. 127

Zoo - Lease Agreement for the operation of a county-wide zoo facility. 136

Zoning - R. Jack Ingram requests Council to schedule a public hearing date on rezoning this road, page 138; public hearing and first reading - page 166; second reading failed on page 175.

Zoning - Public hearing and first reading - page 128; second reading - page 141; third reading - page 158.

Zoning - Request by Ms. Estie Wilson to rezone property on 15 Arlington Street; hearing scheduled - page 143; hearing and first reading - page 175; Failed on first reading - Ordinance 926 - page 175.

Zoning - Public hearing and first reading - page 128; second reading - page 141; third reading - page 158 on rezoning property in the Brevard Road area to Light Industrial District. 158

Zoning - Public hearing on rezoning of property on Brevard Road and Dogwood Road on property owned by R. Jack Ingram. 166

Zoning - Proposed amendment to present zoning ordinance (322) relative to Commercial Regional District; Hearing scheduled - page 173; hearing and first reading on ordinance - page 204; second reading - page - 212; third reading - page 220.

1. Width of driving lanes shown as twenty feet (20') should be twenty-four (24') feet minimum.

2. Water line from connection at Amboy Road to the second fire hydrant near building 1-5 should be upgraded from 6" line to 8" line.

3. Erosion control plan must be approved by the Land Quality Section, Department of Natural and Economic Resources.

4. The Metropolitan Sewerage District must approve the connection to existing sewer line south of Amboy Road.

Mr. Emrick said all these requirements have been agreed to by the developer.

He said in the opinion of the Commission the project would provide a higher concentration of low income housing in one particular area.

He said the Housing Authority had also recommended denial of the project for the same reasons eluded by the Planning and Zoning Commission. He said it was the Authority's policy, as well as the federal government, that no one particular area be used for low income housing but rather to spread them throughout the city.

J. C. Hall, Chief of Police, gave a report to Council of the increase in crime in the West Asheville area since 1972. He said he contributed the increase to the low income housing projects in the area.

Mr. Frank Jamison, President of Alco Properties, Inc., developers of the project, said their company had been involved in this project for the past fourteen months, or since the inception of HUD's Section 8 Subsidized Housing Program. He said HUD had approved the project in March, 1976 after going through the review process and determining that the project was in conformance with Asheville's Housing Assistance Plan.

He said bus service would be available to the tenants and if necessary the developers would place a security guard at the project to deter an increase in crime. He said he felt one of the main objectives to the project was the close proximity to Pisgah View Apartments. He presented a map of all housing projects in the Asheville area, showing that this project would not be concentrating low income housing in one particular area.

Mr. Jamison said the project would be owned by private partnership and financed through a FHA mortgage. He also commented that this project would generate a tax revenue in Asheville. He reviewed the rental rates of the units, stating that tenants would only pay 25% of their income to rent payments.

Mrs. Lucille Gunter, Mrs. Robert Sluder and Mrs. Conard all spoke in opposition to another low income housing project being constructed in the West Asheville area.

Mr. and Mrs. Elrod and Mrs. Wilma Webb stated that if the project was developed as proposed by the developers they would have no objection.

Mr. Charles Norman and Mr. E. R. McCarthy stated that the residents in West Asheville were extremely opposed to the construction of the project.

Thursday - August 5, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., Gene E. Rainey, J. W. Hoyle, Otis B. Michael, Corporation Counsel William C. Moore, Assistant City Manager William F. Wolcott, Jr., Acting City Clerk Carol Hensley.

Absent: City Manager Ernest J. Ward

1. Approval of the minutes of the July 29, 1976 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, the minutes of the July 29, 1976 meeting were approved as submitted.

PUBLIC HEARING - SITE PLAN - PROPOSED ARROWHEAD APARTMENTS

2. A public hearing was held relative to the site plan of the proposed Arrowhead Apartments to be located off Michigan Avenue near Amboy Road.

Mayor Ochsenreiter opened the public hearing at 3:03 o'clock p. m.

Verl Emrick reported that the Planning and Zoning Commission had reviewed the proposed site plan of the Arrowhead Apartments and recommended to Council that approval of the site plan be denied for the following reasons:

1. Project will cause a higher degree of concentration of low income housing in West Asheville than the remainder of the city.

2. It is in too close proximity to Pisgah View Apartments, a low income housing development.

3. It is isolated from shopping areas.

4. Streets are narrow and some do not have sidewalks.

5. It is too near the race track.

He said the proposed project will consist of 150 units (new construction) which will include 100 units for the elderly and 50 units for non-elderly families. The non-elderly units include 16 one-bedroom units, 24 two-bedroom units, and 10 three-bedroom units. The site is 13 acres in size and will include, in addition to housing units, an office and laundry facility.

Mr. Emrick said the property is zoned R-3 Medium Density Residential District and the maximum density permitted is 16 units per acre with the project providing 11.5 units per acre. The parking requirements are 150 spaces with the project providing 194 parking spaces.

He said the proposed project has been reviewed for compliance with Article 6 - Group Developments and most requirements of that section have been satisfied. Requirements that must be complied with before final review are as follows:

ORDINANCE NO. 900 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Leicester Highway and Westwood Drive)

4. Consideration was given to the third and final reading of Ordinance No. 900, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, rezoning property on Leicester Highway and Westwood Drive from CS Commercial Service District to R-3 Residential District.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 900 passed on third and final reading.

Complete text of Ordinance No. 900 will be found in Ordinance Book No. 7 at page 32.

APPROVAL OF THE SALE OF PARCELS 60, 111, 122, AND 144 - EAST RIVERSIDE URBAN RENEWAL PROJECT N. C. R-48

5. Consideration was given to approval of the sale of Parcels 60, 111, 122, and 144 in the East Riverside Urban Renewal Project N. C. R-48.

Larry Holt, Deputy Executive Director of the Asheville Housing Authority, said Parcel 60, located on Asheland Avneue would be sold to Eugene Winner for the amount of $63,000 to be used for Commercial purposes; Parcel 111, located off Bartlett Street would be sold to Jake Sulton for the amount of $725.00 for a residential use; Parcel 122, located on Ora Street, would be sold to M. A. Shuford and H. T. Atkins for the amount of $1,588.00 for a residential use; and Parcel 144, located at the corner of Choctaw and McDowell Street, would be sold to Hines, Hines, and Tate for the amount of $35,000, to be used for Office and Institutional use. He said the Housing Authority has recommended approval of these sales.

Councilwoman Swilling moved for the approval of the sale of Parcels 60, 111, 122 and 144 as recommended by the Housing Authority. This motion was seconded by Vice-Mayor Horton and carried unanimously.

ORDINANCE NO. 903 - AN ORDINANCE AMENDING SECTION 28-83 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

6. Consideration was given to an ordinance amending Section 28-83 of the Code of Ordinances of the City of Asheville.

The Corporation Counsel read the ordinance.

The Assistant City Manager explained that this ordinance would only change Amboy Road's State Road number from SR 3557 to SR 3556.

Councilman Morris moved for the adoption of the ordinance. This motion was seconded by Councilman Michael.

Mr. Bill Moore, of Moore-Robinson Associates, Architects, for Alco Properties, Inc., commented on the project saying that all requirements for the project had been complied with and encouraged Council's approval of the project.

Mayor Ochsenreiter closed the public hearing at 4:35 o'clock p. m.

Vice-Mayor Horton stated that he would be opposed to the approval of the project due to its close proximity to the largest housing project in the City of Asheville, being Pisgah View Apartments.

Councilman Michael said he felt Council should acknowledge the recommendations made by the Planning and Zoning Commission and the Housing Authority.

Councilwoman Swilling said she had received many comments in opposition to the proposed project.

Not receiving a motion for approval, Mayor Ochsenreiter ruled that approval of the project was denied.

PUBLIC HEARING - DEMOLITION OF 80 CLINGMAN AVENUE, 126 HIGGINS ALLEY, 9 MOUNTAIN STREET AND 78 ROBINDALE AVENUE

ORDINANCE NO. 902 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 80 CLINGMAN AVENUE, 126 HIGGINS PLACE, 9 MOUNTAIN STREET, AND 78 ROBINDALE AVENUE

3. A public hearing was held relative to the adoption of an ordinance directing the Housing Officer to proceed with the demolition and removal of 80 Clingman Avenue, 126 Higgins Place, 9 Mountain Street and 78 Robindale Avenue.

Mayor Ochsenreiter opened the public hearing at 4:40 o'clock p. m.

The Assistant City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

J. E. Johnson, Director of Inspections, stated that an inspection was made of each of the premises this date and no repair work had been started on any of the dwellings. He presented photographs of each of the dwellings to be demolished. He said due process of law had been completed on each location.

Mayor Ochsenreiter closed the public hearing at 4:45 o'clock p. m.

The Corporation Counsel read the ordinance directing the Housing Officer to proceed with the demolition and removal of 80 Clingman Avenue, 126 Higgins Place, 9 Mountain Street and 78 Robindale Avenue.

Councilman Rainey moved for the adoption of the ordinance. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 6-0, Ordinance No. 902 passed on first reading.

Vice-Mayor Horton, a member of the Audit Selection Committee, said the Committee had met and after hearing the reasons behind the selection of A. M. Pullen and Company, the Audit Selection Committee is in abeyance with the staff recommendation.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, Resolution No. 76-121 was adopted with Councilman Michael voting "no".

Complete text of Resolution No. 76-121 will be found in Resolution Book No. 9 at page 98.

AMUSEMENT ARCADES - DISCUSSION - SPACE MISSION AND PINBALL WIZARD

Nicholas Peterson, co-owner of the Space Mission Amusement arcade on Merrimon Avenue, appeared before Council to protest what he felt was unfair treatment of his business by the city's Inspection Division. Referring to a state law requiring that rest rooms be equipped for use by paraplegics, Mr. Peterson, said he had received a letter dated June 17, 1976 from Gary R. Lance, Building Inspection Supervisor, in which he was told to "cease and desist operation, immediately" until the rest room requirements were met. He said his establishment has four rest rooms, while the Pinball Wizard, a competitor, has only one rest room which must be used by both men and women. He alleged that the Pinball Wizard obtained a business license prior to inspection. He said he felt this was unequal treatment. He said he felt the Pinball Wizard should be ordered to close or be forced to put in the required restrooms. He also alleged that his business had been over-inspected by the Inspection Division.

J. E. Johnson, Director of Building Inspections, said Mr. Peterson was treated fairly, explaining that both businesses were given the same order and both operated without a license while they try to comply with the order.

Ken Michalove, Assistant City Manager, said he had given members of Council a report on this matter, concluding a month long investigation into alleged irregularities in the building inspection and business licensing departments, and had found that city employees were "carrying out their responsibilities in a fair and impartial manner", however he had recommended procedures for strengthening the inspection and licensing system. He expressed willingness to look into any charges of unfair and impartial treatment; however,on occasions when inspectors have been alleged to have favored a business, specifics could not be obtained and he could not follow up vague accusations.

Councilman Rainey expressed concern that there is serious doubt in his mind about the impartiality and fairness in the Inspection Division. He said he did not feel that this was an isolated instance and suggested that an item be placed on the agenda for the next Council meeting to air out the problem and to have a report on the status of the Pinball Wizard.

Councilwoman Swilling also questioned the impartiality shown in the Inspection Division.

It was the consensus of Council to discuss the matter informally with members of the staff and hear additional reports before placing the item on the published agenda.

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On a roll call vote of 6-0, Ordinance No. 903 was passed on its first reading.

Vice-Mayor Horton moved to suspend the rules and proceed to the second reading of Ordinance No. 903. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 903 passed on its second reading.

Vice-Mayor Horton again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 903. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 903 passed on its third and final reading.

Complete text of Ordinance No. 903 will be found in Ordinance Book No. 7 at page 37.

RESOLUTION NO. 76-120 - RESOLUTION OF INTENT TO ASSIST THREE MOUNTAINEERS, INCORPORATED IN DEVELOPING A NEW PLANT FACILITY IN THE CITY OF ASHEVILLE AND BUNCOMBE COUNTY

7. Consideration was given to a resolution of intent to assist Three Mountaineers, Incorporated in developing a new plant facility in the City of Asheville and Buncombe County.

The Assistant City Manager read the resolution and explained that this resolution would express the intent of Council to financially assist in the relocation of a major sewer line which crosses the proposed construction site of Three Mountaineers, Inc. at Koon Development, provided they construct or locate a plant at said site. He said the Three Mountaineers Company shall be responsible for those services and costs detailed in a letter from Mr. Hollis Sprinkle to William Wolcott dated July 28, 1976. He said the City of Asheville and County of Buncombe shall each pay 45% of the contract cost for relocating the sewer line, with the understanding that neither governmental unit shall be obligated to an amount exceeding $20,000. He said this resolution would be effective upon passage of a similiar resolution by the Board of Commissioners for the County of Buncombe.

Upon motion of Councilman Michael, seconded by Councilman Hoyle, Resolution No. 76-120 was unanimously adopted.

Complete text of Resolution No. 76-120 will be found in Resolution Book No. 9 at page 97.

RESOLUTION NO. 76-121 - RESOLUTION REGARDING LIVINGSTON STREET NEIGHBORHOOD FACILITY AUDIT CONTRACT

8. Consideration was given to a resolution regarding Livingston Street Neighborhood Facility Audit Contract.

The Assistant City Manager read the resolution and explained that Council had considered this resolution during the meeting on July 29, 1976 but took no action until the Audit Selection Committee had an opportunity to meet to discuss the possibility of awarding auditing contracts to various firms in the City of Asheville rather than to the firm of A. M. Pullen Company, the present city auditor.

The downtown of Asheville cannot be restored until our city council, and city officials decide to first clean our town of the refuse in our streets daily. Other towns have accomplished this and now are restoring their business area in their downtown area. As long as this type of confusion remains, it is unlikely that any new business establishments would seek location in the downtown area.

The Asheville Police Department cannot be faulted with such actions on our streets. They have repeatedly arrested these people only to find they have been released before their paperwork has been completed. The City of Asheville needs to follow-up on this action and make sure these laws and ordinances are enforced.

It might be well for the City officials and members of the city council to pose themselves as tourist one weekend and visit these streets, especially Lexington Avenue. That would be one way to find out if you as an interested business establishment would be interested in locating your business within these three busy streets.

WE THE MERCHANTS INVITE YOU ONE AND ALL !!!!!!!!!!!!!

The Merchants of Downtown Asheville

The petition contained approximately 21 signatures of business establishments in the downtown Asheville area.

Mayor Ochsenreiter referred the petition to the staff for investigation and recommendation.

COUNCIL MEMBERS INVITED TO PLAYGROUND FINALE

Mayor Ochsenreiter read an invitation to members of Council to attend the playground finale at Hall Fletcher School on Thursday, August 5, 1976 at 7:00 o'clock p. m. He said this would end this playground summer season for the Parks and Recreation Department.

Adjournment.

MAYOR

CITY CLERK

7

RESOLUTION NO. 76-122 - RESOLUTION APPOINTING MEMBERS TO THE ADULT ADVISORY BOARD OF THE ASHEVILLE BUNCOMBE COUNTY YOUTH COUNCIL

Consideration was given to a resolution appointing Rev. Bud Holland, Mrs. Elizabeth Eubanks, Mrs. Catheryn Kinser, Rev. Dicks McKell, Mr. Mike Moser, and Mr. H. H. Zuegner to the Adult Advisory Board of the Asheville Buncombe County Youth Council.

The Assistant City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Swilling, Resolution No. 76-122 was unanimously adopted.

Complete text of Resolution No. 76-122 will be found in Resolution Book No. 9 at page 99.

GROUP DEVELOPMENT - THREE MOUNTAINEERS, INC. - PUBLIC HEARING SET

The Assistant City Manager read a letter from the Planning and Zoning Commission which recommended approval of the site plan of the proposed expansion of Three Mountaineers, Inc. located on Simpson Street, subject to the following conditions:

1) Compliance with the City of Asheville's Erosion Control Ordinance; and

2) That the developer work closely with the City of Asheville relative to the relocation of the existing sewer line as shown on the site plan.

Councilman Morris moved to schedule a public hearing on the matter for August 26, 1976. This motion was seconded by Councilman Michael and carried unanimously.

REZONING REQUEST - WESTERN FOOD SYSTEMS - WAYNE EDWARDS - WARD 5, SHEET 19, LOT 137-1/4

The Assistant City Manager read a letter from the Planning and Zoning Commission which recommended the approval of the rezoning request to rezone Ward 5, Sheet 19, Lot 137-1/4 from R-3 Residential District to CH Commercial Highway District.

Councilman Hoyle moved to schedule a public hearing on the matter for August 26, 1976. This motion was seconded by Councilman Michael and carried unanimously.

PETITION - DOWNTOWN ASHEVILLE MERCHANTS - CLEANING UP OF BROADWAY, COLLEGE, AND LEXINGTON AVENUE

The Assistant City Manager read the following petition:

"We the downtown Asheville Merchants are concerned as to the difficulties we are having around the Broadway, College, and Lexington Avenue block. The bulk of the city trade is now centered within these streets. We the merchants are naturally concerned about our business future in the downtown area if the present situation is not cleared out. That situation being mainly the Bars located in these areas. This presents problems such as winos constantly on the sidewalks, public display of drinking alcoholic beverages on the street, and women on the street so bold as to approach men while in their cars in traffic.

ORDINANCE NO. 904 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED
PUBLIC HEARING - REZONING - GREENHILL AVENUE - WESTERN FOOD SYSTEMS

3. A public hearing was held relative to the rezoning of property on Greenhill Avenue from R-3 Residential District to CH Commercial Highway District, owned by Western Food Systems.

Mayor Ochsenreiter opened the public hearing at 3:17 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, reported that the Planning and Zoning Commission recommended that the rezoning request be approved for the following reasons:

1. Access to adjoining residential streets will be prohibited by deed restriction therefore the usage will not increase the traffic flow in the neighborhood.

2. Land use trends indicate an increasing commercialization of the area, which make this parcel inadequate for future residential usages.

By the use of a map, Mr. Emrick reviewed the location of the proposed rezoning. He said no opposition to the request had been received.

Mayor Ochsenreiter closed the public hearing at 3:25 o'clock p. m.

The City Manager read the ordinance rezoning the property as petitioned.

Councilman Morris moved for the adoption of the ordinance. This motion was seconded by Councilman Michael.

On a roll call vote of 6-0, Ordinance No. 904 passed on first reading.

PUBLIC HEARING - REZONING - LEICESTER HIGHWAY - GEORGE A. STOWE

ORDINANCE NO. 905 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

4. A public hearing was held relative to the rezoning of property on Leicester Highway from R-3 Residential District to CS Commercial Service District, owned by George A. Stowe.

Mayor Ochsenreiter opened the public hearing at 3:26 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, reported that the Planning and Zoning Commission recommended that the property be zoned as requested for the following reasons:

Thursday - August 12, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., Gene E. Rainey, J. W. Hoyle, Otis B. Michael, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the August 5, 1976 meeting.

Upon motion of Councilman Michael, seconded by Councilman Hoyle, the minutes of the August 5, 1976 meeting were approved as submitted.

PUBLIC HEARING - SITE PLAN - WESTERN NORTH CAROLINA BAPTIST HOME

2. A public hearing was held relative to the site plan of the proposed Western North Carolina Baptist Home to be located off Richmond Hill Drive.

Mayor Ochsenreiter opened the public hearing at 3:05 o'clock p. m.

Verl Emrick reported that the Planning and Zoning Commission had reviewed the proposed site plan of the Western North Carolina Baptist Home and recommended to Council that the site plan be approved subject to the following:

1) Compliance with recommendations of Water and Sewer Department.

2) Driving lanes to be upgraded to a minimum pavement width of 24'.

3) Compliance with the City of Asheville's Erosion Control Ordinance.

Mr. Emrick said the developers have indicated their compliance with the conditions.

By the use of a map, Mr. Emrick reviewed the location of the Baptist Home.

Mr. Emrick said approximately 80 notices were mailed out to the residents surrounding the proposed Baptist Home, notifying them of the public hearing.

He said the Water and Sewer Department has recommended that an 8" line be installed to serve this area and the developer has agreed to supplying the 8" line.

Council questioned the needed improvements to Pearson Bridge Road, leading up the proposed Baptist Home. It was the consensus to have a letter sent to the N. C. Department of Transportation emphasizing the need for improvements on Pearson Bridge Road.

Mayor Ochsenreiter closed the public hearing at 3:16 o'clock p. m.

Vice-Mayor Horton moved to approve the site plan of the proposed Western North Carolina Baptist Home to be located off Richmond Hill Road. This motion was seconded by Councilman Hoyle and carried unanimously.

Don Walsh, of the Water and Sewer Services, said this two inch line would serve a small section of a subdivision known as the Forest Subdivision. He said the construction of the line would be done by the developer at no cost to the City.

Several Council members questioned the feasibility of installing a two inch line to a subdivision. It was their feeling that a larger line should be installed to eliminate future water pressure problems.

Bill Edens, City Engineer, said the 2" line would provide good water pressure and adequate volume, but would not be adequate for fire protection. He said the residents do not have fire protection at this time but are dependent upon the volunteer fire departments.

Councilman Rainey said it was his understanding that a proposed moratorium on building was placed on the Forest Subdivision area due to the inadequacy of the sewer lines.

Mr. Wolcott, Assistant City Manager and Acting Water and Sewer Director, said a meeting was scheduled for next week with the Health Department in an effort to have the problem of sewer lines solved.

After discussion, Councilman Michael moved for the adoption of Resolution No. 76-123. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Complete text of Resolution No. 76-123 will be found in Resolution Book No. 9 at page 100.

RESOLUTION NO. 76-124 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE EASEMENT IN FAVOR OF THE CAROLINA POWER AND LIGHT COMPANY (Hiawassee Street and Rankin Avenue)

7. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute easement in favor of the Carolina Power and Light Company.

The City Manager read the resolution and explained that this easement was on property belonging to the City of Asheville located on Hiawassee Street on the North, Rankin Avenue on the East and Flint Street on the west and was for the purpose of relocating an electric power line.

Upon motion of Councilman Morris, seconded by Vice-Mayor Horton, Resolution No. 76-124 was unanimously adopted.

Complete text of Resolution No. 76-124 will be found in Resolution Book No. 9 at page 101.

STATUS REPORT ON POLICE COMMUNITY RELATIONS

8. Sam Graves, of the Personnel Division, presented members of Council with a report on the agreement between the staff of the City of Asheville and the Citizens Coalition. He said this report is a result of a mediation process that began in March, 1976. He said the report was in two sections, one outlines the agreement which sets forth eight (8) measures to be taken by the City's administrative staff to improve conditions in the police and fire departments. The second part is primarily the activities that have been accomplished by the City staff to date, in implementing some of the items agreed upon. He said the measures deal with administration and public relations activities.

1. The zoning change would eventually accomodate a retail shopping complex, which the residents of this area do not presently have.

2. The rezoning will provide adequate area for larger and more stable types of commercial enterprises.

3. It is the staff's opinion that the character of the neighborhood would not be adversly affected by the proposed change.

By the use of a map, Mr. Emrick reviewed the location of the proposed rezoning. He said no opposition to the change had been received.

Councilman Rainey commented that he felt the City Council should not zone property beyond the City Limits. He said zoning the one-mile perimeter in the beginning was a mistake.

Mr. Emrick reviewed the background of the city's zoning jurisdiction in the one-mile perimeter.

Bill Clendenin, agent for George A. Stowe, spoke in support of the rezoning request.

Mayor Ochsenreiter closed the public hearing at 3:47 o'clock p. m.

The City Manager read the ordinance rezoning the property as requested.

Councilman Rainey moved for the adoption of Ordinance No. 905. This motion was seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 905 passed on first reading.

ORDINANCE NO. 902 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 80 CLINGMAN AVENUE, 126 HIGGINS PLACE, 9 MOUNTAIN STREET AND 78 ROBINDALE AVENUE

5. Consideration was given to the second reading of Ordinance No. 902, an ordinance directing the Housing Officer to demolish those dwelling houses known as 80 Clingman Avenue, 126 Higgins Place, 9 Mountain Street, and 78 Robindale Avenue.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 902 passed on its second reading.

RESOLUTION NO. 76-123 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR A WATER LINE CROSSING STATE ROAD 2066 (PINECROFT ROAD)

6. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina State Board of Transportation for a water line crossing State Road 2066 (Pinecroft Road).

The City Manager read the resolution.

Mr. Jones said he had also talked with the members of the Senior Opportunity Center and it was their recommendation that if both sites could not be approved for Elderly Housing Projects, their preference would be the Oteen VA site.

Mr. Carl Johnson, spokeman for the "Residents' Council" said after visiting both sites it was the Council's desire to prefer the Oteen VA site. He said one of the main objectives of the Battery Park Hotel site was the inadequacy of parking facilities. He said the Oteen site provided garden areas, recreational facilities, shaded areas, benches, free shuttle buses, as well as parking facilities.

Councilman Rainey suggested that the "Residents' Council" also tour the Battery Park Hotel site, with a representative of the developer to obtain a fairer report on the matter. Mr. Jones agreed to meet with the Council and a representative of the Battery Park Hotel.

Councilman Morris suggested that the matter be placed on the public agenda for consideration by Council at the next Council meeting. He said he felt this Council had an obligation to make a decision on the preference of the two projects.

Corporation Counsel Moore said a legal problem had come up relative to the tax status of the two projects. He said letters are in the process of being forwarded to the Board of Tax Supervision to make a determination as to whether the two projects would or would not be tax exempt. He said this factor would be of importance to the City of Asheville. He said this information could probably be obtained before next weeks meeting.

Mr. E. R. McCarthy said the nationwide surveys indicate that elderly people prefer to be downtown in the mainstream of life.

Donald M. Blackwell, owner of the Battery Park Hotel, presented members of Council with a letter from the proposed developers of the project, which offered three possible solutions to the parking problems at the Battery Park Hotel. The solutions were on-street parking, if Council would allow it, leased spaces from the owner of a nearby parking lot; or leased spaces in the City's new downtown parking garage. He said he would also be willing to meet with the "Residents' Council" to tour the facility.

At the request of Councilman Michael, Mr. Jones and Mr. Johnson agreed to circulate a preference petition among the elderly residents to determine which project they would prefer.

STATUS REPORT ON CARROLL AVENUE BRIDGE

The City Manager said the State Highway Commission originally included the Valley Street area in their Seven Year Plan, however Council did not wish to wait on the replacement of the Carroll Avenue Bridge. He said as soon as the right-of-way problems are solved in the area the plans would be revised to replace the bridge and this project would be given the highest priority. He said he would have a further report to Council on the matter within two weeks.

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RESOLUTION NO. 76-125 - RESOLUTION OF INTENT TO CLOSE PORTIONS OF BLANTON STREET, DEWITT STREET AND SOUTH GROVE STREET AND ALL OF SILVER STREET AND FIVE (5) UNNAMED ALLEYS AND CALLING A PUBLIC HEARING ON THE QUESTION

9. Consideration was given to a resolution of intent to close portions of Blanton Street, Dewitt Street and South Grove Street and all of Silver Street and five (5) unnamed alleys and calling a public hearing on the question.

The Corporation Counsel read the resolution.

Councilman Morris moved for the adoption of Resolution No. 76-125, scheduling the public hearing for September 9, 1976. This motion was seconded by Councilman Michael and carried unanimously.

Complete text of Resolution No. 76-125 will be found in Resolution Book No. 9 at page 102.

RESOLUTION NO. 76-126 - RESOLUTION IN REGARDS TO ENGINEERING SERVICES FOR WATER MAIN CROSSING FRENCH BROAD RIVER AT SMITH BRIDGE

10. Consideration was given to a resolution in regards to engineering services for water main crossing French Broad River at Smith Bridge.

The City Manager read the resolution.

Bill Edens, City Engineer, said Phase III of the City's Water Quality Improvement Program envisions a subaqueous crossing of the French Broad River upstream from the Smith Bridge, replacing an existing line currently laid on the deck of Smith Bridge. Engineering design for this crossing requires the services of engineers specialized in exploring underwater foundations. He said this resolution would authorize the City Engineer to accept a proposal from Froehling and Robertson Inc. to provide the specialized engineering services required to examine the foundation and advise the City Engineer regarding the construction of this crossing.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, Resolution No. 76-126 was unanimously adopted.

Complete text of Resolution No. 76-126 will be found in Resolution Book No. 9 at page 110.

STATEMENT BY COUNCILMAN MICHAEL - RE: MURDERS IN THE CITY OF ASHEVILLE

Councilman Michael suggested that the Police Department be supported in the form of additional funds or manpower in an attempt to solve the three (3) murders occuring in the City of Asheville during the past week.

DISCUSSION ON SECTION 8 ELDERLY HOUSING PROJECTS - BATTERY PARK HOTEL AND OTEEN VA SITES

David Jones, Executive Director of the Asheville Housing Authority, said, as requested by City Council, a meeting was held with the "Residents' Council", composed of representatives of the various housing projects, to discuss the proposed Section 8 Elderly Housing Projects now under consideration. He said nine (9) members of the Residents' Council visited the Battery Park Hotel and the Oteen VA sites. He said the developer of the Oteen VA site toured the premises with the Council and reviewed in detail the proposed project.

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The petition contained approximately 131 signatures.

Councilman Rainey said he had received numerous complaints regarding this creek and had raised the question relative to the creek in December, 1975. He said he felt an engineering study on the creek needed to be done as soon as possible.

CLAIM - MONEYWORTH, INC. - DAMAGES

The City Manager presented a claim from Wesley Fleming Talman, Jr. on behalf of Moneyworth, Inc. for damages sustained by a backed-up city sewer at 46 Wake Robin Way.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - CURTIS JAMES

The City Manager presented a claim from Curtis James requesting reimbusement of $14.00 paid to Lyda's Truck Service and $13.68 for time lost from his job due to the Police Department towing away his car from in front of his house.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

BATTERY PARK HOTEL - SECTION 8 ELDERLY HOUSING

Mr. Audie Ellis said he would prefer that Council endorse the proposal of the Battery Park Hotel for an Elderly Housing Project. He said the elderly would have greater police and fire protection downtown.

Adjournment.

MAYOR

CITY CLERK

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PETITION - RESIDENTS OF NORTH ASHEVILLE COMMUNITY - CREEK HAZARD

The City Manager read the following petition received from residents of the North Asheville Community:

- Petition

To the Mayor of Asheville, The Honorable Eugene Ochsenreiter, Members of the City Council, and The Director of Parks and Recreation.

Whereas, the citizens of the community of North Asheville, a division of the City of Asheville, as witness by their signatures affixed hereto, herein petition the addressees, whose obligation it is to provide for the safety of such citizens, to eliminate a hazard to the health and safety of the children of said citizens by filling in, culverting, or otherwise covering over the creek that presently courses through W. T. Weaver Park.

1. Whereas, the creek is a breeding place for rats that are a hazard both for the danger of their bite and diseases known to be carried by them.

2. Whereas, bats have been discovered under the overhanging banks of the creek, and bats are carriers of hydrophobia.

3. Whereas, the creek is from time to time filled with broken glass, constituting a hazard to children who attempt to retrieve balls and other items inadvertently dropped, rolled or thrown therein.

4. Whereas, the latest of several injuries that have been caused by various protruding obstructions was extremely serious and required more than fifty stitches in the face of a child to close.

5. Whereas, the creek provides no useful service and is not desireable from an esthetic viewpoint.

For the reasons enumerated above, the aforementioned citizens demand that their elected representatives; the addressees of this petition, take immediate action in compliance with the provisions of this petition.

an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED rezoning property on Leicester Highway from R-3 Residential District to CS Commercial Service District.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 905 passed on second reading.

Councilman Rainey moved to suspend the rules and proceed to the third reading of Ordinance No. 905. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 905 passed on third and final reading.

Complete text of Ordinance No. 905 will be found in Ordinance Book No. 7 at page 40

SECTION 8 HOUSING PROPOSALS FOR THE BATTERY PARK HOTEL AND OTEEN VA SITES

Mr. David Jones, Executive Director of the Housing Authority for the City of Asheville, said he felt there had been a misunderstanding relative to the Housing Authority's role in the two Section 8 Housing Proposals. He said neither of the proposals are Housing Authority projects and the Authority would have limited involvement in the developments. He said whatever project is approved the Housing Authority pledges their support to the project.

Mr. Jones said at the request of the City Council, members of the Residents Organization met on several different occasions during the past week to meet with the developer of the Battery Park Hotel to review their proposals. He said at the conclusion of the tours and reviews, residents of the Altamont Apartments, Aston Park Towers and representatives of scattered sites voted on which proposal they felt would be best for the City of Asheville.

The results of the balloting were as follows:

Altamont Apartments

Battery Park Hotel		16
Oteen		11
	Total	27

Percentage: 59 in favor of Battery Park
41 in favor of Oteen

Aston Park Towers

Battery Park Hotel		1
Oteen		20
	Total	21

Percentage: 95 in favor of Battery Park Hotel
5 in favor of Oteen

Thursday - August 19, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Gene E. Rainey, J. W. Hoyle, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Ralph D. Morris, Jr. and Councilman Otis B. Michael

1. Approval of minutes of August 12, 1976 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, the minutes of the August 19, 1976 meeting were approved as submitted.

Councilwoman Swilling encouraged everyone to attend the four-day opening celebration of the High Country Crafters on Haywood Street. She said it was the Council's hope that this opening would begin to revitalize the downtown area.

ORDINANCE NO. 902 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 80 CLINGMAN AVENUE, 126 HIGGINS PLACE, 9 MOUNTAIN STREET, AND 78 ROBINDALE AVENUE

2. Consideration was given to the third reading of Ordinance No. 902, an ordinance directing the Housing Officer to demolish those dwelling houses known as 80 Clingman Avenue, 126 Higgins Place, 9 Mountain Street, and 78 Robindale Avenue.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 902 passed on its third and final reading.

Complete text of Ordinance No. 902 will be found in Ordinance Book No. 7 at page 34.

ORDINANCE NO. 904 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Property on Greenhill Avenue)

3. Consideration was given to the second reading of Ordinance No. 904, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended rezoning property on Greenhill Avenue from R-3 Residential District to CH Commercial Highway District.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 904 passed on its second reading.

ORDINANCE NO. 905 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Property on Leicester Highway)

4. Consideration was given to the second reading of Ordinance No. 905,

2. Allow public funds to be used to provide unfair competition for existing good quality units that are not subsidized. Units now being rented in the $100-$200 category (price range of equivalent units in the private sector) would be vacated because of the lower rental price to the tenants and free utilities.

3. Invite tenants to waste or use excessive quantities of utilities by not requiring them to pay for the amount they use. It seems incomprehensible that, at a time when the general public is being forced (because of scarcity and price) to reduce the amount of energy consumed, that there should be public subsidy of housing with no incentive to conserve energy. It seems reasonable that if a tenant wants an 80° apartment in the winter or a 70° apartment in the summer (with the windows partially opened) they should at least be required to pay the bill.

Mr. Carver said they would recommend that any new subsidized housing for retired persons in the Asheville-Buncombe County area have gross income to the owner limited to that of comparable non-subsidized units in this area. The developers of such complexes as the Meadows or Turtle Creek would probably be very interested in the business. He said they would also recommend that consideration be given to allowing retired persons eligible for subsidized rental units to move into private units on a subsidized basis. He said this would allow free competition to set the gross income to apartment owners.

Verl Emrick, Director of Planning, commented that Section 8 subsidies were offered to local developers, who had declined to submit proposals to HUD.

Don Blackwell, owner of the Battery Park Hotel, said that the profit the developers would make on the projects is a percentage set by HUD and he did not feel the developers would get high profits from the projects.

Perry Alexander, owner of the Oteen VA site, said Section 8 funds were set aside for elderly persons who can not afford the fair market rentals on the existing units.

After discussion, Vice-Mayor Horton suggested that Mr. Emrick obtain information on comparable units in the City of Asheville which are federally subsidized, particularly the Vanderbilt Apartments.

Mayor Ochsenreiter said this matter would be discussed by all members of Council during the Tuesday agenda meeting.

BIDS - SERVICE CONTRACT FOR CLEANING CIVIC CENTER PARKING GARAGE

ORDINANCE NO. 906 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1976-77

6. Consideration was given to bids received June 22, 1976 for service contract for cleaning Civic Center Parking Garage.

Votes cast by representatives of scattered sites

Battery Park Hotel	1
Oteen	19
	20

Percentage: 95 in favor of Battery Park Hotel
5 in favor of Oteen

A resident of the Vanderbilt Apartments said he felt the downtown location would be better for the elderly because of the easy walking distances to shopping, post offices and churches. He said he felt the rents for both developments were high due to the luxuries involved in the apartments.

Mr. Jess Ledbetter, President of the Asheville Board of Realtors, said the Board is concerned about several aspects of the recently proposed conversion of the Battery Park Hotel and former units of the Oteen Veterans Hospital into federally subsidized retirement apartments. Consequently, a special committee was appointed, consisting of the most highly qualified persons on the subject of property management in the Asheville area, A. G. Carver, Jr., and Lewis Clay. He said they were instructed to look into the matter and report to the Board.

A. G. Carver, Jr., referring to the proposed high rents for the elderly projects presented the following information as an example of existing apartments comparable to the proposed units:

	Units	Rental Price Range			Present Vacancies
Bear Creek Apartments	140	$148.50	to	$206.00	0
Meadows Apartments	176	170.00	to	230.00	0
Turtle Creek	208	165.00	to	275.00	35
Ridge Townhouses	125	175.00			0
Biltmore Gardens	114	120.00	to	225.00	0
Manor Ridge	120	170.00	to	240.00	0
Crowfields	2	400.00	to	500.00	0
Dunbar Apartments	112	103.50	to	123.50	0
Oak Knoll	180	93.00	to	115.00	6
Edgewood Knoll	168	140.00	to	165.00	2
West Terrace	88	115.00	to		0

He said the Asheville Board of Realtors is in favor of public promotion and reasonable subsidies to insure adequate housing for retired persons with modest means. However, they are concerned that the proposed units in the Battery Park Hotel and the former Oteen Hospital area would:

1. Allow public funds to be used to insure unreasonably high profits for the developers. We estimate the proposed rental income to the developers would be almost double that of equivalent private multi-family housing available in the Asheville Buncombe County area. The Meadows and Turtle Creek are probably the best and most recently constructed examples. A long standing rule of thumb for profitable investment versus rental price is that the rental income of a unit should be 1% per month of the value of the property, which (considering expenses) allows it to pay for itself in 10 years.

On a roll call vote of 4-0, Ordinance No. 906 passed on third and final reading.

Complete text of Ordinance No. 906 will be found in Ordinance Book No. 7 at page 41.

REVIEW OF CIVIC CENTER SURCHARGE

7. Mr. James Evans, Civic Center Manager, said in the past two months he had received much opposition to the proposed twenty-five cent facility surcharge for the Civic Center. He said many of the promoters who use our facilities have indicated a feeling that a surcharge would make promotions more difficult and some have stated that they would not return to Asheville or reduce the number of events they promote here. Among the promoters who have responded in this manner are Ringling Brothers Circus, Holiday on Ice, and Jim Crockett Promotions. He said he had personally discussed the surcharge with many other building managers and the consensus of opinion is that this is the worst possible thing that the City of Asheville could do and the possible adverse effects could be severe. He said the Civic Center has been open for only two years and the City is now attempting to build a successful operation. He said their objective is to bring as many events into the Center as possible and he felt that the surcharge will hamper our efforts greatly. He said a surcharge could possibly result in a loss of revenue that would match any revenues received from this additional fee. He therefore recommended and requested that the surcharge not be put into effect during the fiscal year.

Mr. Evans said dropping the surcharge will result in a deficit in the Civic Center budget of $57,000.00. He offered the following plan to make up for the deficit:

1. The Contract for the security in the Museum is under warranty for the first year and therefore we will not have to pay for this service until next year, resulting in a savings of $890.00.

2. Funds for a maintenance contract for an outdoor message center will not be needed until after the purchase warranty runs out. There is a total of $3,432.00 budgeted for this purpose.

3. Reduce janitorial supplies by $2,000.00. Inventory on hand at beginning of year will help us to handle this reduction.

4. Reduce purchases for resale by $10,000.00. Drink cup and popcorn cup inventory should last until end of year.

He said these cuts will bring about a total reduction in expenditures of $16,322.00. However, if these items are deleted from this year's budget our present concession and janitorial stock will be depleted by the end of the fiscal year and will require additional expenditures in next year's budget.

He said by deducting the above items from the budget it will leave us with a deficit of $40,678.00. He said he was of the opinion that this amount could be reflecting in additional revenues if the Civic Center promoted events on its own.

The City Manager read a memorandum from the Purchasing Agent which recommended the low bid submitted by WNC Parking Lot Services, alternate bid item #2,cleaning schedule three times per week, totaling $12,715.56 for one year.

Mike Smith, Director of Central Services, said the three times a week cleaning would be for all levels, stairwells, and elevators and the disposal of all debris. He said the low bidder had a demonstration of the machine which proved to be of a noise level which would be acceptable.

The City Manager said if the bids were approved a budget amendment, in the form of an ordinance, needed to be acted upon due to this item not being in the current budget. He said the funds would come from the Revenue Sharing Trust Fund.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, WNC Parking Lot Services, in the amount of $12,715.56 for one year. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

	Carolina Equipment Co.	Fletcher Industrial	WNC Parking Lot Services
Item #1 Clean Civic Center Garage Six (6) times per wk.	80.00 per cleaning 480.00 per week 24,960.00 - 52 wks.	97.50 per cleaning 585.00 per week 30,420.00 - 52 wks.	55.51 per cleaning 333.06 pr. wk. 17,319.12-52 weeks
Item #2 Alternate Same as above except clean Civic Center Garage Three (3) times per week	114.00 per cleaning 342.00 per week 17,784.00 - 52 wks.	137.50 per cleaning 412.50 per week 21,450.00 - 52 wks.	81.51 per cleaning 244.53 pr. wk. 12,715.56 - 52 wks.

ORDINANCE NO. 906 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1976-77

The City Manager read the ordinance appropriating funds for the service contract for cleaning the Civic Center Parking Garage.

Councilwoman Swilling moved for the adoption of the ordinance. This motion was seconded by Councilman Hoyle.

On a roll call vote of 4-0, Ordinance No. 906 passed on first reading.

Councilman Hoyle moved to suspend the rules and proceed to the second reading of Ordinance No. 906. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 906 passed on second reading.

Vice-Mayor Horton moved to suspend the rules and proceed to the third and final reading of Ordinance No. 906. This motion was seconded by Councilwoman Swilling and carried unanimously.

It was the consensus of Council to consider the matter further before acting upon the matter before the effective date of September 1, 1976.

RESOLUTION NO. 76-127 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH ASHEVILLE STEEL COMPANY FOR THE PROJECT KNOWN AS NEW ROOF ON STREET AND SANITATION GARAGE

8. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Asheville Steel Company for the project known as new roof on Street and Sanitation Garage.

The City Manager read the resolution

Upon motion of Councilman Hoyle, seconded by Councilman Rainey, Resolution No. 76-127 was unanimously adopted.

Complete text of Resolution No. 76-127 will be found in Resolution Book No. 9 at page 111.

RESOLUTION NO. 76-128 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CAROLINA POWER AND LIGHT COMPANY FOR THE SUPPLY OF ELECTRICITY TO THE WATER TREATMENT FACILITIES AT NORTH FORK DAM

9. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with the Carolina Power and Light Company for the supply of electricity to the Water Treatment Facilities at North Fork Dam.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Swilling, Resolution No. 76-128 was unanimously adopted.

Complete text of Resolution No. 76-128 will be found in Resolution Book No. 9 at page 112.

RESOLUTION NO. 76-129 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AMENDMENTS TO THE NORTH CAROLINA STATE BUILDING CODE, VOLUME I, GENERAL CONSTRUCTION, 1967 EDITION FOR EXISTING HIGH RISE BUILDINGS

10. Consideration was given to a resolution calling for a public hearing for the adoption of amendments to the North Carolina State Building Code, Volume I, General Construction, 1967 Edition for existing high rise buildings.

The City Manager read the resolution.

Vice-Mayor Horton moved for the adoption of the resolution, scheduling the public hearing for September 9, 1976. This motion was seconded by Councilman Rainey and carried unanimously.

Complete text of Resolution No. 76-129 will be found in Resolution Book No. 9 at page 113.

He said he had contacted booking agencies in this regard and there are shows available as early as September which could be purchased and promoted by the Civic Center. There are also shows available which can be co-promoted by the Center with no cash commitment necessary. In addition to buying shows the Civic Center could put on events on their own such as an indoor flea-market during the winter months, dances for teenagers, possibly a garden show or similar functions which would be revenue producing functions. The Center could also set up an in-house advertising agency for shows promoted by others.

He said he felt if handled properly $40,000.00 in net revenue could be derived from a combination of these ideas. Promotions by the Civic Center would range from a wide variety of entertainment and cost. Shows that would be suited for the Auditorium can be purchased from the $3,000.00 to $5,000.00 range and the Arena type shows would range from $10,000.00 to $20,000.00. General requirements call for a 50 percent advance payment for talent. It would be necessary to have some established funds to work with in order to undertake this endeaver. It would also require funds for an experienced person for promotion and production of Civic Center sponsored events. He said he was of the opinion that initially a qualified person could be hired on a part time basis and could be paid either a flat salary or a percentage.

He said if promotion by the Civic Center is approved he would recommend that the budget be amended for an expenditure of $30,000.00 with an anticipated revenue of $70,000.00. He said he felt that the Civic Center has tremendous potential in doing promotions on its own. However, this would be a new venture and should be carefully weighed with each promotion and determine its value.

Several Council members questioned whether or not promoters having previous contracts with the Civic Center could sue the City for attaching a surcharge after executing a contract.

Corporation Counsel Moore said this would not be within the scope of the contract and it would be up to the Courts to determine if the contract would be validated

Vice-Mayor Horton suggested that the Corporation Counsel give an opinion as to whether a previous contract would be valid if Council attached a surcharge.

Responding to questions from Council, Mr. Evans said Greenville and Fayetteville now have a surcharge in effect.

Vice-Mayor Horton said he would not be in favor of reducing inventory in the Civic Center. He said he would like to see the Civic Center pursue immediately in-house promoting of events.

Councilwoman Swilling said she would also like to see the Civic Center promote the ideas of the Civic Center manager.

Joe Miller, promoter, said he felt it would be good for the Civic Center to promote shows but also felt there would be some dissension on time periods for the same type of shows being promoted by the Civic Center and private promoters.

CARNIVAL APPROVAL - BRITTON AMUSEMENTS COMPANY - AUGUST 20 - AUGUST 23, 1976

The City Manager presented a request of Britton Amusements Company for approval for a carnival to be held August 20 - August 23 on Amboy Road. He said pursuant to the requirements of the Revenue Ordinance, Council must approve all carnivals in the City Limits. He said all licenses and regulations had been met by Britton Amusements Company.

Councilman Hoyle moved for the approval of the request of Britton Amusements Company to hold a carnival on Amboy Road on August 20 through August 23. This motion was seconded by Councilman Rainey and carried unanimously.

RALPH BISHOP - COMPLAINTS REGARDING LOTTERY SALES

Ralph Bishop appeared before Council complaining about lottery sales in the City of Asheville.

AMUSEMENT CENTER COMPLAINTS - SPACE MISSION - PINBALL WIZARD

Nick Peterson, owner of Space Mission Amusement Center, again appeared before Council to protest alledged harassment by city building inspectors. He asked that three questions be answered: 1) Why the Space Mission Amusement Center had to put in two additional restrooms which other identical businesses did not? 2) How the Space Mission differs from other recreation centers that went into business since the passage of the 1973 law requiring that public restrooms be equipped for use by the handicapped? Is Space Mission classified differently? 3) Whether all recreation centers in town are classified the same way in the State Code Books? He said his operation is classified as an assembly, while another is classified as a business.

Frank Cioffari, owner of the Pinball Wizard, said his business was reclassified and now is Group B Occupany Business and under this classification he does not need the handicapped restrooms. He said Space Mission is classified as Group E Assembly and should also be reclassified as Group B Business and that Space Mission should not have been required to put the handicapped restrooms in.

Mr. Cioffari also asked why the Inspection Department investigated his business after it had been in operation for 4-1/2 months?

Mayor Ochsenreiter advised that a complete report on the subject would be given at next week's Council meeting.

COUNCILMAN RAINEY - QUESTIONS RELATIVE TO INSPECTION DEPARTMENT

Councilman Rainey asked that the following questions be answered:

1) What percentage of the Inspection Department is paid by grants from the federal government?

2) What percentage of the Inspection Department's time is spent on jobs located within the one-mile area outside the City Limits?

Adjournment.

Eugene S. Ochsenreiter
MAYOR

William D. Roberts
CITY CLERK

By the use of a map, Mr. Emrick reviewed the location of the alley.

Mayor Ochsenreiter closed the public hearing at 3:08 o'clock p. m.

The Assistant City Manager read the ordinance rezoning the property as requested.

Councilman Rainey moved for the adoption of the ordinance. This motion was seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 907 passed on first reading.

PUBLIC HEARING - THREE MOUNTAINEERS, INC. - GROUP DEVELOPMENT SITE PLAN

3. A public hearing was held relative to the site plan of the proposed expansion of Three Mountaineers, Inc. located on Simpson Street.

Mayor Ochsenreiter opened the public hearing at 3:10 o'clock p. m.

The Assistant City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, advised that the Planning and Zoning Commission had recommended approval of the site plan subject to the following:

(1) Compliance with the City of Asheville's Erosion Control Ordinance; and

(2) That the developer work closely with the City of Asheville relative to the relocation of the existing sewer line as shown on the site plan.

Mr. Emrick said the Erosion Control plan was under review and by Resolution No. 76-120 the City agreed to assist with the relocation of the existing sewer line.

Mr. Emrick, by the use of a map, pointed out the location of the plant expansion site.

He said that since the plant was in the flood area, Three Mountaineers plan to build their floor area up to 2,011 ft., which is 2' above TVA's flood level.

Mayor Ochsenreiter closed the public hearing at 3:18 o'clock p. m.

Councilman Hoyle moved to approve the site plan of the Three Mountaineers expansion. This motion was seconded by Councilman Rainey and carried unanimously.

ORDINANCE NO. 904 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Property on Greenhill Avenue)

4. Consideration was given to the third reading of Ordinance No. 904, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" as amended rezoning property on Greenhill Avenue from R-3 Residential District to CH Commercial Highway District.

Thursday - August 26, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., Otis B. Michael, Gene E. Rainey, J. W. Hoyle, Corporation Counsel William C. Moore, Assistant City Manager William F. Wolcott, Jr., Acting City Clerk Carol Hensley.

Absent: City Manager Ernest J. Ward

1. Approval of minutes of August 19, 1976 meeting.

Councilman Michael moved to amend pages 18 and 19 of the minutes relative to the votes taken at Aston Park Towers and votes cast by representatives of scattered sites regarding Section 8 Housing Proposals for the Battery Park Hotel and Oteen VA sites, to read as follows:

Aston Park Towers

Battery Park Hotel	1
Oteen	20
Total	21

Percentage: 95 in favor of Oteen
5 in favor of Battery Park Hotel

Votes cast by representatives of scattered sites

Battery Park Hotel	1
Oteen	19
Total	20

Percentage: 95 in favor of Oteen
5 in favor of Battery Park Hotel

This motion was seconded by Councilwoman Swilling and carried unanimously.

Councilwoman Swilling then moved to approve the minutes of the August 19, 1976 meeting, as amended. This motion was seconded by Vice-Mayor Horton and carried unanimously.

PUBLIC HEARING - REZONING ALLEY OFF GREENHILL AVENUE - WESTERN FOOD SYSTEMS

2. A public hearing was held relative to rezoning alley off Greenhill Avenue, closed by City Council on July 29, 1976, from R-3 Residential District to CH Commercial Highway District.

Mayor Ochsenreiter opened the public hearing at 3:04 o'clock p. m.

The Assistant City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, advised that the Planning and Zoning Commission had recommended approval of rezoning Lot 137-1/2 (alley off Greenhill Avenue) from R-3 Residential District to Commercial Highway District in order for the developer to utilize the entire tract and meet the off-street parking requirements. Mr. Emrick said the developer, Mr. Wayne Edwards, President of Western Food Systems, has an option on the other property owner's interest in the alley.

Section or the applications will be returned and funding will be delayed. He said in signing the Attachment "C" form the City of Asheville agrees to make every effort to continue the project with local appropriate funds if the project meets the stated goals and objectives as outlined in the application for funds. He said the Attachment "C" form also states that the City of Asheville recognizes that LEAA funding is provided as seed money to create programs which otherwise might not be implemented; therefore, it understands its obligation to provide necessary local appropriations at the end of federal support. He said, in essence, the main consideration would be Council's intent to continue the Legal Advisor Program after LEAA funds have been exhausted. This is the final year of federal funding for this program. The current ratio being approximately 65% local share and 35% state and federal or $20,393.00- Local; $1,661.00 - State; and $11,172.00 - Federal; or a total of $33,226.00. The $33,226 is for a 14 month program from July 1, 1976 through August 31, 1977. Thus, annual costs to the City will be about $28,000, approximately $8,000 more than it is at present.

Myra Grant, Director of the Criminal Justice Program, said Council would be morally agreeing to continue the program after signing the Attachment "C" form. She said the funds could be cut out if the City did not sign the form.

Mr. Michalove explained that the Legal Advisor Program provides a full time attorney to the police department to assist the patrolmen and has proven to be successful.

Councilman Michael questioned whether or not the Police Department needed a full time attorney.

Councilwoman Swilling said many of the patrolmen have expressed their feelings of appreciation for the Legal Advisor at the Police Department. She said his services have proven to be very helpful to the patrolmen.

Chief J. C. Hall said the Legal Advisor has been very valuable to the Police Department and that the patrolmen were in constant contact with the Advisor. He said he knew of no city that had discontinued the Legal Advisor Program after its inception.

Councilman Rainey said it was his hope to have an in-house attorney during the next fiscal year to serve the Police Department as well as all other departments. He said perhaps this program could be incorporated into a Legal Division of the City during the next fiscal year.

After discussion, Councilman Michael moved for the adoption of Resolution No. 76-131. This motion was seconded by Councilwoman Swilling and carried unanimously.

Complete text of Resolution No. 76-131 will be found in Resolution Book No. 9 at page 115.

RESOLUTION NO. 76-132 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN ATTACHMENT "C" FORM FOR THE YMCA PROJECT YOUTH OUTREACH PROGRAM

7. Consideration was given to a resolution authorizing the Mayor to sign an Attachment "C" form for the YMCA Project Youth Outreach Program.

The Assistant City Manager read the resolution.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 904 passed on its third and final reading.

Complete text of Ordinance No. 904 will be found in Ordinance Book No. 7 at page 39.

RESOLUTION NO. 76-130 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH COMPUTER SYSTEM SERVICES, INC.

5. Consideration was given to a resolution authorizing the Mayor to sign a contract with Computer System Services, Inc.

The Assistant City Manager read the resolution.

Ken Michalove, Assistant City Manager, said it was his recommendation that the City contract with Computer System Services, Inc. a new company headed by a former city staff member, Mr. Glenn Gay. He said this contract would be effective from September 1, 1976 through June 30, 1977 and no budget increase would be necessary to effect this change. In fact, a savings will probably be recognized. He said until March 31, 1975 the City contracted with a firm from Atlanta for computer programming and equipment maintenance. The maintenance cost at that time was $21,000 annually. This was a reasonable price but the maintenance personnel had to come from Atlanta and we were experiencing a great deal of equipment down time. On April 3, 1975 the City [illegible] the contract with the Atlanta firm and hired Mr. Gay from the firm to be an in-house computer maintenance staff person. From the time this change was made the equipment has been virtually free of down time and Mr. Gay has done an excellent job. However, Mr. Gay has now decided to go into the computer maintenance business for himself. The price Mr. Gay has quoted is annually the same as it was in 1975 with the Atlanta firm, however, several new pieces of equipment have been added. This price is also several thousand dollars less than the price of maintenance would be from the major equipment manufacturer - Data General.

Upon motion of Councilwoman Swilling, seconded by Councilman Michael, Resolution No. 76-130 was unanimously adopted.

Complete text of Resolution No. 76-130 will be found in Resolution Book No. 9 at page 114.

RESOLUTION NO. 76-131 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A NEW ATTACHMENT "C" FORM FOR LEGAL ADVISOR PROGRAM

6. Consideration was given to a resolution authorizing the Mayor to sign a new Attachment "C" form for Legal Advisor Program.

The Assistant City Manager read the resolution.

Ken Michalove, Assistant City Manager, said Myra Grant, Director of Criminal Justice Program, has advised that the Administrator of the Law and Order Section has required that a new Attachment "C" be signed and submitted to the Law and Order

Becky Williams, Child Development Coordinator, said due to increased inflation and salaries necessary to meet new minimum wage standards, next year's child development budget will reflect a 7% increase in expenditures. This will also increase the local match for federal funds from $71,000 in 1975-76 to $91,000 in 1976-77. Parent fees and revenues from the County Commissioners can be secured in the amount of $48,500 leaving a balance of $42,500 to be secured from other funds. Presently, there are no other local sources of funding available for child development services.

Mrs. Williams said a review of statistics on the number of clients and staff served by the program within the Community Development area reveal that approximately 75% of all children served live in the Community Development area or have incomes which meet community development eligibility guidelines. The centers and numbers of children served from the Community Development area are:

Hillcrest -	53 children
Livingston -	43 children
Oakley -	12 children
Rock Hill -	15 children
Grace Convenant-	23 children
Pisgah -	43 children
5 Day Care Homes-	25 children
	214 children

Therefore, out of 279 children served by the Child Development program, 214 are eligible for Community Development services. Two exceptions to the Community Development locations are the Grace Covenant and Pisgah Centers. The Grace Covenant Center is located outside the Community Development area in North Asheville but serves mainly inner city children who live in Mountainside Apartments, Montford and Hillside areas. The Pisgah Center is located in the Community Development area but serves children who are transported from the Deaverview and Kirkwood Housing projects as well as the West Asheville Community Development area.

She said another factor to consider is the impact of the program on the overall improvement and progress within the Community Development Area. Approximately 80% of the parents of children in day care are working. A majority of these working parents are female heads of household in which child care is a necessity in order for them to continue and/or seek employment. Additional services for working parents include training in child management and family life, and social services such as transportation and referral.

Mrs. Williams said Buncombe County Child Development provides employment opportunities for residents of the Community Development area. Of the 76 staff employed by the program, 40 staff members live in the Community Development area. Of this staff, 15 are currently involved in continuing education classes through the program's training component. A high priority is given to training the para-professional and is evidenced by 17 employees who have finished WIN (Work Incentive and Training) Contracts with the program and are now permanent employees.

She said the program utilizes community buildings in the Pisgah and Hillcrest Housing Projects. The Livingston Center is one of several services located in the Livingston Neighborhood Facility being constructed with Community Development monies. Due to these strategic locations, the centers are involved in other community projects as needed.

Ken Michalove, Assistant City Manager, said this was basically the same form as in the previous resolution. He said the Council has previously agreed to apply for the program for the YMCA. However, the YMCA has previously signed the Attachment "C" form. He said, by signing the new form, this would make the City responsible for the program instead of the YMCA.

Bill Fesperman, with the YMCA, again explained the program to Council stating that the program only deals with court referred youths and have proven to be successful. He said the YMCA could not afford to continue the program on its own. However, funds could possibly come from private agencies interested in the continuation of the program. He said if the program was continued without federal funding, the program would cost about $32,000.

After discussion, Councilman Rainey moved for the adoption of Resolution No. 76-132. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Complete text of Resolution No. 76-132 will be found in Resolution Book No. 9 at page 116.

RESOLUTION NO. 76-133 - RESOLUTION AMENDING AND EXTENDING THE MONTFORD RECREATION CENTER COMPLEX CONTRACT AND/OR COOPERATION AGREEMENT

8. Consideration was given to a resolution amending and extending the Montford Recreation Center Complex Contract and/or Cooperation Agreement.

The Assistant City Manager read the resolution.

Logan Delany, Community Development Coordinator, said time allotted for acquisition, relocation and technical activities necessary to secure suitable property and complete development plans has exceeded the projected contract termination date of June 30, 1976 and that this resolution would authorize the extention of the date of the Montford Recreation Center Complex contract through June 30, 1979 or until the funds have been spent.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Horton, Resolution No. 76-133 was unanimously adopted.

Complete text of Resolution No. 76-133 will be found in Resolution Book No. 9 at page 117.

RESOLUTION NO. 76-134 -RESOLUTION APPROVING AN INCREASE IN MATCHING FUNDS FOR THE BUNCOMBE COUNTY CHILD DEVELOPMENT DEPARTMENT (1976-77)

9. Consideration was given to a resolution approving an increase in matching funds for the Buncombe County Child Development Department (1976-77).

The Assistant City Manager read the resolution.

Logan Delany, Community Development Coordinator, said $15,000 of Community Development funds was allocated to the Buncombe County Child Development Department for Fiscal Year 1976-77. He said they have requested additional funds in the amount of $27,500 for the current fiscal year. He said he was recommending that the increase be appropriated from the Community Development Contingency Funds.

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CITY OF ASHEVILLE

ASHEVILLE, NORTH CAROLINA

August 26, 1976

MEMORANDUM

TO: Asheville City Council Members

FROM: Ken Michalove
Assistant City Manager/Planning and Development

Attached hereto is a report from the City of Asheville Division of Inspections pertaining to their involvement in administering the Codes of the State of North Carolina and the City of Asheville, as those codes relate to amusement centers, facilities for the handicapped and particularly as they relate to the Wizard Pinball Amusement Center and the Space Mission Amusement Center.

After reviewing the report myself, it appears to me that the staff of the Inspections Division have made every reasonable attempt to help these operators satisfy the code requirements and still maintain the high standard of building construction, consumer protection and public access they feel are basic to the intent of staffing and operation of this Division.

By my statement I do not mean to imply that the Division of Inspections has not achieved such a high level of perfection that misunderstandings

Mrs. Williams said with these facts in mind, she was requesting an increase in Community Development money from $15,000 to $42,500 for the Fiscal Year 1976-77. She said if Community Development paid its share of the match in ratio to the number of children served (i.e., 75% of clients are Community Development residents), its share would be $68,000. However, she was only requesting an increase of $27,500 in addition to the $15,000 already allocated in order to complete the needed match of $42,500. She said the County was increasing their share from $45,000 to $63,000.

Councilwoman Swilling commended Mrs. Williams for the outstanding job the Buncombe County Child Development Department was doing.

Vice-Mayor Horton said he would like to postpone action on this resolution to give an opportunity for further study. He said he felt the County should participate more since the City residents pay city and county taxes.

After discussion, Councilwoman Swilling moved for the adoption of Resolution No. 76-134. This motion was seconded by Councilman Rainey, which motion carried, with Councilman Michael voting "no".

Councilman Michael said he had voted "no" because he opposed "double taxation" for city residents.

Complete text of Resolution No. 76-134 will be found in Resolution Book No. 9 at page 118.

REPORT ON AMUSEMENT CENTER INSPECTIONS

Mr. Ken Michalove read the following report on amusement center inspections, stating that the report was divided into three sections: Background information regarding facilities for the handicapped and a brief presentation of the various codes which are applicable; Detailed inspections reports of the Wizard Pinball Amusement Center and the Space Mission Amusement Center; and the response to Mr. Peterson's question presented to City Council August 19, 1976.

The report begins on the following page.

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6) Business codes shall be noted on Certificates of Occupancy and Compliance.

7) A construction code fact sheet written in layman language will be developed by the Inspections Division. This fact sheet will describe the legal responsibilities of an owner/operator/renter as it pertains to construction codes in opening a new business, renovating a building, changing use of a building and/or buying or renting a residence.

In the attached report questions #1 and #3 asked by Mr. Peterson on August 19 are answered. His question #2 was: "Why Michalove report did not mention original question (Space Mission vs. other recreations) which brought on all this investigation?"

My response to that question is as follows:

I was examining records in the Privilege Tax License Division and the Building Inspection Division from the point of view of determining if suppliers and operators of music, game and pool table devices have been treated equally and impartially by City staff in our carrying out of the various regulations governing such establishments and it was not my intent to compare the code requirements placed on the Space Mission to code requirements placed on similiar businesses. And the scope of my original examination of these records was prompted by information I received in an interview with Tom Oliver, a reporter with the Asheville Citizen.

Unlike such local ordinances dealing with zoning and housing demolition where the appeal procedure is local though the Planning Board, the Board of Adjustments and the City Council the appeal to change requirements requested by the Chief Building Inspector, Mr. Johnson, is non-local through the State Department of Insurance, Engineering Division, the State Building Code Council and the Courts. Since the owners of the businesses appear to be dissatisfied with Mr. Johnson's decision then I would like to suggest that they pursue the appropriate

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in interpreting codes don't happen from time to time and new procedures can be implemented when necessary.

In fact, in our effort to do a detailed inquiry of this particular complaint we have discovered several procedures that will be changed to improve our communication with the public and internally among various departments. The following are examples of procedures we are going to implement:

1) All Certificates of Occupancy and Compliance shall be written and an on-site visit shall be made to each location for which the certificate is required. Certificates shall be non-transferable and this regulation shall apply to all residential and commercial properties.

2) All privilege tax licenses shall be non-transferable and good only for the individual and specific location originally listed.

3) On the matter of game devices, eventhough the owner of a business leasing or renting a music or game device is not by law responsible for obtaining a privilege tax license for such devices, that owner shall be required to report such devices located on his premises by date, vendor, type and name of device, and serial number. Penalties and license requirements shall be strictly enforced on vendors as of the dates shown by the report from the business operator.

4) A routine sample comparison of City/County Privilege Tax Licenses shall be made by a designated person in the City of Asheville Privilege Tax Office on a periodic basis.

5) Vendors of music, game, pool, and other devices shall be required to submit more detailed information on devices, such as the name, type, serial number, etc.

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MEMORANDUM

TO: Ken Michalove, Assistant City Manager

FROM: J. E. Johnson, Director of Inspections
Gary Lance, Building Inspections Supervisor

DATE: August 24, 1976

The following information is being provided in the interest of clarifying the involvement and decisions of this Division in the implementation of the various construction codes of the State of North Carolina and the City of Asheville as they relate to Amusement Centers and facilities for the handicapped and particularly as they relate to the Wizard Pinball Amusement Center and The Space Mission Amusement Center.

I. Background information regarding facilities for the handicapped and a brief presentation of the various codes which are applicable.

II. Detailed inspections reports of the Wizard Pinball Amusement Center and The Space Mission Amusement Center.

III. Response to Mr. Peterson's question presented to City Council August 19, 1976.

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appeal procedure hereafter.

One last item, on August 5 I made a public appeal that I would look into any other specific instances of alleged unfairness, favoritism or unreasonable demands by the Inspections Division that were not made in the interest of health and safety. To date I have had three complaints: one from a housewife regarding a house; one from a plumber; and one from a down town business.

Based on my calculations we have issued about 5,000 construction permits in the past 2½ years, therefore, if the number of complaints that I have received is representative of the Inspections Divisions problems, then I feel that we have publicly been grossly unfair to the staff of this Division--considering the legal and moral mandates of the job they are doing. They are charged with enforcing laws which to a home owner and business owner are not popular and in most cases are costly. But they are in fact enforcing these laws for the purposes of public health, safety, access and consumer protection.

KM/rs

Attachment

3. North Carolina State Plumbing Code, Volume II, 1968 edition and amendments. 40

Chapter 1, Section 101.3 "(B) Existing Buildings.

1. Alterations. This Code shall apply to all alterations which effect the structural strength, exits, fire hazards, lighting or sanitary conditions of any building in the State of North Carolina except those exempted in Section 101.3 (a) above (See General Statutes 143-138 (B))."

2. "Change of Use: This Code shall apply to all buildings which the requirements of this Code are in any way more stringent than the requirements covering the previous use of the building. (See General Statutes 143-138 (B)."

3. Chapter IX. Plumbing Fixtures. Table 922.2 - Minimum facilities.

1967 State Law

C. North Carolina State Building Code, Volume I, General Construction 1967 edition and amendments, Supplement to Chapter XI. Section (11X) Making Buildings and Facilities accessible to, and usable by the physically handicapped. General requirements and standards applying to building exceeding limitations as follows:

Group A - Residential----------Over 4 Stories

Group B - Business

Group F - Storage

Group G - Industrial----------Over 4 stories or over 100,000 square feet in area

Group C - Schools----------Schools designed for handicapped

Group D2-Institutional----------All

Group E - Assembly----------Over 1,000 persons

D. Aware of the difficulties of the physically handicapped in coping with environmental barriers, the Governor's Study Committee on Architectural Barriers was established in 1971. The Committee examined the problems of the handicapped and made recommendations which were published in their Interim Report in 1971 and Final Report in 1972. These recommen

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1. Background information regarding facilities for the handicapped and a brief presentation of the Codes which are applicable.

   A. North Carolina General Statutes 168-2. "Right of Access to and use of Public Places. Handicapped persons have the same right as the ablebodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities and all other buildings and facilities, both publicly and privately owned, which serve the public. (1973, C 493, S.1.)"

   B. Removing of architectural barriers for the physically handicapped as outlined in the intrepretations and requirements of the North Carolina State Building Code, Volume I, General Construction, 1967 edition and amendments and the North Carolina State Building Code Handicapped Section as follows:

      1. North Carolina State Building Code, Volume I, General Construction Section (11X) making buildings and facilities accessible to and usable by the physically handicapped. Effective date September 1, 1973.

         "(11X) 1 Scope - a) This standard applies to all buildings and facilities regulated by the North Carolina State Building Code, with the exception of single and two family detached dwellings in accordance with the following:"

      2. North Carolina State Building Code, Volume I, General Construction 1967 edition and amendments.

         Chapter 1, Section 101.3 (B) Existing Buildings.

         "(1) Alterations - This Code shall apply to all alterations which affect the structural strength, exits, fire hazards, lighting or sanitary conditions of any building in the State of North Carolina except those exempted in Section 101.3 (a) above (See General Statutes 143-138 (B))."

         "(2) Change of Use: This Code shall apply to all buildings which are to be devoted to a new use and which the requirements of this Code are in any way more stringent than the requirements covering the previous use of the building (See General Statutes 143-138 (B)."

ention through the Department of Insurance as to the application of these laws.

The Inspections Division first started enforcing the handicapped code for renovations and change of use to existing buildings in November, 1974 upon receiving the printed laws and clarification fr[redacted] the Department of Insurance, Raleigh, North Carolina. Since that time this Division has enforced the handicapped code regulations on all new and existing buildings as outlined by law.

II. Detailed Inspections of Various Pinball Amusement Centers.

A. Case X. The first Pinball Amusement Center brought to the attention of this Division was on April 13, 1976. This operation was brought to the attention of the Inspections Division when a privilege license was applied for by the owner. The building was inspected for a Certificate of Occupancy and Compliance and it was found that the building was being remodeled without a building permit.

April 14, 1976 the owner then made application for a building permit for remodeling and Building Permit #5538 to remodel the building and install handicapped restrooms was issued.

April 26, 1976. Final inspection was made and Certificate of [redacted] Occupancy and Compliance #B-632 was issued by this Division.

B. 738 Merrimon Avenue - Space Mission Amusement Center

This Division next became aware of a remodeling job at 738 Merrimon Avenue. Building Inspector Larry Low stopped and told the owner, Larry Phillips that he would need a building permit for the repairs he was in progress making. Mr. Phillips made application to this Division for a building permit on April 20, 1976 for removal of partitions. Permit #5566 was issued to Larry Phillips with total cost of job at $50.00 and no charge for permit.

On April 21, 1976 in following up on the building permit, this Division was made aware of the occupancy to be in this building, that of the Space Mission Amusement Center and that there would be amusement machines in the building. Mr. Low, the Inspector assigned to the job then informed Mr. Phillips and Mr. Chris Peterson, who would occup[redacted] the building, that this constituted a change of use of the building and that handicapped restrooms would be required.

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etions initiated revisions of the North Carolina Building Codes, handicapped section. A new, stronger and more comprehensive section was written and approved by the Building Code Council in March, 1973 and became effective September 1, 1973. This is reflected in book called "An Illustrated Handbook of the Handicapped Section of the North Carolina Building Code." This handbook supercedes all previous publications of the handicapped section of the Code.

E. Upon inspecting the first pinball center in April of 1976, this Division classified it as E-2 Small Assembly based on floor area at fifteen (15) square feet per person without fixed seats. This was decided at a meeting of the Inspection Division Staff. Therefore, the ruling and intrepretations of the Division placed Pinball Machine Amusement Centers in Group E-2 Small Assembly, Chapter 4, Section 408 of the North Carolina State Building Code and Section 401.1 "Each occupancy group is intended to embrace buildings as hereinafter defined and those of similar character or use. Wherein there is any uncertainty as to the classification of a building, the Building Official(being Mr. Johnson) shall fix the classification within which it falls, according to the relative fire hazard involved."

A "Building" as defined by the North Carolina State Building Code means any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind which has enclosing walls for 50% of its perimeter. The term "building" shall be construed as if followed by the words "or part thereof" (for the purpose of this Code each portion of a building separated from other portions by a fire wall shall be considered as a separate building.)

F. Since 1969 the Director of the Inspection Division has been a member of the Mayor's Committee on the Employment of the Handicapped, and one of the primary functions of this Committee is to seek the removal of architectural barriers for the physically handicapped. Therefore, the involvement with this committee work coupled with the mandates of the state codes have been the guide posts for code enforcement by the Inspection Division.

It took approximately one (1) year for the September 1, 1973 laws to be printed, applying to new and existing buildings and for clarifi-

2. Electrical Inspection:

Harold Garland, Chief Electrical Inspector made the electrical inspection at 730 Merrimon Avenue. The dates being as follows:

April 21, 1976. Following Building Permit taken out by Mr. Phil[redacted], Mr. Garland talked with him concerning electrical work. He was told that he must have a electrical contractor do work.

June 4, 1976. Mr. Garland talked with Mr. Peterson in regard to electrical work that had been done without a permit and also work that was to be done.

June 7, 1976. Wayne Thompson, Electrical Inspector, City of Asheville checked by The Space Mission for a routine inspection as requested by Mr. Garland.

June 30, 1976. Hayes & Lunsford turned in final for restrooms and corrections inside building. Mr. Garland found walls in basement had been torn out and electrical work done by persons unknown to Mr. Garland. Mr. Peterson was informed of the violation.

July 22, 1976. Hayes and Lunsford Electric Company called for [redacted] inspection on this defective electrical work.

3. Plumbing Inspection:

On April 22, 1976 Mr. Ed DeBruhl, Plumbing Inspections Supervisor met with Larry Phillips, Dave Underwood and Clyde Roberts to view and layout two (2) handicapped restrooms. A Plumbing Permit was issued from this Office on April 22, 1976 to Clyde Roberts Plumbing Company. On May 24, 1976 Mr. DeBruhl inspected the ground work. On June 4, 1976 Mr. DeBruhl inspected the rough-in. Vents and arms were tested.

On June 8, 1976 Mr. DeBruhl made an inspection. At this time the grab bars were not installed, and the traps and hot water supply lines had not been insulated. On June 10, 1976 Mr. DeBruhl made a final inspection.

July 23, 1976. Certificate of Occupancy and Compliance [redacted] dated July 6, 1976 upon final inspection by Harold Garland, Ch[redacted] Electrical Inspector.

4. Cease and Dosist letter was sent to The Space Mission Amusement Center on June 17, 1976, by this Division.

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On April 22, 1976 Gary Lance received a phone call from the Attorney representing Mr. Peterson and a meeting was requested. This meeting was held on the same date and those being present were Chris Peterson, Larry Phillips, their Attorney, Larry Low and Gary Lance. At this meeting the owners were again told that the new use of the building constituted a change of use and that classification of the Amusement Center would be E-2 Small Assembly, and that according to the North Carolina State Building Code, handicapped restrooms would be required, and be made accessible to the physically handicapped.

Mr. Peterson said that these handicapped restrooms had not been required in other places similar to his and that he felt they were in violation and should install them also. The Staff informed Mr. Peterson that they were unaware of any such violations, and offered to take Mr. Peterson anywhere in the City of Asheville's jurisdiction so that he might point out these violations and that, if indeed any violation did exist at the places he felt were in violation, this Division would make the inspection and see that the violation was abated.

Mr. Peterson and Mr. Phillips then asked if the restrooms could be in a separate facility outside the building, as they did not want to put them within the interior of the building for fear of damaging his roof. The Staff told him that he could place them on his property at any location which would be convenient to him and be situated for accessibility by the physically handicapped.

April 23, 1976 - Mr. Chris Peterson made application for building permit in the amount of $600.00 to install handicapped restroom facilities. Cost of permit was $8.00. Building Permit #5584 was issued on April 27, 1976.

1. Building Inspection:

Larry Low, Building Inspector was assigned to inspect this job. Mr. Low made inspections for work compliance on April 21, 1976, May 21, 1976, June 8, 1976, June 9, 1976, June 28, 1976 and June 29, 1976. It was discovered on June 8, 1976 that the building was open for public use without meeting code compliance and without having a Certificate of Occupancy and Compliance to operate.

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Lance met in Mr. Lance's office to discuss the letter. Mr. Cioffari asked how this Department knew about it and Mr. Lance stated that he thought it had come through the Police Department. Mr. Cioffari asked if this was normal procedure and Mr. Lance's reply was yes, t[redacted] Division of Inspections' normal procedure was and is to check out a[redacted] complaints whether they come through other City Departments or from citizens.

Mr. Lance told them that he was unable to enter the building when he inspected on June 17, but that he had been the original inspector, when the building was constructed and that plans were on file in the office showing that no changes in construction had been made.

Mr. Lance explained that a classification of B-2 Small Assembly was given to the building. It was explained to Mr. Cioffari that a Group B-2 occupancy had been in the building before and that because there was a change of use handicapped restrooms would be required.

The procedure for obtaining a building permit was then explained to Mr. Cioffari and he was informed that a building permit would be required to install restrooms. It was also explained to Mr. Cioff[redacted] that a Certificate of Occupancy and Compliance would be required by this Division upon completion and approval by this Division of the installation of restrooms. Mr. Cioffari was told that he could make application for building permit while he was in the office.

Mr. Cioffari said that Mr. Stevens was the owner, but that he was buying the business from Mr. Stevens and would make application for permit upon transfer of business, which would be about July 1, 1976.

Mr. Lance then offered to go with Mr. Cioffari and Mr. Stevens to reinspect the building and to discuss the requirements for handicapped restroom facilities. Mr. Cioffari said that since an inspection had already been made, it would not be necessary and that he would be back in contact with this Division regarding his permit.

At the June 21, 1976 meeting, Mr. Cioffari introduced a sign permit application for erection of a wall sign. Application was made Jan[redacted] 26, 1976 and issued January 27, 1976. He asked if the building ha[redacted] inspected at this time and the answer was no.

The sign permit was issued January 27, 1976 for a wall sign to be mounted at Grace Shopping Center advertising The Wizard Pinball Amus[redacted]

C. Complaint about The Wizard Pinball Amusement Center:

On June 16, 1976 Ken Michalove received a phone call from Mr. Peterson, father of Chris Peterson pertaining to The Wizard Pinball Amusement Center located at 860 Merrimon Avenue, (which was operating with a half bath, one lavatory, one water closet.) The complaint was registered by Mr. Peterson due to his son having been required to install handicapped restrooms and The Wizard not being required to do the same. He was also concerned about the problems his son was having in meeting inspection requirements.

Mr. Michalove then referred this matter to Mr. J. E. Johnson, Director of Inspections on June 16, 1976 for investigation.

D. 860 Merrimon Avenue - The Wizard Pinball Amusement Center.

On June 16, 1976 a complaint was received through Ken Michalove's office and sent to Mr. J. E. Johnson, Director of Inspections. Mr. Johnson and Virgil Bradley made an inspection June 16, 1976 and returned to the Office. A memorandum was sent to Mr. Michalove on the status of these operations. Mr. Bradley checked with the Tax Department for issuance of privilege license and found that a license had been issued January 26, 1976 for a bottled soft drink machine. License was issued to Charles E. Stevens, Jr. According to the privilege tax license records, Mr. Bradley had given verbal approval of occupancy in January but Mr. Bradley could find no record of making such inspection or giving such approval.

June 17, 1976 - Inspection was made by Gary Lance, and a letter to cease and desist was sent to McCrory-Sumwalt, owner of the building and Charles E. Stevens, Jr., owner of The Wizard Pinball Amusement Center. The letter was received on Saturday, June 19, 1976. Mr. Lance received a phone call June 19, 1976 from Mr. Frank Cioffari inquiring about the letter to cease and desist. June 19, 1976 was a Saturday and Mr. Cioffari asked if he could remain open. He was told no and to come in Monday morning to discuss it and to take out a building permit. No inspection was made Saturday or Sunday, June 19 or June 20, 1976 to see if Mr. Cioffari had closed his place.

June 21, 1976, Frank Cioffari, Charles E. Stevens, Jr. and Gary

Cioffari wanted to know the reason for issuing [redacted] 48

other occupants at Grace Shopping Center and it was explained to him that no change of use was involved. This being, that although new businesses had moved in, they were still classified as retail business B-2, the same as the previous occupant.

July 26, 1976 this Division made inspection upon request of Fr[redacted] Cioffari to check design for proper installations of restrooms and in reference to his letter of July 2, 1976 to answer some questions that he had asked.

July 28, 1976 Gary Lance sent Mr. Cioffari by Certified Mail, the code requirements - copy attached.

1. Electrical Inspections made by Harold Garland at 860 Merrimon Avenue as follows:

January 30, 1976 - Following up the building permit taken out. January 26, 1976 for sign. Mr. Garland is required to follow up on all signs. No action taken or required.

June 21, 1976 - The Fire Department reported that an exit sign had been installed. Mr. Garland checked exit sign and found that corrections needed to be made and that no electrical per[redacted] had been issued. Circle F Electric Company did work.

June 22, 1976 - Circle F called for inspections. Corrections were made and a permit was obtained.

July 1, 1976 - Mr. Garland met with owner concerning electrical on handicapped restrooms.

2. Report of Asheville Fire Prevention Bureau Inspections at 860 Merrimon Avenue as follows:

March 12, 1976 - Provide an approved exit light rear exit. Provide a 5 lb. ABC fire extinguisher.

April 12, 1976 - Night inspection - exit light not installed. Advised manager that he did not have proper type of fire extinguisher.

June 3, 1976 - Reinspection

July 2, 1976 - Met with Manager concerning moving bath[redacted] wall closer to sprinkler head to meet handicapped restroom require ments. Manager advised that it will not interfere with operation sprinkler head, since head in bathroom does not exceed 100 square

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Center. A note was written on the permit application that the building was to be inspected. No building inspection was called for by the owner and the Building Inspector inspected the sign for compliance only, he was not looking for other violations and had no need to inspect the building itself.

June 23, 1976 inspection was made by this Division and it was noted that The Wizard Amusement Center was open. An inspection was made and this Division counted approximately 20 persons in the building. It was difficult to get an exact head count as people were coming and going for the period of time that this inspection was being made.

June 21, 1976 - It was brought to the attention of this Division that several new occupants had moved in to the Grace Shopping Center without inspections being made. A letter was sent to McCrory-Sumwalt, owner of the building stating the violations to be abated and that Certificates of Occupancy and Compliance must be issued.

June 23, 1976 - Mr. Lance met with Vic Buchanan of the City Attorney's office for legal assistance regarding The Wizard Pinball Amusement Center.

June 29, 1976 Vic Buchanan sent correspondence to the owner of the building and to owner of business stating legal proceedings would be forthcoming if they did not comply with all code provisions, rules and regulations. Copy attached

July 1, 1976 - Inspection made by this Division at 860 Merrimon Avenue meeting with Frank Cioffari, were Gary Lance and Harold Garland concerning questions related to handicapped codes, electrical codes, and building codes.

July 2, 1976. This Division received a letter from Frank Cioffari regarding handicapped restrooms and questions concerning the building, plumbing and electrical code. Reply was made on July 28, 1976 by this Division. Copy Enclosed.

July 2, 1976 - A letter was received by this Division from McCrory-Sumwalt requesting inspection be made at Grace Shopping Center.

July 12, 1976 - This Division made the inspection requested in letter of July 2, 1976 from McCrory-Sumwalt and issued Certificate of Occupancies and Compliances to those buildings in compliance. Mr.

on the first floor of the building and restroom facilities [illegible] the handicapped were not accessible. It was the owners decision to place the restrooms outside the building.

c. Amusement businesses seem to fall in 4 different classifications. E-2 - Small Assembly, E-1 - Large Assembly, B-1 - business similar to bowling alleys,and malls. Since no two buildings are alike and some businesses have been continued in the same location for long periods of time a flat statement regarding classification cannot be given. Each building and business must be classified individually based upon recent inspection, change of use, if any and renovation to be done.

d. The matter of other possible violations has been brought to the attention of this Division and this Division has found violations and is requiring strict code enforcement of handicapped regulations where there has been a change of use or extensive remodeling involv

2. Mr. Michalove will respond to the second question.

3. "Are all recreations in town classified the same in the State Code Book."

a. The answer is no. In phone conversation of August 12, 1976 by this Division, to the Department of Insurance, Raleigh, North Carol[illegible] the ruling set forth by the Department of Insurance for classification of recreation and amusement centers shall be as follows:

Based on net floor area of operation, at six (6) square feet per person with fixed seats, and fifteen (15) square feet per perso without fixed seats, if occupancy content is seventy five or more persons, then it shall be classified as Group E-1 - Large Assembly or Group E-2 - Small Assembly based on total occupancy of operation. If occupancy content is less than seventy five (75) persons, then it shall be classified in Group B-1 similar to bowling alleys. (copies enclosed) or if it is within a mall it shall be classified as a rental space within the mall under the amendments.

3. On August 10, 1976 J. E. Johnson, Gary Lance, and Virgil Bradley met with William Moore, City Attorney and Vic Buchanan of the City Attorney's office for legal advice pertaining to The Wizard Pinball Amusement Center.

August 11, 1976 - Meeting held in the Mayor's office for the purpose of reclassifying the business at the owners request. Those present were Frank Cioffari, Charles E. Stevens, Jr., Willaim Moore, City Attorney, J. E. Johnson, Gary Lance and Ed DeBruhl. Copy of report attached.

August 12, 1976 - This Division called Department of Insurance, Raleigh, North Carolina and asked for ruling pertaining to building classification and restroom requirements. Phone conversation included Lee Hauser and Tom Mullins, Department of Insurance, Raleigh, North Carolina and J. E. Johnson, Gary Lance, and Ed DeBruhl. Tom Mullins, Department of Insurance, explained that based on the occupancy content, he classified the building as Group B, similar to bowling alleys and stated that a letter would be forwarded to this Department on the ruling and requirements for restroom facilities at The Wizard Pinball Amusement Center, 860 Merrimon Avenue and that these restrooms shall comply with the restroom requirements for the physically handicapped.

August 16, 1976, a letter was sent to Frank Cioffari by this Department with attached letter from Department of Insurance, Raleigh, North Carolina reclassifying The Wizard Pinball Amusement Center to Group B and the requirements for restrooms, stating that these restrooms shall comply with the handicapped code regulations and be accessible to the physically handicapped.

III. Response to Mr. Peterson's questions presented to City Council August 19, 1976.

1. "Why Space Mission had to put two additional restrooms and other identical businesses did not?"

   a. The existing restrooms for The Space Mission were in the basement and were not accessible to the handicapped.

   b. The E-2 classification and the change of use of the building required that two restrooms be accessible to the handicapped. It was determined that The Space Mission business would operate

PLEASURE ENTERPRISES, INC. - THE PINBALL WIZARD
45 Grindstaff Drive
Asheville, North Carolina 28803

July 2, 1976

City of Asheville
Building Inspection Division
City Building
Asheville, North Carolina 28807

Attention: Mr. Gary Lance
Building Inspections Supervisor

Dear Gary:

Per our meeting July 1, 1976, this is the letter we both agreed I should write to your office in order to get the rules, regulations, and codes in writing so we at The Pinball Wizard can receive a more realistic quote from contractors. As you know, we have had two plumbers in this week and I cannot answer their professional questions.

It is our intention to comply with all City, State and Federal Codes for operation of our business. Therefore, in order to achieve full compliance, we need rulings from your office to give to plumbing, building and electrical contractors on the following proposed modifications to our restroom to comply with the Handicap Restroom Facilities Code.

1. How many toilets do we need in our place of business to comply with the Handicap Restroom Facilities Code?

2. All specifications dealing with distance of all plumbing fixtures, walls, doors, ramps, grab bars, etc.

3. If it is adjudged that the north restroom wall, presently installed, must be moved, we need to know:

   a. How far?

   b. If it is to be moved 3", it will be over a plumbing drain. What codes apply?

   c. If it is to be moved 6" to clear the plumbing drain, the wall will be interferring with the sprinkler system. What codes apply?

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PATLA, STRAUS, ROBINSON & MOORE
PROFESSIONAL ASSOCIATION
SUITE 500, GENNETT BUILDING
P. O. BOX 7929
ASHEVILLE, N. C. 28807
(704) 253-7673

KARL M. STRAUS
ROBERT J. ROBINSON
WILLIAM C. MOORE
STEVEN L. GOLDSTEIN
VICTOR W. BUCHANAN
JONES R. BYRD
ROBERT A. FREEMAN, III

OF COUNSEL
J. A. PATLA

COPY

June 29, 1976

Mr. Tom Langston
McCrory-Sumwalt Construction Company
P.O. Box A
Honea Path, SC 29654

Wizard - "The Pinball" Amusement Center
860 Merrimon Avenue
Asheville, NC 28804
Attention: Charles E. Stevens, Jr.

Re: 860 Merrimon Avenue - Tax Lot 7, Ward 9, Sheet 22
Wizard - "The Pinball" Amusement Center

Gentlemen:

Our office represents the City of Asheville and the file involving the above captioned matter has been turned over to us for legal action. From our review of this file and from our discussions with the City's representatives, it is apparent that you are still not in full compliance with the matters set forth in the letter dated June 17, 1976 from Mr. Gary Lance, Building Inspections Supervisor.

The purpose of this letter is to advise that we will have no alternative but to forthwith institute legal proceedings against you in the event you do not immediately comply with all of the appropriate code provisions, rules and regulations.

If you have any questions concerning this letter, please do not hesitate to contact the undersigned or Mr. Gary Lance, whose telephone number is 255-5391.

Very truly yours,

Victor W. Buchanan

VWB/db

cc: Mr. Gary Lance ✓
Building Inspections Supervisor

7. Compatible with restroom facilities for the handicapped and upon inspection by the owners of the Pinball Wizard, we suspect that there might not be adequate access to the restroom. As you know, Gary, we have pool tables, foosball tables, a business desk and other obstacles, such as a divider wall between the front and the rear rooms. If possible, please indicate all codes to cover above items, including front door wheelchair clearance measurements. If a ramp is needed in the front of our establishment, please indicate the specifications in your next correspondence.

Your immediate response to the above matter would be appreciated by all parties concerned. It has been a pleasure working with you, Gary, and I am sure we both can resolve the above listed questions. If you have any further questions concerning this matter, please feel free to contact us at 252-3181.

Sincerely,

Frank Cioffari
President
Pleasure Enterprises, Inc.
The Pinball Wizard Amusement Center

FC:sn
CC: Mike Argo
Devere Lentz
Tom Langston
Victor Buchanan

d. If over 6", it will be next to a ceiling light fixture. What codes apply?

e. If wall is to moved more than 6" to clear all other fixtures and the plumbing drain, it will put the water tank too far away from the grab bar which must be installed on the inside north wall next to the water tank. At the present time, the water tank is $8\frac{1}{2}$" away from the wall. If we must move the wall over 6" away from where it is presently located, we need to know how far our water tank must be moved, to a new wall, to comply with all codes?

f. If a door is planned for the north restroom wall, we need to know the location of said door to comply with all codes?

4. If the west restroom wall is to be moved, we need to know:

a. How far?

b. If the wall must be moved over 3', it will interfere with an air conditioning duct in the ceiling and possibly the electrical box located on the south rear wall. Please include all specifications needed to relocate the air conditioning duct to a safe location so as not to interfere with sprinkler system and ceiling lighting, located on opposite side of room.

c. If it is judged that the entire air conditioning unit must be moved, what codes apply?

5. Please include in your correspondence the proper codes for the new walls that we both agree must be constructed. After talking with a plumber today, I find that the new walls we might have to construct must be thick enough to accomodate the over-sized pipes that are needed for a standup urinal. What codes apply?

6. At the present time, we have installed an exit light located over the rear exit door that leads to the rear enclosed alleyway. Must we provide ramps, railings, or any such devices to enable a handicapped person to escape our business through the rear exit in case of fire? If so, please indicate all specifications we would need to construct such modifications.

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Pleasure Enterprises, Inc.
The Pinball Wizard
45 Grindstaff Drive
Asheville, N. C. 28803
Attn: Frank Cioffair
President

If you have any questions concerning this matter, please contact this office, Room 509, City Hall or phone 255-5391.

A Building Permit shall be required and same shall be brought into compliance within sixty (60) days from receipt of this letter.

Sincerely,

INSPECTION DIVISION

Gary Lance
Building Inspections Supervisor

GL/lp

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CITY OF ASHEVILLE

ASHEVILLE

NORTH CAROLINA

July 28, 1976

INSPECTION DIVISION

Pleasure Enterprises, Inc.
The Pinball Wizard
45 Grindstaff Drive
Asheville, N. C. 28803
Attn: Frank Cioffair - President

RE: 860 Merrimon Avenue - The Wizard Pinball Amusement Center-
RE: Handicapped Restrooms

Dear Sir:

In reply to your letter of July 2, 1976 and after numerous inspections at above location following is the code requirements:

1. The law requires two (2) handicapped restrooms - male and female facilities for Group E assembly. Due to circumstances and based on inspections made, this Department will go along with one (1) handicapped restroom with the required number of fixtures as outlined in Table 922.2 of North Carolina State Plumbing Code. Restroom shall be kept under lock and key and be able to be locked from the inside. Fixtures shall include urinal, water closet and lavatory;

2. Grab Bars shall be 1½" in diameter and shall be located 13" inches above seat of water closet and 18" on center from front of water closet when grab bars are 36" inches long. Grab bars shall be stainless steel or chrome plated;

3. The North wall shall not have to be moved;

4. The West wall shall be moved to give you the required 5' feet by 5" feet clear floor space and can abut the service panel;

5. Door shall be 36" and swing out;

6. On construction of walls, it depends on the vent stack used. If the stack is 2" inches, then a 2 x 4 wall will be sufficient. A 3" stack would require a 2 x 6 stud wall;

7. Adequate aisle space shall be provided to allow for wheel chairs to pass.

represented the City and that the Building Inspector had made the decision and that the City Attorney would have to stand by that decision. Mr. Moore told Mr. Cioffari that he had explained this to him in their phone conversation of August 10, 1976 several times and that he had made it clear to him at that time of the City Attorney's position.

Mr. Moore called Mayor Oschenreiter's office and after his conversation with the Mayor, Mr. Moore told those present to talk it out and to try to resolve it. He told Frank Cioffari that he and those present could go to the Mayor's office on Merrimon Avenue and discuss it with the Mayor if necessary.

Mr. Moore told Frank Cioffari that this Department would send him a letter to the fact and requirements of the North Carolina State Building Code concerning his place and restroom facilities requirements. Mr. Cioffari stated that there would be no need for a letter, that a letter was useless and wouldn't be necessary. Mr. Moore then had to leave the meeting.

Throughout the meeting, Mr. Cioffari kept making statements to the effect that he could go through the newspapers, The Native Stone, Television and Civil Rights Unions to satisfy his feelings that he was being discriminated against. He also pointed out that The Wizard Pinball Amusement Center, Pleasure Enterprises, Inc. was a chain of amusement centers operating out of Chicago, and that he could call them in, but that he wanted to handle the matter himself. He also said that he wanted to open up several other pinball operations but was awaiting further increase in operations until this matter was settled.

Mr. Johnson pointed out the Code and requirements under the North Carolina State Building Code and North Carolina State Plumbing Code and the number of restrooms required, change of use and that these restrooms shall comply with handicapped regulations. He also stated that the Building Inspector has classifi

Report of Meeting, August 11, 1976 concerning the Wizard Pinball Amusement Center, 860 Merrimon Avenue, Pleasure Enterprises, Inc. Requested and called by Frank Cioffari, President, Pleasures Enterprises, Inc. Present at meeting were Frank Cioffari and Charles E. Stevens, Jr. of Pleasure Enterprises, Inc., William Moore, City Attorney and J. E. Johnson, Gary Lance and Ed DeBruhl, Division of Inspections and Demolitions, City of Asheville.

Meeting was held in Mayor's Office, 9:30 a.m. to 11:00 a.m., August 11, 1976 and was held upon request of Frank Cioffari, President, Pleasures Enterprises, Inc., owner of The Wizard Pinball Amusement Center. Co-ordination for the meeting was through the Mayor's Office and time set at convenience of those present.

Frank Cioffari informed those present that he had requested the meeting and that he would like to have an official, possibly a member of City Council or the Mayor, present. Mr. Moore explained the situation to Mr. Cioffari of the Mayor being unable to attend due to an emergency and Mr. Cioffari aggreed to go ahead with the meeting.

Mr. Cioffari pointed out that the Pleasure Enterprises, Inc. was owner of The Wizard Pinball Amusement Center and he was the major holder and owner of the place. He called the meeting to discuss the classification of his building and handicapped code regulations as required by North Carolina State Building Code.

The building was classified by the Building Inspector as Group E-2 - small assembly constituting a change of use and therefore requiring handicapped restroom facilities. Mr. Cioffari stated that he should be considered as a place of business, the same as or similar to the classification of Group B-1 Business which he felt would not require handicapped restrooms. Formerly the building was occupied by the Wilderness Shop with a B-2 Business classification.

He asked Bill Moore if he agreed with that and Mr. Moore told him that he

that they had been B-2 Business formerly and had gone back in as B-2 Business and therefore were not in violation, but that his place "The Wizard" had been a B-2 Business and that he had changed to an E-2 assembly constituting a change of use and requiring handicapped restrooms.

Mr. Cioffari said he felt that he has kept quiet about this, but that he was receiving bad publicity through television and the newspaper. The Building Inspector informed him that this Department had not in anyway caused him to receive any publicity, that a competitor was the cause of his receiving the publicity. Mr. Cioffari stated that his only recourse was through the papers, television and The Native Stone.

He also intimated that on a visit to the office of Inspections and Demolitions, that he had taped the conversation of himself and Mr. Lance on June 21, 1976.

Mr. Cioffari then asked Mr. Johnson if he could be reclassified to B-1 Business and Mr. Johnson told him that we had classified him Group E-2 assembly and that this would be his classification. It was stated that he would have to put in the handicapped restrooms as required by North Carolina State Building Code and North Carolina State Plumbing Code. Mr. Cioffari then referred to the letter of July 28, 1976 giving him sixty (60) days to comply and said that he still had forty nine (49) days left and asked for this time.

Mr. Cioffari and his associate, Charles E. Stevens, Jr. then got up and left. At this time the meeting ended at approximately 11:00 a.m.

The Wizard as Group E-2 - small assembly based on floor area and the occupancy content.

Mr. Cioffari started bringing out different places in the City which he said were in violation. Mr. Lance then offered to take Mr. Cioffari to any place in the jurisdiction of Asheville, which Mr. Cioffari thought might be in violation and to point out these violations, if any and that this Department would see that the violations were abated. Mr. Cioffari stated that they was no need for this, and then asked how we would get these violations corrected.

Mr. Cioffari also felt that his place was not a building, but that he was a tenent in a space within the building. It was pointed out by the Building Inspector that he was indeed a building and the definition of a building as defined in the North Carolina State Building Code was read to him.

"Building - means any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind which has enclosing walls for 50% of its perimeter. The term "building" shall be construed as if followed by the words "or part thereof" (for the purpose of this Code each portion of a building separated from other portions by a fire wall shall be considered as a separate building)". Mr. Cioffari agreed with this.

Mr. Cioffari asked why he was given a cease and desist order and had closed down for two (2) days. He was informed that he had been given the order because he was operating in violation of the North Carolina General Statutes 160A-423 and the North Carolina State Building Code, in that it constituted a change of use, and required handicapped restroom facilities and that he did not have a Certificate of Occupancy and Compliance to operate and could not be given one until he complied.

Mr. Cioffari stated that no others had been given a cease and desist order, but had received letter that they did not have a Certificate of Occupancy and Compliance, but that a few days later they had been inspected and given Certificates. This Department explained to him that no change of use was established,

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DEPARTMENT OF INSURANCE
State of North Carolina
P. O. BOX 26387
RALEIGH, N. C. 27611
(919) 829-7343

JOHN RANDOLPH INGRAM
COMMISSIONER OF INSURANCE

August 12, 1976

Mr. Joe Johnson
Building Inspector
Box 7148
Asheville, North Carolina 28801

RE: Wizard Pinball Amusement Center
860 Merrimon Avenue
Asheville, North Carolina

Dear Mr. Johnson:

This is concerning our telephone conversation concerning classifications of occupancy and minimum toilet facilities including number of fixtures.

It is my understanding that the above contains 1,020 square feet, net and does not include fixed seats. You will note that Section 1105 of the State Building Code states that the minimum number of persons of any floor area shall not in no case be less than 15 square feet per person without fixed seats which means 68 people useing 15 square feet per person, but if no seats at all are provided and persons occupying the space must have standing room only in lieu of using 15 square feet per person, 10 square feet per person could be used. In this case, the occupant content would be 120 persons.

The number of toilet fixtures necessary for 68 persons would be as follows:

MEN'S TOILETS

Two water closets or one water closet and one urinal and two lavatories.

WOMEN'S TOILETS

Two water closets and two lavatories.

For 120 persons:

MEN'S TOILETS

Two water closets, one urinal, one lavatory.

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Phone conversation August 12, 1976, Lee Hauser and Tom Mullins, Department of Insurance, Raleigh, North Carolina and J. E. Johnson, Ed DeBruhl, and Gary Lance, Division of Inspections and Demolitions, City of Asheville.

This Department called the Department of Insurance, Raleigh, North Carolina, August 12, 1976 to verification of Pinball Amusement Centers, specifically the Wizard located at 860 Merrimon Avenue.

It was explained to Mr. Mullins and Mr. Hauser that the place in question was located in a shopping center, 1600 square feet of floor space and that this Department had classified it as E-2 Small Assembly and that a Group B-2 Business formerly occupied this building to verify calculations of formula for determining occupancy it was stated that it was determined by net floor area and not gross floor area. Occupancy content was established at 68 persons under this formula with 1020 square feet of net floor area at 15 square feet per person without fixed seats.

Tom Mullins, Department of Insurance stated that under occupancy content established at 68 persons, classification would be Group B-1, same as bowling alleys, etc., and that a letter shall be forwarded to this Department of the ruling and requirements for restroom facilities at the Wizard from the Department of Insurance, Raleigh, North Carolina.

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CITY OF ASHEVILLE

ASHEVILLE

NORTH CAROLINA

August 16, 1976

...CTION DIVISION

Pleasure Enterprises, Inc.
The Pinball Wizard
45 Grindstaff Drive
Asheville, N. C. 28803
Attn: Frank Cioffari - President

RE: 860 Merrimon Avenue - The Wizard Pinball Amusement Center-
Handicapped Restrooms

Dear Sir:

You requested the reclassification of occupancy from Section 408, Group E Assembly to Section 405, Group B, Business in the North Carolina State Building Code, Volume I, General Construction, 1967 Edition as amended at a meeting held August 11, 1976.

This is to advise that the above request is granted and that the requirements for toilet fixtures would be as follows:

MEN'S TOILETS

Two water closets or one water closet and one urinal and two lavatories.

WOMEN'S TOILETS

Two water closets and two lavatories.

The above toilets must be accessible and usable by the physical handicapped.

A building permit shall be required and the above brought into compliance by September 27, 1976.

Enclosed is a copy of a letter dated August 12, 1976 from T. O. Mullins, Code Consultant Supervisor, Department of Insurance, State of North Carolina requested by this Department to clarify the requirements needed to comply for a Certificate of Occupancy and Compliance Permit.

Yours very truly,

INSPECTIONS DIVISION

J. E. Johnson
Director of Inspections

JEJ/lp

enclosure

ASHEVILLE, N.C.

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WOMEN'S TOILETS

Two water closets and one lavatory.

In either of the above cases toilets must be accessible and usable by the physically handicapped.

Sincerely yours,

T. O. Mullins, Jr. (adj)

T. O. Mullins, Jr.
Code Consultant Supervisor

TOM/adj

Hotels	Convents
Dormitories	Monasteries
Lodging Houses	Motels

404.2—SPECIAL REQUIREMENTS, GROUP "A" OCCUPANCY

Storage and handling of flammable liquids shall be prohibited in every Group "A" Occupancy. Not more than one (1) gallon of flammable liquid, used for cleaning purposes only, may be kept in a residence, provided such flammable liquid is kept in an approved container, used especially for that purpose.

One hour walls and ceilings required between apartments.

When one exit is permitted. Section 1103.2.

SECTION 405—GROUP "B"—BUSINESS

405.1—SCOPE

Buildings which are occupied for business or rendering of professional services shall be classified in Group B-1; buildings which are occupied for the sale or display of merchandise such as department stores, shopping centers, supermarkets, etc., or the supplying of food or drink, shall be classified in Group B-2.

Group B—Business Occupancy includes, among others, the occupancies listed below, but does not include buildings used for any purpose involving highly combustible, inflammable or explosive materials.

Group B-1

Greenhouses	Undertaking parlors
Filling stations	Temporary structures
Banks	Office buildings
Bowling alleys	Doctors offices

Group B-2

Stores	Markets
Shops	Restaurants (see exception 405.2)
Drug Stores	Shopping Centers

405.2—EXCEPTION

Restaurants or places supplying food or drink that accommodate 75 or more people, or that have a stage, or that provide dancing or entertainment features, shall be classified in Group E—Assembly and not in Group B—Business Occupancy (See Section 408).

405.3—SPECIAL REQUIREMENTS GROUP "B" OCCUPANCY

	SECTION
	Chapter XI
1. Special Exit Requirements	504
2. Temporary Structures	505
3. Filling Stations	509
4. Greenhouses	513
5. Bowling Alleys	
6. Storage and handling of flammable liquids shall be prohibited; except in Group B-2 (retail stores) that are not in excess of Section 411.2(b); except filling stations which shall conform to Section 501.1(f).	
7. Sprinkler Requirements	901.7

CHAPTER IV—CLASSIFICATION OF BUILDINGS BY OCCUPANCY

SECTION 401—CLASSIFICATION BY OCCUPANCY OR USE

401.1—GENERAL

Every new and existing building, or part thereof, shall for the purpose of this Code, be classified according to its use or occupancy as a building of one of the following OCCUPANCY GROUPS:

GROUP A—RESIDENTIAL

GROUP B—BUSINESS

GROUP C—SCHOOL

GROUP D—INSTITUTIONAL

GROUP E—ASSEMBLY

GROUP F—STORAGE

GROUP G—INDUSTRIAL

GROUP H—HAZARDOUS

GROUP I—FALLOUT SHELTERS

Each occupancy group is intended to embrace buildings as hereinafter defined and those of similar character or use. Wherever there is any uncertainty as to the classification of a building, the Building Official shall fix the classification within which it falls, according to the relative fire hazard involved.

401.2—PROTECTIVE REQUIREMENTS—ALL OCCUPANCY GROUPS

	SECTION
1. Allowable Height and Area	402.1 to 403.6, inclusive
2. Type of Construction	601 to 611, inclusive
3. Exit Requirements	1101 to 1126, inclusive
4. Protection of Vertical Openings	701.1 to 701.4, inclusive
5. Protection of Wall Openings	703.1 to 703.7, inclusive
6. Sprinklers and Standpipes	901.1 to 902.5, inclusive
7. Mixed Occupancy Separations	412
8. Light, Ventilation	Chapter VIII
9. Heating Requirements	Chapter XXIX
10. Separation of Furnace or Boiler Rooms	2901

SECTION 402—HEIGHT AND AREA RESTRICTIONS

402.1—APPLICATION

In the protection of each occupancy, the maximum height and area for buildings of the different types of construction, shall be governed by the intended use of the buildings, or occupancy, as provided for in this Chapter and shall not exceed the limits set forth in Table 402 except as provided in Sections 402 and 403.

stories above or below, where entrance is common to the rooms or spaces. This occupancy includes buildings having an auditorium and a stage provided for the use of movable scenery, or having an auditorium for viewing motion pictures or for theatrical purposes.

Group E—Assembly Occupancy shall include, among others, the following:

Passenger Depots	Motion Picture Houses
Libraries	Public Assembly Halls
Stadiums and Grandstands	Churches
Restaurants (large)	Museums
Amusement Park Buildings	Auditoriums
Tents (Assembly)	Dance Halls
Theaters	Recreation Halls
Gymnasiums	Skating Rinks

404.2—SUB-CLASSIFICATIONS

Group E shall be divided into two sub-classifications as set forth in this Section, both of which shall comply with the requirements for Group E Occupancy unless otherwise specified:

(a) Group E-1—LARGE ASSEMBLY

Group E-1 shall include theaters and places of public assembly having a working stage (see definition) and having a capacity of seven hundred (700) or more people; also, Group E-1 shall include theaters or places of assembly having a non-working stage but having a capacity of 1,000 or more people.

(b) Group E-2—SMALL ASSEMBLY

Group E-2 shall include theaters and places of assembly having a capacity of 75 or more persons but having a capacity less than designated for Group E-1.

404.3—METHOD OF DETERMINING CAPACITY

The capacity of occupant content of theaters and places of assembly shall be determined according to the actual number of persons that will occupy the space. In computing the occupancy capacity, the capacity shall not be less than six (6) square feet of floor area per person with fixed seats, or fifteen (15) square feet of floor area per person where fixed seats are not provided.

404.4—SPECIAL REQUIREMENTS—GROUP "E" OCCUPANCY

	SECTION
1. Special Exit Requirements	Chapter XI
2. Non-Combustible Stairway Requirements	1115
3. Special Requirements governing the necessary features for total protection of Group "E" Assembly Occupancies, shall be in accordance with Section 512.	
4. Tents	504.2
5. Stadiums and Grandstands	510
6. Amusement Park Buildings	511
7. Storage and handling of flammable liquids and combustible gases shall be prohibited.	

4. No classroom shall occupy basement room fifty (50) percent below ground level.
5. Every heating appliance which produces an unprotected open flame shall be prohibited. 2902
6. Storage and handling of flammable liquids shall be prohibited.
7. Where permanent motion picture projectors are used, booths shall be provided, as set forth in Section 512.25.
8. Small children shall be on first floor.
The lower grades shall be located in the classrooms nearest the exits.
9. Furnace and fuel rooms shall be separated by 2 hour rated walls and ceilings with no openings except to the outside of the building. (Section 2902)

SECTION 407—GROUP "D"—INSTITUTIONAL

407.1—SCOPE

Buildings in which more than two people are detained for penal or correctional purposes; or in which the liberty of the inmates is restricted, or places of involuntary detention, shall be classified in Group D-1.

Buildings in which more than five people are harbored for medical, charitable or other care or treatment shall be classified in Group D-2.

Group D-1—Institutional Occupancy—shall include, among others, the following:

Reformatories
Jails
Prisons
Mental Hospitals

Group D-2—Institutional Occupancy—shall include, among others, the following:

Hospitals
Sanitoriums
Orphanages
Old People's Homes
Nursing Homes

407.2—EXCEPTION

Dormitories for doctors, nurses, and able-bodied help (not for patients or inmates) of Institutional buildings shall be classified as Group A—Residential Occupancy.

407.3—SPECIAL REQUIREMENTS—GROUP "D" OCCUPANCY

	SECTION
1. Special Exit Requirements	1104
2. Non-Combustible Stairways Required	1115
3. Handling and Storage of Combustible Film	501.3
4. Storage and Handling of Flammable Liquids shall be prohibited.	
5. At least 1-hour construction required	516
6. Sprinkler or fire detection system required.	516

SECTION 408—GROUP "E"—ASSEMBLY

408.1—SCOPE

Buildings in which provision is made for the congregation or gathering of seventy-five (75) or more persons in one room or space shall be classified in Group E—Assembly Occupancy. Such room or space shall include any occupied connecting room or space in the same story, or in a story or

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On June 17, 1976, the Pinball Wizard Amusement Center, after four and one-half months of conducting business, was inspected at or about 8:00 A.M. from outside the location and that same day the Building Inspection Department sent The Pinball Wizard Amusement Center a letter to "Cease and Desist" business until such a time that the owners of the Pinball Wizard comply with the building codes as set forth in the "Cease and Desist" letter.

The June 17, 1976 inspection was initiated, as told to us by one of the inspectors, by a phone call from the Asheville Police Department to the Building Inspection Department. The Police Department asked the Inspection Department to see if The Pinball Wizard could be closed down because the Police Department received a noise complaint. If this statement is untrue, the Building Inspection Department, as we see it, hasn't the right to use another department as an excuse for an action that has caused us a loss of revenue, loss of time, and a degree of mental anguish.

Upon receipt of the "Cease and Desist" order on June 19, 1976, three phone calls were made to the Inspection Department and verbal notice was also given to close our doors. We just wanted to stay open for the weekend until this matter was discussed between all parties concerned. We were not allowed to do so. We reopened our doors on June 21, 1976 only under the advice of an attorney.

Pleasure Enterprises, Inc. hereby gives notice that the amount of $500.00 was lost in revenue by the "Cease and Desist" order. The complaint is that there was NO prior notice of building code deficiencies. The Pinball Wizard Amusement Center was inspected days prior to opening it's doors for business and was found to be "in order" for doing business. The business was given a verbal O.K. to obtain licenses and permits to conduct business.

Pleasure Enterprises, Inc. also gives notice of punitive damages claimed in the amount of $25,000.00 or part thereof. One reason for the above damages claimed is, we, the owners, feel that our civil liberties have been infringed upon which we can prove. Another reason for the above damages claimed is the unfavorable publicity which cast a shadow of doubt in the minds of parents as to the suitability of our place of business for their children. This has caused us intense personal embarrassment to family and friends.

Respectfully,

Frank Cioffari
President
Pleasure Enterprises, Inc.

FC:gc

Frank Cioffari

Corporate Seal

Nick Peterson, owner of the Space Mission Amusement Center and Frank Cioffari, owner of the Pinball Wizard Amusement Center, both said that the report was informative but they still wanted to see that the Inspection Division enforced the code where other amusement centers were concerned.

Councilman Morris commented that the handicapped restrooms was a state law requirement and Council could not change that law.

Mr. Cioffari quoted Section 88 of the Asheville City Code dealing with Council's power to enforce the building codes.

Councilman Rainey said he felt the purpose of a legislative body is to be sensitive to citizens' complaints and that one of Council's duties as a legislative body is to listen to their complaints. He said Council must realize that so much of the inspections business is generated by the federal government. He said many of the inpsections requirements imposed are the result of federal laws and the City needs federal funds to help do the inspections. He said he questioned whether inpsections should be used to discourage business initiative. He said he felt sympathy with the young businessman who faces a barrage of inspectors in the Inspection Division.

Mayor Ochsenreiter, responding to Mr. Cioffari, explained that any appeal procedure is through the State Department of Insurance, Engineering Division, the State Building Code Council and the courts.

Mr. Cioffari then presented the Corporation Counsel with a notice of prerequisite to Action for Damages against the City, pursuant to Section 12 of the Asheville City Code.

August 26, 1976

TO: City of Asheville, North Carolina
City Council
Mr. Gene Ochsenreiter, Mayor

FROM: Pleasure Enterprises, Inc.
The Pinball Wizard Amusement Center
45 Grindstaff Drive
Asheville, North Carolina

REF: SECTION #12 - Notice Prerequisite to Action for Damages Against City

In compliance with the City Code Section #12, this letter, in keeping with the above-mentioned code, in order for us, Pleasure Enterprises, Inc., to take legal action if we so desire at a later date, hereby notify the City of Asheville in writing of action to be taken pending the final outcome of our minor difficulties with the City.

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On a roll call vote of 5-0, Ordinance No. 908 passed on first reading.

Councilman Michael moved to suspend the rules and proceed to the second reading of Ordinance No. 908. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 908 passed on second reading.

Councilman Michael again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 908. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 908 passed on third and final reading.

Complete text of Ordinance No. 908 will be found in Ordinance Book No. 7 at page 43.

ORDINANCE NO. 909 -AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77 (appropriating funds for the N. C. Youth Conservation Corp)

13. Consideration was given to an ordinance amending the operating budget of the City of Asheville for fiscal year 1976-77 to appropriate funds for the operation of the North Carolina Youth Conservation Corp.

The Assistant City Manager read the ordinance.

Larry Fisher, Director of Finance, said this ordinance would clear up the budget and appropriate funds for the North Carolina Youth Conservation Corp, a program which Council approved several months ago.

Councilman Hoyle moved for the adoption of Ordinance No. 909. This motion was seconded by Councilwoman Swilling.

On a roll call vote of 6-0, Ordinance No. 909 passed on first reading.

ORDINANCE NO. 910 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77 (appropriating funds for the Police/Fire Cadet Program)

14. Consideration was given to an ordinance amending the operating budget of the City of Asheville for fiscal year 1976-77 to appropriate funds for the operation of the Police/Fire Cadet Program.

The Assistant City Manager read the ordinance.

Larry Fisher, Director of Finance, said this ordinance would clear up the budget and appropriate funds for the Police/Fire Cadet Program, a program which Council approved.

Councilman Michael moved for the adoption of Ordinance No. 910. This motion was seconded by Councilman Rainey.

On a roll call vote of 6-0, Ordinance No. 910 passed on first reading.

RESOLUTION NO. 76-135 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 3 TO FAA LEASE NO. DOTFA71SO-6028 COVERING THE ATCT/SFO FACILITY AT ASHEVILLE AIRPORT

11. Consideration was given to a resolution authorizing the Mayor to execute Supplemental Agreement No. 3 to FAA Lease No. DOTFA71SO-6028 covering the ATCT/SFO Facility at Asheville Airport.

The Assistant City Manager read the resolution.

Gary Taylor, Director of Aviation, explained that since the construction of the Asheville Airport a 5 ton air conditioning unit has supplied heat and air conditioning for the traffic control tower cab. He said since the radar system has been installed and other up-to-date equipment plus five men in the control tower, the heat factor has increased to a point far beyond the capability of the present 5 ton air conditioner. He said he had exhaulted every avenue to increase the capacity of the present air conditioning system. The unit has failed twice in the past three weeks and is subject to fail again at any time due to overload. FAA personnel has been informed that by adding both people and equipment on their part, has created this condition and that he expected financial support on an equal basis from them. He said Mr. W. B. Rucker, Chief Airway Facilities Division, Atlanta, Georgia sent an engineer to evaluate the problem. The engineers evaluation indicated a 10 ton train unit would be necessary to handle the present and future load and also to perform successful with the present controls.

Mr. Taylor said he requested the services of an engineer from Six Associates to review the FAA engineering request and the engineers report agreed with the FAA engineer's report and a cost estimate was supplied by Moser, Inc. of Asheville in the amount of $12,500. He said FAA agreed to approve 50% of the total cost of this installation. He said this resolution would amend the present lease agreement reflecting FAA's intent to pay 50% of the cost of the improvements, not to exceed $6,250 upon completion and acceptance of the improvements.

The Assistant City Manager said if this resolution was adopted a budget amendment ordinance would be necessary to appropriate funds in the amount of $6,250 to the Aviation Fund for Maintenance and Repairs.

Upon motion of Vice-Mayor Horton, seconded by Councilman Michael, Resolution No. 76-135 was unanimously adopted.

Complete text of Resolution No. 76-135 will be found in Resolution Book No. 9 at page 119.

ORDINANCE NO. 908 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77

12. Consideration was given to an ordinance amending the operating budget of the City of Asheville for fiscal year 1976-77 to upgrade the air conditioning in the Control Tower at the Asheville Airport.

The Assistant City Manager read the ordinance.

Vice-Mayor Horton moved for the adoption of Ordinance No. 908. This motion was seconded by Councilman Michael

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BIDS - UNIFORMS FOR POLICE DEPARTMENT

17. Consideration was given to bids received August 16, 1976 for uniforms for Police Department.

The Assistant City Manager read a memorandum from the Purchasing Agent which stated that the Asheville Army Store submitted the lowest bid, but did not furnish samples for all items as called for in specifications. Rather than disqualify the bid altogether, consideration was given to items for which samples were provided and the suggestion that award be made to the low bidder on a per item basis. In this regard, Stinnette Uniform Company was low bidder on items 1, 2, and 4, totaling $9,234.00. The Asheville Army Store was low bidder on items 2, and 5 through 11 totaling $3,893.69. The combined totals amounting to $13,127.69 or additional savings of $343.44 below the low bid. Stinnette Uniform Company agreed to splitting the order to low bidder on a per item basis. This arrangement, however, is not acceptable to Asheville Army Store, and while their bid does not so state, their position, according to Store Manager, M. C. Williams is for award of "all of items complete or not at all". Therefore, it was the recommendation of the Purchasing Agent and J. C. Hall, Police Chief, that Council accept award of all items to the fully responsive bidder, Stinnette Uniform Sales, Inc. in the amount of $13,845.20.

Vice-Mayor Horton also pointed out that the Asheville Army Store's delivery date was 90 days while Stinnette Uniform Sales was only 45 to 60 days.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to the fully responsive bidder, Stinnette Uniform Company in the amount of $13,845.20. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Bid Summary

Bidder	Bid
Asheville Army Store	$13,471.13
Stinnette Uniform Sales	$13,845.20

CIVIL SERVICE EXAMINATIONS FOR PROMOTIONS IN THE POLICE DEPARTMENT

Councilman Michael commended Chief Hall and the Civil Service Board for implementing a promotional examination that included a written and oral examination. He said he felt this was a much fairer examination.

RESOLUTION NO. 76-136 - RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE TRANSIT AUTHORITY

18. Consideration was given to a resolution appointing Mr. Arthur E. Eve, Jr. as a member of the Asheville Transit Authority.

The Assistant City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Michael, Resolution No. 76-136 was unanimously adopted.

Complete text of Resolution No. 76-136 will be found in Resolution Book No. 9 at page 120.

BIDS - 100 FOLDING TABLES, KING ARTHUR MODEL NO. 1205, OR EQUAL, FOR CIVIC CENTER

15. Consideration was given to bids received August 16, 1976 for 100 folding tables for the Civic Center.

The Assistant City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Talman's Office Supplies in the amount of $4,325.00.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Talman's Office Supplies in the amount of $4,325.00. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Bid Summary

Bidder	Bid
Talman's Office Supplies, Inc.	$4,325.00
Standard Theatre Supply	4,641.00

BIDS - ESTIMATED SIX (6) MONTHS REQUIREMENT FOR WATER MAIN PIPE

16. Consideration was given to bids received August 16, 1976 for estimated six (6) months requirement for water main pipe.

The Assistant City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Lynchburg Foundry Company, for all base bid items. He said quantities used in this bid are approximate, based on estimated requirements for the next six (6) months. Recommended unit prices, firm for the six (6) month period from date of award, shall apply to City of Asheville Purchase Orders to be issued on an as-needed basis.

Councilman Hoyle moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Lynchburg Foundary Company, for all base bid items. This motion was seconded by Councilman Morris and carried unanimously.

BID SUMMARY - BID REQUEST NO. 369 — ESTIMATED SIX (6) MONTHS REQUIREMENT FOR WATER MAIN PIPE — OPENED: MONDAY, AUGUST 16, 1976 - 1

	GLAMORGAN PIPE & FOUNDRY CO. LYNCHBURG, VA.		AMERICAN CAST IRON PIPE CO. ATLANTA, GA.		LYNCHBURG FOUNDRY LYNCHBURG, VA.	
ITEM #1 - 12,000 ft. 6" Class 2 Ductile Iron - Super Bell	4.14/ft.	$49,680	4.19/ft.	$50,280	3.90/ft. ✓	$46,800
ALTERNATE - 12,000 ft. 6" Class 22 Cast Iron - Super Bell	4.09/ft.	$49,080	4.24/ft.	$50,880	3.90/ft.	$46,800
ITEM #2 - 6,000 ft. 8" Class 2 Ductile Iron - Super Bell	5.68/ft.	$34,080	5.75/ft.	$34,500	5.58/ft. ✓	$33,480
ALTERNATE - 6,000 ft. 8" Class 22 Cast Iron - Super Bell	5.68/ft.	$34,080	5.81/ft.	$34,860	5.58/ft.	$33,480
ITEM #3 - 5,200 ft. 12" Class 2 Ductile Iron - Super Bell	9.40/ft.	$48,880	9.52/ft.	$49,504	9.28/ft. ✓	$48,256
ALTERNATE - 5,200 ft. 12" Class 22 Cast Iron - Super Bell	9.67/ft.	$50,284	9.82/ft.	$51,064	9.50/ft.	$49,400
ITEM #4 - 3,000 ft. 16" Class 2 Ductile Iron - Super Bell	13.61/ft.	$40,830	13.78/ft.	$41,340	13.43/ft. ✓	$40,290
ALTERNATE - 3,000 ft. 16" Class 22 Cast Iron - Super Bell	14.47/ft.	$43,410	14.70/ft.	$44,100	14.22/ft.	$42,660
ITEM #5 - 2,000 ft. 20" Class 50 Ductile Iron - Super Bell	16.23/ft.	$32,460	16.47/ft.	32,940	16.04/ft. ✓	$32,080
TOTAL: BASE BID, 1 through 5 +	$205,930.00		$208,564.00		$200,906.00	
TOTAL: ALTERNATE, 1 through 4 +	$176,854.00		$180,904.00		$172,340.00	

DAVIS METER & SUPPLY CO. KNOXVILLE, TN NO BID

ITT GRINNELL CORP. CHARLOTTE, N.C. NO BID

TIDEWATER SUPPLY CO. ASHEVILLE, N.C. NO BID

MAJOCA CORPORATION ASHEVILLE, N.C. NO BID

SOUTHERN METER & SUPPLY CO. GREENSBORO, N.C. NO BID

SUPPLY SPECIALTIES, INC. ASHEVILLE, N.C. NO BID

B & M TENNESSEE, INC. KNOXVILLE, TN. NO BID

CLOSING OF FAIRVIEW ROAD - AUGUST 30, 1976

The Assistant City Manager said he had been informed by the Southern Railway Company that the railroad tracks on Fairview Road would be closed to traffic all day on August 30, 1976.

OPENING OF CIVIC CENTER PARKING GARAGE

Mayor Ochsenreiter invited everyone to attend the the grand opening and ribbon cutting ceremonies of Asheville's new parking garage on Wednesday, September 1, 1976 at 10 o'clock a. m.

Councilwoman Swilling left the meeting at 6:30 p. m.

CIVIC CENTER SEAT SURCHARGE

Mrs. Ava Kenner, representing the Asheville Antiques Fair, told Council her event might well be destroyed by an increase in admission cost. She said it had never been a big money-maker and said the sponsoring Vetust Study Club has tried to absorb the ever-increasing expenses involved in producing the fair but this year had to increase the admission. She said an additional 25-cent increase would cause people to stay away.

Councilman Morris said he had thought the seat tax was to be applied only to road shows and not to antiques fairs, industrial fairs and cultural exhibits.

Other Council members also agreed with Councilman Morris.

Councilman Morris moved to postpone the effective date of the seat surcharge until it could be given further consideration. This motion was seconded by Councilman Michael.

Councilman Morris suggested that a committee be appointed to study the matter.

Corporation Counsel William C. Moore said legal problems might result if Council started eliminating certain groups and including others.

Jim Evans, Civic Center Manager, said several major shows, including Ringling Brothers, Barnum and Bailey Circus and Holiday on Ice have said they will not play here again if the seat tax is levied. He said the wrestling promoter has also indicated strong objections to the seat tax.

Several Council members were inclined to keep the effective date of the Civic Center Seat Surcharge as September 1, 1976.

Councilman Michael withdrew his second to Councilman Morris' motion.

After discussion, Council agreed to meet on Monday, August 30, 1976 to further discuss the 25-cent seat surcharge.

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RESOLUTION NO. 76-137 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE THE RICEVILLE FOREST WATER SYSTEM

19. Consideration was given to a resolution authorizing the City Manager to acquire the Riceville Forest Water System.

The Assistant City Manager read the resolution as well as the following letter from William E. Edens, City Engineer.

MEMORANDUM TO: William F. Wolcott, Jr.
Assistant City Manager - Operations

FROM: William E. Edens
City Engineer

SUBJECT: Acquisition of real estate and water distribution property in Riceville Forest

"In negotiating with the Riceville Forest people in January, 1976, I told them that I would recommend to City Council that we pay them $6,500 in return for the deed for the tank site on which the water storage tank sits in Riceville Forest Development. Subsequently, we have received a deed to a pumping station site near the entrance to the property which will house the pumps that work against the tank. In addition to the two tracts of land, there is approximately $10,000 to $15,000 worth of pipe line improvements which they have installed and which are satisfactory for inclusion in our distribution system.

Based upon the value of the land and improvements cited above it would be reasonable to recommend that the City pay them $6,500 for these properties. The cost can be charged either to a separate Fund 33 activity for the acquisition of Riceville Forest; or it can be included as a part of the cost of the Riceville Road 8-inch water line a WSIF project which is currently out for bids. There is adequate money in the latter account to cover this expenditure if the Council so desires.

Should you have any questions about this, please let me know."

William E. Edens, City Engineer, answered general questions from members of Council stating that he felt the City has a moral obligation to participate in the growth of the community by providng water services wherever they may be needed and can be economically provided.

After discussion, Councilman Morris moved for the adoption of Resolution No. 76-137. This motion was seconded by Councilwoman Swilling and carried unanimously.

Complete text of Resolution No. 76-137 will be found in Resolution Book No. 9 at page 121.

PROCLAMATION - WOMANS DAY - AUGUST 26, 1976

Mayor Ochsenreiter proclaimed August 26, 1976 as Womans Day stating that on August 26, 1920 women won the right to vote with the passage of the 19th Amendment. He said this proclamation was in commemoration of the first attempt to give women a voice in the government and in recognition of the many contributions to which women have given in society.

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Verl Emrick said pursuant to the Zoning Ordinance the matter could not be reconsidered for a year.

SECTION 8 HOUSING PROPOSALS - BATTERY PARK HOTEL AND OTEEN VA SITES

Rev. DeSaix commended Council for their decision to ask HUD to approve both sites, expressing priority for the Oteen site.

Adjournment.

MAYOR

CITY CLERK

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SECTION 8 HOUSING PROPOSALS FOR THE BATTERY PARK HOTEL AND OTEEN VA SITES

Mrs. Roy Rogers appealed to Council to give HUD Council's support of the Oteen Section 8 Housing Proposal. She said tall buildings such as the Battery Park Hotel was a fire hazard to the elderly.

Councilman Michael then made the following motion:

"Whereas, Asheville is a city with a large elderly population; and

Whereas, Asheville is in need of more rehabilitated housing for the elderly; and

Whereas, the 250 units of rehabilitated presently allocated is considered insufficient;

The Asheville City Council therefore urges HUD to approve both the Battery Park and Oteen proposals for elderly housing.

In the event that both proposals can not be approved, we recommend that the Oteen Project be given priority over the Battery Park Project. This decision was reached after polling the senior citizens who indicated their preference of the Oteen Project."

This motion was seconded by Councilman Rainey and carried unanimously.

Mr. A. C. Mitchell also spoke in favor of the Oteen proposal.

Mr. Carl Johnson, said he had spent considerable time polling the elderly on how they felt about the two plans and expressed satisfaction with Council's decision.

Mr. Raymond Hilton also spoke in favor of the Oteen Proposal stating that Council should place more emphasis on the preference for Oteen.

Councilman Rainey said to change the motion would be taking away from the fact that we need both projects. He said he did not think there would be any restoration of downtown Asheville as long as the Battery Park Hotel remains an eyesore and remains closed.

DISCUSSION - GROUP DEVELOPMENT - ARROWHEAD APARTMENTS

Mr. R. L. Bailey voiced concern over Council's decision to deny the approval of the Arrowhead Apartments Group Development.

Mr. Ridgley Robinson, architect for the Arrowhead Apartments, also expressed concern over Council's decision to deny the approval of the group development. He said he felt the denial could be attributed to "emotional appeal". He said all the physical requirements for a group development had been met. He asked that Council reconsider the Arrowhead Apartments Group Development by either referring the matter back to the Planning and Zoning Commission or to set another public hearing.

Vice-Mayor Horton said all normal procedures for the group development were carried through and it had been Council's desire to accept the recommendation of the Planning and Zoning Commission to disapprove the group development.

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On a roll call vote of 5-0, Ordinance No. 909 passed on second reading.

ORDINANCE NO. 910 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77 APPROPRIATING FUNDS FOR THE OPERATION OF THE POLICE/FIRE CADET PROGRAM

4. Consideration was given to the second reading of Ordinance No. 910 an ordinance amending the operating budget of the City of Asheville for fiscal year 1976-77 appropriating funds for the operation of the Police/Fire Cadet Program.

Mayor Ochsenreiter stated that members of Council had previously been furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 910 passed on second reading.

RESOLUTION NO. 76-138 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH HUNTLEY CONSTRUCTION COMPANY AND TAYLOR AND MURPHY CONSTRUCTION COMPANY, INC. FOR CERTAIN WATER IMPROVEMENTS

5. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Huntley Construction Company and Taylor and Murphy Construction Company, Inc. for certain water improvements.

The City Manager read the resolution and a memorandum from William E. Edens, City Engineer, which stated that bids on the four divisions of this contract were as follows:

Huntley Construction Company	$62,142.00
Taylor and Murphy Construction Co.	68,205.55
Cooper Construction Company	68,719.09
P & H Construction Co.	75,987.25
W & W Construction Co.	76,766.75
Stepp Ditching, Inc. (bidding on only 3 div.)	52,907.10

Huntley Construction Company is the apparent low bidder on Divisions I, II, and III; Taylor and Murphy Construction Company, Inc. is the apparent low bidder on Division IV for the contract. It was recommended that the low bidders be accepted.

William Edens, City Engineer, said three of these projects, Oak Hill Road, Riceville Road and Mann Road, are water system improvement fund projects, which are funded half by the City and half by the County and are efforts to upgrade the distribution system where poor service is evident. He said the other division referred to Haw Creek School is a line that was made necessary by the construction of the new Haw Creek Elementary School on Haw Creek Road and will be paid for fully by the Buncombe County School Board.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 76-138 was unanimously adopted.

Complete text of Resolution No. 76-138 will be found in Resolution Book No. 9 at page 122.

Thursday - September 2, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilmen Ralph D. Morris, Jr., Otis B. Michael, Gene E. Rainey, J. W. Hoyle, Corporation Counsel Robert J. Robinson, substituting for William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilwoman JoAnn M. Swilling and Corporation Counsel William C. Moore.

PRESENTATION OF HANDICAPPED AWARDS

Mayor Ochsenreiter presented ten (10) awards on behalf of the Committee on Employment of the Handicapped. Receiving the awards were: Nellie Farthing, Handicapped Citizen of the Year; George Russell Swift III, Handicapped Student of the Year; Carl Wells, Handicapped Employee Award; Russell M. Oates, Handicapped Employee Award; Glenda Briggs, recipient of state and national awards; David Golson, Handicapped Citizen of the Year; George Nalesnik of the Kearfott Division of Singer Company., Large Employer of the Year; John W. Ledbetter, M. D., Physician of the Year; Marvin Troka, plant manager, and Dean Justice, personnel director, of the Strawberry Hill Division of Chase Bag Company, Small Employer of the Year; and Raymond A. Brockway, Presidents Trophy.

APPROVAL OF THE MINUTES

1. Approval of minutes of August 26, 1976 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilman Michael, the minutes of the August 26, 1976 meeting were approved as submitted.

ORDINANCE NO. 907 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Alley off Greenhill Avenue)

2. Consideration was given to the second reading of Ordinance No. 907, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended rezoning an alley off Greenhill Avenue from R-3 Residential District to CH Commercial Highway District.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 907 passed on second reading.

ORDINANCE NO. 909 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77 FOR THE OPERATION OF THE NORTH CAROLINA YOUTH CONSERVATION CORP.

3. Consideration was given to the second reading of Ordinance No. 909, an ordinance amending the operating budget of the City of Asheville for fiscal year 1976-77 for the operation of the North Carolina Youth Conservation Corp.

Mayor Ochsenreiter stated that members of Council has previously been furnished wth copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

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REVIEW OF REQUESTS RELATIVE TO REMOVAL OF WEEDS AND LITTER FROM VACANT LOTS

8. Councilman Rainey said complaints relative to the removal of weeds and litter from vacant lots is a continuing problem. He said neighborhoods tend to be blighted with vacant lots in their areas, that goes unattended. He then read the following editorial from the Asheville Times published on July 7, 1976.

"When the owner of a vacant city lot permits his property to grow up with weeds and bushes he does a serious injustice to all residents of his community, especially those who must look at the jungle every day.

Asheville abounds in such sorry sights, convenient receptacles for rodents, beer cans, kitchen garbage and other litter.

As with all cities, a number of the unsightly lots are owned by persons who live out of town. However, this is absolutely no excuse for such neglect of property in a thickly populated neighborhood.

In addition to the imposition where individuals and families are concerned, these neglected plots do harm to the image of the city as a whole.

Municipal authorities should use every possible pressure for correction of these situations. They owe it to the rest of us."

Councilman Rainey said he felt Council was working on the problem with Ordinance No. 766, passed in March, 1973, which he felt was flawed. He said it imposes a penalty of $10.00 a day on those lot owners that do not comply. He said in all cases Council must order the lot to be cleared. He said the ordinance needs to be streamlined. He distributed to members of Council, the Corporation Counsel and the City Manager, a copy of Concord, North Carolina's ordinance, which requires that lots of this nature be cleared twice a year on June 15 and September 15 and if the owner does not clear the lots then the City clears them and charges the owner. If the owner can not be located or refuses to pay, a lien is placed on the property. He said Council should study Ordinance No. 766 and the Concord, North Carolina ordinance and try to solve these problems with a different approach.

Dr. Walter R. Boland of 50 Greenleaf Circle told Council two unpaved roads have been put through a once beautiful, heavily wooded area near his home, ostensibly to provide access for homes which were to be built. But in the year and a half since then, nothing has been built except a foundation with walls six to nine feet high. The roads are overgrown with weeds, he said, and piles of lumber with long spikes sticking out provide a home for snakes and an attractive but dangerous play area for neighborhood children. He said he had complained to the City numerous times but to no avail.

Ms. Evelyn Hicks of 9 Sareva Place, presented a petition to Council containing some 39 signatures, representing 22 households in her neighborhood, complaining to Council about a vacant lot where mosquitoes abound and dense vegetation blocks air and sunlight. She said they respectfully implore City Council to find a way to solve their problem.

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ORDINANCE NO. 911 - AN ORDINANCE REQUESTING AND AUTHORIZING A BUDGET INCREASE IN THE COMMUNITY DEVELOPMENT HOME OWNERSHIP AND CREDIT COUNSELING PROJECT

6. Consideration was given to an ordinance requesting and authorizing a budget increase in the Community Development Home Ownership and Credit Counseling Project.

The City Manager read the ordinance.

Logan Delaney, Community Development Coordinator, said the City Council authorized an expenditure in the amount of $5,000 from Community Development funds in support of the 2nd Action Year Home Ownership and Credit Counseling Project. He said this project provides vital services to Community Development resident homeowners and other Community Development residents through debt liquidation and fiscal management counseling and general economic and fiscal rehabilitation counseling. He said this agency is currently serving an ever increasing number of Community Development clients and these activities are administered by a competent staff under the sponsorship and supervision of a well-qualified Board of Directors chosen for their expertise and everyday involvement in business, law, finance and management. He said, therefore, he was recommending that the Community Development budget be amended by transferring $12,075 from the Community Development Contingency fund to the Community Development Home Ownership and Credit Counseling Project.

Councilman Hoyle moved for the adoption of the ordinance. This motion was seconded by Councilman Rainey.

On a roll call vote of 5-0, Ordinance No. 911 passed on first reading.

BIDS - FIRE HOSE 1½" AND 2½" DIAMETER FOR FIRE DEPARTMENT

7. Consideration was given to bids received August 16, 1976 for fire hose 1½" and 2½" diameter for Fire Department.

The City Manager read a memorandum from the Purchasing Agent which stated that the apparent low bid was submitted by Tidewater Supply Company for hose manufactured by B. F. Goodrich. He said he was later advised by Tidewater, their bid was incorrect with regard to manufacturer and would not meet material specifications. Hose quoted is manufactured by another concern, Rawhide Fire Hose Corporation and has polyester jacket rather than 100% cotton as specified in the bid specifications. Therefore, it was recommended that the Tidewater Supply Company bid be rejected for non-compliance to specifications and award to the fully responsive second low bidder, Boyce L. Ford Company, Inc., items 1 and 2 totaling $4,570.00.

Councilman Michael moved to accept the recommendation of the Purchasing Agent and award the bid to the second low bidder, Boyce L. Ford Company, Inc. totaling $4,570.00. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Bid Summary

Bidder	Bid
Supply Specialties, Inc.	$4,650.00
Boyce L. Ford Company	4,570.00
Tidewater Supply Company	4,160.00

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CIVIC CENTER SEAT SURCHARGE

Councilman Michael made the following motion:

"If Council will permit, I would like to share my opinion concerning the seat tax levy which is representative of the kinds of financial problems this Council, future Councils and Citizens of Asheville will continue to face as long as the city finances certain services and operations under the present system which in my opinion is inequitable. For too long the tax paying citizens of the City of Asheville, who also pay county taxes, have supported such things as the Asheville Civic Center, Airport, Recreation Parks, and Municipal Golf Course, One Mile Perimeter Zoning, Public Library, and Parking Garages and Lots - only to mention a few of the areas in which a greater financial responsibility should be assumed by the County. In recent months, Asheville City Council and the Buncombe County Commission have made what I consider historical headway by jointly financing certain services which the citizens of Asheville and Buncombe County have and will continue to benefit from and support in an equitable manner. The services and operations in which the City and County mutually agreed to support financially represent a step in the right direction. However, significant this progress may be, it should be recognized that these efforts must continue for it is projected that the City of Asheville will be confronted with a one million dollar plus budget deficit for the 1977-78 fiscal year. A declining economic tax base, an out-migration of the citizens from the city to the county and a city population which is increasingly becoming predominately low income, minority, and disadvantaged and elderly further compound the problem of the City's ability to generate sufficient revenue to support the services and operations previously mentioned. These are some tragic trends which are going to lead to some tough times if the City and County fail to continue to plan, coordinate and mutually agree to jointly fund those activities and operations which will benefit all citizens of the City, County and Western North Carolina Region. I therefore, think that a seat tax should be a last resort for this is only prolonging and evading the main issue.

Vice-Mayor Horton said the Finance and Legislative Committee appointed by the Mayor is addressing themselves to the problems outlined by Councilman Michael. He said recommendations from that committee should be presented to Council in October.

AMUSEMENT CENTERS- PINBALL WIZARD AND SPACE MISSION AMUSEMENT CENTERS

Mr. Frank Cioffari, owner of the Pinball Wizard Amusement Center, appeared before Countil again to confute a number of points contained in the report presented by Assistant City Manager Ken Michalove at last week's meeting. Noting that he plans to take his case to court, he said he doesn't want anyone to fault him later for not confuting the report at the time.

Responding to a question from Mr. Cioffari, Councilman Morris said he felt the matter should have been handled by in-house staff before being brought to Council.

Councilman Rainey commented that he felt it was Council's responsibility to hear out citizens complaints. He said he had received 15 confidential calls during the course of the investigation into alleged irregularities in the Inspection Division and at no time was there found any proof of criminal action. They found no one on the take and if there are mistakes, they were honest mistakes.

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Ms. Sadie L. Sprinkle of 330 Barnard Avenue, told Council that she could get no help from the City to do something about the stagnant water and hoards of mosquitoes plaguing the neighborhood. She said a spring in the area was causing the health hazard.

Mrs. Blandene S. Pettit of 16 Robindale Avenue, told Council her elderly father has been paying $25.00 per year for the past three years for the clearing of an adjacent lot which does not belong to him. She said the lot was located next to 84 Barnard Avenue. She said after having tried since January, 1971 to get the city to help with the problem she called Councilman Rainey and got results.

Mrs. Pettit commended the Inspection Department for the good work done on Robindale Avenue.

Councilman Morris said when the ordinance is studied it should include occupied lots as well as vacant lots.

PROCLAMATION - NATIONAL CANCER DAY - SEPTEMBER 8, 1976

Mayor Ochsenreiter proclaimed September 8, 1976 as National Cancer Day.

PROCLAMATION - AMERICAN INSTITUTE OF BANKING WEEK IN ASHEVILLE - SEPTEMBER 6 - 12, 1976

Mayor Ochsenreiter proclaimed September 6 - 12, 1976 as American Institute of Banking Week in Asheville.

QUALITY '76 - STATEMENT BY VICE-MAYOR HORTON

Vice-Mayor Horton made the following statement and motion:

"I think it is "high time" for this Council to give some well-deserved recognition and an expression of appreciation to all those wonderful individuals who have served so faithfully and well in the planning and coordination of the tremendously successful Quality '76 Program for Asheville and Buncombe County.

It is my sincere personal opinion that this positive, forward reaching program should be continued as an integral, on-going segment of our Community's future development ... following much along the lines of its already established and successful format, under whatever name or designation that may be appropriate.

I should like to make the motion that a resolution of commendation and appreciation which will urge the continuation of this program be prepared for Council's consideration for the meeting of September 9, 1976.

Since the Quality '76 Executive Committee is to meet on September 8, I would further move that that body be advised of the impending resolution."

This motion was seconded by Councilman Rainey and carried unanimously.

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Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 912. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 912 passed on third and final reading.

Complete text of Ordinance No. 912 will be found in Ordinance Book No. 7 at page 48.

CLAIM - MILDRED R. TAYLOR

The City Manager presented a claim from Mildred R. Taylor for damages due to the Street Department cutting trees on her property in the amount of $4,000.00.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

Adjournment.

Eugene S. Ochsenreiter
MAYOR

Norman J. Pocock
CITY CLERK

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RESOLUTION NO. 76-139 - RESOLUTION REGARDING SARDIS ROAD 8-INCH WATER LINE

Consideration was given to a resolution regarding Sardis Road 8-inch water line.

The City Manager read the resolution and stated that if Council approved the resolution a budget amendment in the form of an ordinance would have to be approved. He said funds for this project would come from the Water and Sewer Improvement Fund, which is funded half by the County and half by the City.

William Edens, City Engineer, said the City has received numerous complaints regarding inadequate water supply and pressure from the customers of the City situated on the line laying in Sardis Road between Brevard Road and Sand Hill Road and that the Assistant City Manager for Operations has recommended that in order to alleviate pressure and supply deficiencies in the area, an initial construction of approximately 3,600 linear feet of 8-inch water line be constructed in Sardis Road southerly from Sand Hill Road. He said it was his opinion that the situation is grave enough to be designated as an emergency. He said this resolution would authorize the City Engineer to solicit informal quotations for the construction of the line without regard to the formal bidding procedures designated in GS 143-129 and that it would also direct the City Engineer to undertake the construction and have it completed at the earliest possible date commensurate with good engineering and construction practice.

Mr. Edens said the 3,600 feet of eight-inch pipe represents the inital phase of an 11,000 foot project. The remainder of the project could be done more slowly with the initial 3,600 feet expected to eliminate the major part of the problem. He said the City's long range plans calls for installation of a 12 or 16-inch water main for Sardis Road within the next 10 to 12 years.

Councilman Hoyle moved for the adoption of Resolution No. 76-139 stating that the informal bids would be furnished in writing. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Complete text of Resolution No. 76-139 will be found in Resolution Book No. 9 at page 123.

ORDINANCE NO. 912 - ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77 PERTAINING TO THE CONSTRUCTION OF WATER IMPROVEMENT PROJECTS

Consideration was given to an ordinance amending the operating budget for the City of Asheville for fiscal year 1976-77 pertaining to the construction of water improvement project in Sardis Road.

The City Manager read the ordinance.

Vice-Mayor Horton moved for the adoption of Ordinance No. 912. This motion was seconded by Councilman Hoyle.

On a roll call vote of 5-0, Ordinance No. 912 was passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 912. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 912 was passed on second reading.

PUBLIC HEARING - ADOPTION OF AMENDMENTS TO THE NORTH CAROLINA STATE BUILDING CODE, VOLUME I, GENERAL CONSTRUCTION, 1967 EDITION FOR EXISTING HIGH RISE BUILDINGS

ORDINANCE NO. 913 - AN ORDINANCE AMENDING SECTION 8-1 OF CHAPTER 8, ARTICLE I OF THE CODE OF ORDINANCES, ENTITLED STATE BUILDING CODE ADOPTED

3. A public hearing was held relative to adoption of amendments to the North Carolina State Building Code.

Mayor Ochsenreiter opened the public hearing at 3:17 o'clock p.m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

J. E. Johnson, Chief Building Inspector, explained the amendments to the North Carolina State Building Code, Volume I, General Construction, for existing high rise buildings and what has to be done to comply with same. He advised that local owners of high rise structures are being notified by mail of requirements that have to be brought up to standard within a period of five years.

Mayor Ochsenreiter closed the public hearing at 3:21 o'clock p.m.

The City Manager read the ordinance to amend Section 8-1 of Chapter 8, Article I of the Code of Ordinances, entitled State Building Code Adopted.

Upon motion of Councilman Michael, seconded by Councilman Morris, the ordinance was adopted.

On a roll call vote of 5-0, Ordinance 913 passed on its first reading.

ORDINANCE NO. 907 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Alley off Greenhill Avenue)

4. Consideration was given to the third and final reading of Ordinance No. 907, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended rezoning an alley off Greenhill Avenue from R-3 Residential District to CH Commercial Highway District.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 907 passed on its third and final reading.

Complete text of Ordinance No. 907 will be found in Ordinance Book No. 7 at page 42.

ORDINANCE NO. 909 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILE FOR FISCAL YEAR 1976-77 FOR THE OPERATION OF THE NORTH CAROLINA YOUTH CONSERVATION CORP.

5. Consideration was given to the third and final reading of Ordinance No. 909, an ordinance amending the operating budget of the City of Asheville for fiscal year 1976-77 for the operation of the North Carolina Youth Conservation Corp.

Thursday - September 9, 1976 - 3:00 o'clock p.m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice Mayor Bill B. Horton, Councilmen Ralph D. Morris, Jr., Otis B. Michael, J. W. Hoyle, Councilwoman JoAnn M. Swilling, Corporation Counsel Robert J. Robinson substituting for William C. Moore, City Manager Ernest J. Ward and Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Gene Rainey and Corporation Counsel William C. Moore. (Councilman Rainey took his seat at 3:55 o'clock p.m.)

APPROVAL OF MINUTES

1. Approval of minutes of September 2, 1976 meeting.

Upon motion of Councilman Michael, seconded by Councilman Hoyle, the minutes of the September 2, 1976 meeting were approved as submitted.

PUBLIC HEARING - CLOSING OF PORTIONS OF BLANTON STREET, DEWITT STREET, SOUTH GROVE STREET AND ALL OF SILVER STREET AND FIVE (5) UNNAMED ALLEYS

RESOLUTION NO. 76-140 - RESOLUTION TO CLOSE PORTIONS OF BLANTON STREET, DEWITT STREET, SOUTH GROVE STREET, ALL OF SILVER STREET AND FIVE (5) UNNAMED ALLEYS

2. A public hearing was held relative to the closing of portions of Blanton Street, Dewitt Street, South Grove Street, all of Silver Street and five (5) unnamed alleys.

Mayor Ochsenreiter opened the public hearing at 3:01 o'clock p.m.

Robert J. Robinson, Corporate Counsel, read Resolution No. 76-125, setting the time and date for the public hearing and describing said property.

The City Manager stated he had the affidavit of publication and affidavits to the fact that notices of closing of these portions of streets and alleys had been prominently posted in at least two places along the streets and alleys proposed to be closed. He also stated that he had statements agreeing to closing of these proposed closings from the following persons: William J. Ruth, 186 South French Broad, Ola Belle Hanks, 202 South French Broad Avenue, Maggie S. Wells, 172 South French Broad Avenue, James Avery, 196 South French Broad Avenue, Ulysses and Bessie Watts, 15 Blanton Street.

Larry Holt from the Asheville Housing Authority, by use of a map located the proposed street and alley closings.

Mayor Ochsenreiter closed the public hearing at 3:15 o'clock p.m.

Robert J. Robinson read the resolution closing said portions of streets and alleys.

Upon motion of Councilman Michael, seconded by Vice Mayor Horton, Resolution No. 76-140 was unanimously adopted.

Complete text of Resolution No. 76-140 will be found in Resolution Book No. 9 at page 124.

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were issued would have 15 days in which to pay the fine before additional delinquent charges were added.

After some discussion, Councilman Morris moved to amend the ordinance to change the charge for meter feeding from $1.00 to $5.00. This motion was seconded by Councilwoman Swilling and carried unanimously.

Mr. Ralph Bishop spoke in opposition to the ordinance as amended.

On a roll call vote of 5-0, Ordinance No. 914 passed on its first reading as amended.

RESOLUTION NO. _____ A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE FOR AND ENTER INTO A CONTRACT FOR THE INVENTORY AND APPRAISAL OF CITY OWNED FIXED ASSETS

9. Consideration was given to a resolution to authorize the City Manager to negotiate for and enter into a contract for the inventory and appraisal of City owned fixed assets.

Councilman Gene Rainey took his seat in the Council meeting at 3:55 p.m.

Councilman Michael questioned that fact th Marshall and Stevens was not a local firm and it seemed unfair since we do have local appraisers and auditors and that they should at least be given a chance to try some of this type service.

Vice Mayor Horton explained that this is a highly specialized type of service and this is one area where one must be very careful to get a qualified service from whoever we bring in to do this type of service.

Mr. Fisher, Director of Finance, explained that we do use local appraisers when selling or buying property. Vice Mayor Horton also pointed out that an appraisal would give us a new fix on our insured value as far as our insurance coverage is concerned.

Members of Council voiced concern over spending $46,500 for something they felt could be done at least in part by the City's own staff. They felt like staff members would be called upon to furnish most of the inventory information for the consultants. Could the City inventory its own property and then have consultants come in and put a value on it?

Mr. Fisher agreed to contact local firms about this matter and perhaps have representatives from Marshall and Stevens come back and meet with Council at a later date. He suggested that they table this resolution for the time being.

Mr. Ward commented that our audit report this year would be qualified but this is a requirement of the ICPA now and until such time as we do come up with something acceptable then our audit reports would be qualified and what we are saying when our audit reports are qualified is that if we get into any need for bonds then this information will go to the rating bureaus and will affect the City's bond ratings as those bonds are being sold. These requirements are much more stringent now as it relates to the sale of bonds than they ever have been before. The last bonds that we sold are described in a brochure that was not more than four or five 5x8 pages. The next bond brochure that we prepare will be the size of one of our audit reports which will have something in the neighborhood of letter size paper of about 50 to 100 pages. So what Mr. Fisher is trying to do is meet the certification requirements and look for the best bond rating that we can get as we do this work. We will pursue what Council is asking for and bring it back to the Council.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 909 passed on its third and final reading.

Complete text of Ordinance No. 909 will be found in Ordinance Book No. 7 at page 45.

ORDINANCE NO. 910 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77 APPROPRIATING FUNDS FOR THE OPERATION OF THE POLICE/FIRE CADET PROGRAM

6. Consideration was given to the third and final reading of Ordinance No. 910, an ordinance amending the operating budget of the City of Asheville for fiscal year 1976-77 appropriating funds for the operation of the Police/Fire Cadet Program.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 910 passed on its third and final reading.

Complete text of Ordinance No. 910 will be found in Ordinance Book No. 7 at page 46.

ORDINANCE NO. 911 - AN ORDINANCE REQUESTING AND AUTHORIZING A BUDGET INCREASE IN THE COMMUNITY DEVELOPMENT HOME OWNERSHIP AND CREDIT COUNSELING PROJECT

7. Consideration was given to the second reading of Ordinance No. 911, an ordinance requesting and authorizing a budget increase in the Community Development Home Ownership and Credit Counseling Project.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 911 passed on its second reading.

ORDINANCE NO. 914 - AN ORDINANCE PROVIDING FOR FIXED PENALTIES FOR VIOLATION OF CERTAIN TRAFFIC ORDINANCES OF THE CITY OF ASHEVILLE

8. Consideration was given to an ordinance providing for fixed penalties for violation of certain traffic ordinances of the City of Asheville.

The City Manager read the ordinance.

Drew Walker, Legal Advisor for the Police Department, explained some of the rules for charges of parking penalties and said this ordinance would greatly improve the whole parking system upon its adoption by Council.

Captain Clarence F. Welborn, head of the Police Department Records Division, agreed with Mayor Ochsenreiter saying he felt that the fine for meter feeding should be $5.00 instead of $1.00. He further explained that the persons to whom these tickets

Larry Fisher, Director of Finaance, explained that the City would be under a total cash commitment of $31,852. and that approximately $23,000. of this amount had already been budgeted.

Upon motion of Councilman Michael, seconded by Vice Mayor Horton, Resolution No. 76-142 was unanimously adopted.

Complete text of Resolution No. 76-142 will be found in Resolution Book No. 9 at page 137.

ORDINANCE NO. 915 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77

12. Consideration was given to the adoption of an ordinance amending the operating budget of the City of Asheville for fiscal year 1976-77 to provide matching funds for Asheville Airport Improvement Grants.

The City Manager read the ordinance.

Councilman Michael moved for adoption of Ordinance No. 915. This motion was seconded by Councilman Rainey.

On a roll call vote of 6-0, Ordinance No. 915 passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 915. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 915 passed on second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 915. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 915 passed on the third and final reading.

Complete text of Ordinance No. 915 will be found in Ordinance Book No. 7 at page 53.

REZONING REQUEST - COUNTY OF BUNCOMBE - WARD 17, SHEET 45, PORTION OF LOT 50

The City Manager read a letter from the Planning and Zoning Commission which recommended the approval of the rezoning request to rezone Ward 17, Sheet 45, portion of Lot 50 from OI Office Institutional District to CS Commercial Service District.

Councilman Morris moved to schedule a public hearing on the matter for September 30, 1976. This motion was seconded by Vice Mayor Horton and carried unanimously.

REZONING REQUEST - MRS. LOUISE TOMLINSON - NORTH LIBERTY STREET

The City Manager read a letter from the Planning and Zoning Commission which recommended the approval of the rezoning request by Mrs. Louise Tomlinson to rezone Ward 2, Sheet 4, Lots 98 and 99 from R-4 Residential District to CH

RESOLUTION NO. 76-141 - A RESOLUTION OF APPRECIATION TO THE QUALITY '76 EFFORT AND ASHEVILLE CITY COUNCIL ENCOURAGEMENT THAT THE PROGRAM BE CONTINUED IN SOME FORM

10. Consideration was given to a resolution of appreciation to the Quality '76 effort and Asheville City Council encouragement that the Program be continued in some form which was prepared at the instruction of Council at their regular meeting on September 2, 1976.

Vice Mayor Horton read the resolution as follows:

WHEREAS, the Quality '76 idea began in 1975 as a volunteer effort to accomplish various community improvement goals and objectives in the community in recognition of the Nationwide Bicentennial Program; and

WHEREAS, hundreds of volunteers and community organizations, in fact, accomplished a wide variety of projects that could not have been accomplished without the volunteers and highly organized effort of coordination.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That sincere appreciation be hereby expressed to those individuals who have served so faithfully and well in the planning and coordination of the Quality '76 Program; and

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That this forward reaching effort should be continued as an integral, on-going segment of our Community's future development following along the lines of the already established and successful format, under a name or designation that may be appropriate.

Upon motion of Vice Mayor Horton, seconded by Councilman Hoyle Resolution No. 76-141 was unanimously adopted.

Complete text of Resolution No. 76-141 will be found in Resolution Book No. 9 at page 136.

RESOLUTION NO. 76-142 - A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND EXECUTE FEDERAL AND STATE GRANTS FOR AIRPORT IMPROVEMENTS.

11. Consideration was given to a resolution authorizing the Mayor to apply for and execute Federal and State Grants for Airport Improvements.

The City Manager read the resolution.

Gary Taylor, Director of Aviation, explained that the total amount of the Grant would be $637,045. and that these monies are distributed to airports according to the number of enplanements. The money is recommended and suggested by the FAA to take care of safety improvements at the Asheville Airport and items to be applied for under this application will be:

1. Purchase of 1500-gallon foam fire truck
2. Upgrade existing MITL and HIRL System (Medium itensity and high intensity lighting of the taxiway and runway)
3. Construction of a 4,000 square foot fire station
4. Extension of safety area of runway 34

Thursday - September 16, 1976 - 3:00 o'clock p.m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilmen Ralph D. Morris, Jr., Gene E. Rainey, J. W. Hoyle, Councilwoman JoAnn M. Swilling, Corporation Counsel Robert J. Robinson, substituting for William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Michael and Corporation Counsel William C. Moore. (Councilman Michael took his seat at 3:28 o'clock p.m.)

APPROVAL OF MINUTES

1. Approval of minutes of September 9, 1976 meeting.

Upon motion of Vice Mayor Horton, seconded by Councilman Hoyle, the minutes of the September 9, 1976 meeting were approved as submitted.

ORDINANCE NO. 913 - AN ORDINANCE AMENDING SECTION 8-1 OF CHAPTER 8, ARTICLE I OF THE CODE OF ORDINANCES, ENTITLED STATE BUILDING CODE ADOPTED (General Construction for High Rise Buildings)

2. Consideration was given to the second reading of Ordinance No. 913, an ordinance amending Section 8-1 of Chapter 8, Article I of the Code of Ordinances, general construction of High Rise Buildings.

J. E. Johnson, Chief Building Inspector, re-emphasized to Council that these regulations are presently in effect but that property owners have five (5) years to comply with them.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 913 passed on its second reading.

ORDINANCE NO. 911 - AN ORDINANCE REQUESTING AND AUTHORIZING A BUDGET INCREASE IN THE COMMUNITY DEVELOPMENT HOME OWNERSHIP AND CREDIT COUNSELING PROJECT

3. Consideration was given to the third and final reading of Ordinance No. 911, an ordinance requesting and authorizing a budget increase in the Community Development Home Ownership and Credit Counseling Project.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 911 passed on its third and final reading.

Complete text of Ordinance No. 913 will be found in Ordinance Book No. 7 at page 47.

Commercial Highway District. The Planning and Zoning Commission recommended further that Lots 97, 97½, and 101 be included in this request.

Councilman Morris moved to schedule a public hearing on the matter for September 30, 1976. This motion was seconded by Vice Mayor Horton and carried unanimously.

CLAIM - WALTER HOWARD LEWIS

The City Manager presented a claim received from Lentz and Ball, Attorneys on behalf of Walter Howard Lewis, for damages and claims of the City of Asheville as a result of personal injuries sustained due to a hole in a public sidewalk on Livingston Street.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

COMPLAINT - RALPH G. BISHOP - POLICE DEPARTMENT

Mr. Ralph G. Bishop again appeared before Council complaining about the lack of control of gamblers in the City of Asheville and strongly criticized Chief Hall for lack of action on his part in this matter.

Adjournment.

Eugene F. Ochsenreiter
MAYOR

William D. Holcomb
CITY CLERK

RESOLUTION NO. 76-143 - A RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH TAYLOR AND MURPHY CONSTRUCTION COMPANY, INC. FOR THE PROJECT KNOWN AS MONTE VISTA BOOSTER PUMP STATION

5. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Taylor and Murphy Construction Company, Inc. for the project known as Monte Vista Booster Pump Station.

The City Manager read the resolution and a memorandum from William E. Edens, City Engineer, which stated that bids were received on July 27, 1976 for this project as follows:

Taylor & Murphy Construction Company, Inc.	$ 9,938.00
Mountain Shore Construction Corp.	11,470.00
Ray C. Davis Company, Inc.	12,940.00
Cooper Construction Company	13,500.00
Hobson Construction Company	16,750.00

Taylor & Murphy Construction Company, Inc. is the apparent low bidder for this contract. It was recommended that the low bid be accepted.

William Edens, City Engineer, explained that the residents of this section had been plagued with low water pressure problems for several years and that this pump would serve the Oak Hill Road, Holbrook Road, and English Drive area as well as Monte Vista Drive as far as the private school. He said that the County is presently entering into negotiations to design a major feeder main which will cross this line and eliminate the need for this pump station sometime in the next five to ten years.

Upon motion of Councilman Hoyle, seconded by Councilman Rainey, Resolution No. 76-143 was unanimously adopted.

Complete text of Resolution No. 76-143 will be found in Resolution Book No. 9 at page 139.

Councilman Michael took his seat at 3:28 o'clock p.m.

RESOLUTION NO. 76-144 - A RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH COOPER CONSTRUCTION COMPANY, INC. FOR THE PROJECT KNOWN AS MONTFORD AVENUE FIRE LINE

6. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Cooper Construction Company, Inc. for the project known as Montford Avenue Fire Line.

The City Manager read the resolution and a memorandum from William E. Edens, City Engineer, which stated that bids were received on September 8, 1976 for this project as follows:

Cooper Construction Company	$168,425.82
P & H Construction Company	185,114.25
Taylor & Murphy Construction Co.	170,711.65
W & W Construction, Inc.	280,479.00
Wells & West, Inc.	226,586.00

Cooper Construction Company is the apparent low bidder with a total bid of $168,425.82 for this contract. It was recommended that the low bid be accepted.

ORDINANCE NO. 914 - AN ORDINANCE PROVIDING FOR FIXED PENALTIES FOR VIOLATION OF CERTAIN TRAFFIC ORDINANCES OF THE CITY OF ASHEVILLE

4. Consideration was given to the second reading of Ordinance No. 914, an Ordinance providing for fixed penalties for violation of certain traffic ordinances of the City of Asheville.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Mayor Ochsenreiter called upon Asst. Police Chief Trulove to define "meter feeding" for Councilman Rainey. Chief Trulove said "meter feeding" is feeding the same meter and that moving an automobile from meter to meter would not be considered a violation.

In response to Vice Mayor Horton's inquiry as to whether it is spelled out in ordinance that it is illegal to meter feed, Corporation Counsel, Robert J. Robinson read Section 28-119 of the Code of Ordinances which reads as follows:

> "No person shall be allowed to deposit or cause to be deposited in any parking meter a coin for the purpose of extending the parking period beyond the time fixed by Sections 28-115 and 28-117."

Councilman Rainey said he believed that the intent of the ordinance was to breakup employee meter-feeding, not to discourage people from coming downtown to do shopping or take care of other business matters.

Councilwoman Swilling said that she had had some discussion with people about the two-hour meter and that these might be beneficial to people shopping, keeping doctor appointments, or conducting other business in the downtown area.

Councilman Hoyle said that he is for employees of the downtown businesses who are meter-feeding receiving a $5.00 fine, but that he is not against the individual shopper doing this because this would help keep our downtown businesses alive.

Councilman Morris said that a person who parks at a two-hour meter and lets the meter expire can expect to get three $1.00 parking tickets but a person who parks and goes back and feeds the meter would be stuck with a $5.00 fine. He suggested that some amendment be made to provide stiffer penalties for persons caught parking "overtime" several times during the same week.

In reply to Vice Mayor Horton's question about marking cars, Chief Trulove explained that Meter Maids use a chalk stick to mark the tires on cars but that this is done primarily in the two-hour, free-parking zones and on cars parked where the meters have expired.

Councilwoman Swilling moved to table the ordinance until Council could be presented with further information to clarify various points of the ordinance and review the present Code dealing with parking. This motion was seconded by Councilman Hoyle, which motion carried, with Councilman Morris voting "No".

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Matthews Motors, Inc., totaling $35,890.10.

Councilman Michael moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Matthews Motors, Inc. in the amount of $35,890.10. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

Bidder	Bid
Matthews Motors, Inc.	$35,890.10
Appletree Chevrolet Company	36,623.42
Dorato Motors	38,067.80
Roberts Auto Sales	38,315.30
Sam's Lincoln-Mercury, Inc.	No Reply

BIDS - ONE (1) FOUR-DOOR SEDAN AND ONE (1) FOUR-WHEEL DRIVE UTILITY TYPE TRUCK FOR THE WATER DEPARTMENT

10. Consideration was given to bids received September 13, 1976 for one (1) four-door sedan and one (1) four-wheel drive utility type truck for the Water Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Appletree Chevrolet, Inc., totaling $9,159.55.

Councilman Michael moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Appletree Chevrolet, Inc. in the amount of $9,159.55. This motion was seconded by Councilman Morris and carried unanimously.

Bid Summary

Bidder	Bid-Item 1	Bid-Item 2	Total Bid
Matthews Motors, Inc.	$4,295.59	$4,956.49	$9,252.08
Appletree Chevrolet, Inc.	4,271.57	4,887.87	9,159.55
Roberts Auto Sales	4,299.68	No Bid	4,299.68
Arrowhead International	No Bid	5,200.00	5,200.00

BIDS - TWO (2) PATROL CARS AND THREE (3) COMPACT DETECTIVE CARS FOR THE POLICE DEPARTMENT

11. Consideration was given to bids received September 13, 1976 for two (2) patrol cars and three (3) compact detective cars for the Police Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bidders: Item 1 - Dorato Motors, Inc. @ $4,735.10 per unit, totaling $9,470.20 and Item 2 to Appletree Chevrolet, Inc. @ $4,269.37 per unit, totaling $12,808.11.

Councilwoman Swilling moved to accept the recommendations of the Purchasing Agent and award the bids to the low bidders, Dorato Motors, Inc. - Item 1 in the amount of $9,470.20 and Appletree Chevrolet, Inc. - Item 2 in the amount of $12,808.11. This motion was seconded by Vice Mayor Horton and carried unanimously.

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William Edens, City Engineer, said use of Alternates I and II will make the Net Contract Price $166,050.52. He also explained that Alternate I is the substitution of butterfly valves for gate valves in the 16" section of the main and that Alternate II is using a new type of plastic pipe which is rated for municipal services and would not be affected by severe cold weather.

Upon motion of Councilman Morris, seconded by Vice Mayor Horton, Resolution No. 76-144 was unanimously adopted.

Complete text of Resolution No. 76-144 will be found in Resolution Book No. 9 at page 140.

RESOLUTION 76-145 - A RESOLUTION IN REGARD TO ENGINEERING SERVICES FOR THE DESIGN OF THE HAW CREEK JUNCTION PRESSURE REGULATING STATION

7. Consideration was given to a resolution in regard to Engineering Services of the Haw Creek Junction Pressure Regulating Station.

The City Manager read the resolution and a memorandum from William E. Edens, City Engineer, which stated that Cummings Engineers, Inc. had submitted a proposal for engineering services in connection with the automation of the Haw Creek Junction Pressure Regulating Station. It was recommended that the proposal be accepted.

William Edens, City Engineer, said that Phase III of the City's Water Quality Improvement Program requires a pressure regulating station to maintain a certain minimum pressure upstream in the Bull Mountain Road vicinity and regulate downstream pressure as well and that this station would be located approximately two to three hundred feet above the present vault.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 76-145 was unanimously adopted.

Complete text of Resolution No. 76-145 will be found in Resolution Book No. 9 at page 141.

ORDINANCE NO. 916 - AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT PROJECT BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77

8. Consideration was given to an ordinance amending the Community Development Project Budget of the City of Asheville for fiscal year 1976-77.

The City Manager read the ordinance.

Mr. Logan Delany, Community Development Coordinator, said this ordinance was required to officially budget projects which had been previously approved by Council's adoption of Resolution Numbers 76-105, 76-111, 76-112, 76-118, and 76-134.

Councilwoman Swilling moved for the adoption of Ordinance No. 916. This motion was seconded by Vice Mayor Horton.

On a roll call vote of 6-0, Ordinance No. 916 passed on its first reading.

BIDS - TEN (10) FOUR-DOOR SEDANS FOR THE INSPECTIONS DIVISION

9. Consideration was given to bids received September 13, 1976 for ten (10) 4-door sedans for the Inspections Division.

Bids for this service were opened August 6, 1976 and a report was submitted to members of Council for their review on September 7, 1976. It was recommended by the Employees Insurance Committee that the group health insurance bid submitted by Blue Cross and Blue Shield of North Carolina and the group life insurance bid submitted by Prudential Insurance Company for an estimated annual premium of $223,870 be accepted. It was further recommended by the Committee that both programs go into effect November 1, 1976.

Mr. Smith noted that coverage under the new plan would be identical to the present carrier and that City employees carrying the optional dependent coverage would receive a decrease in premiums from $7.49 to $7.28 per week. He said two important changes contained in the new Health Insurance Program were:

1) Maternity Benefits: Present carrier provides a separate schedule with a fixed amount for these benefits. New company would treat this as any other temporary disability with a normal schedule for doctor and health care.

2) Major Medical: New plan written to include $30,000 for benefits. ($15,000 only under current plan)

He also noted that the City's premiums would decrease from $251,000 to $223,870 per year.

Mr. Smith thanked the Employees Insurance Committee for the time and assistance they devoted to this matter.

Mayor Ochsenreiter thanked Councilwoman Swilling and Vice-Mayor Horton for working on this Committee.

Upon motion of Coucilman Rainey, seconded by Councilman Michael, Resolution No. 76-146 was unanimously adopted.

Complete text of Resolution No. 76-146 will be found in Resolution Book No. _____ at page _____.

RESOLUTION NO. 76-147 - RESOLUTION AUTHORIZING APPLICATION TO THE UNITED STATES DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION, FOR A GRANT UNDER THE PROVISIONS OF TITLE I OF THE PUBLIC WORKS EMPLOYMENT ACT OF 1976

14. Consideration was given to a resolution authorizing application to the United States Department of Commerce, Economic Development Administration, for a grant under the provisions of Title I of the Public Works Employment Act of 1976.

The City Manager read the resolution.

Verl Emrick, Planning Director, said the adoption of this resolution would enable the City to apply to the United States Department of Commerce, Economic Development Administration, for grants totaling approximately $1,000,000 for three different projects. He said the regulations stipulate that, for any project approved, labor must be on site within 90 days. He said the projects will be submitted by October 1, 1976 and the regulations require approval within 60 days, meaning that for any project approved labor would have to be on site by March, 1977. He said there was no guarantee that

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BID #: [illegible] CITY OF ASHEVILLE BIDS OPENED: MONDAY, SEPTEMBER 13, 1976 - 11:00 AM

BID RECEIVED NO. 328 TWO (2) PATROL CARS AND THREE (3) CONTRACT DETECTIVE CARS FOR POLICE DEPARTMENT

	MATTHEWS MOTORS, INC. ASHEVILLE, NC	APPLETREE CHEVROLET ASHEVILLE, NC	DORATO MOTORS ASHEVILLE, NC	ROBERTS AUTO SALES ASHEVILLE, NC	SAM'S LINCOLN-MERCURY ASHEVILLE, NC
ITEM #1 - [illegible] PATROL CARS [illegible] SPECIFICATIONS (NO TRADE-IN)	4,797.98 $9,595.96	4,786.39 $9,572.78	4,735.10 ✓ $9,470.20	NO BID	NO REPLY
MAKE: MODEL: SIZE:	1977 FORD LTD II	1977 CHEVROLET 1 AC 29	1977 DODGE MR 43		
[illegible] (3) CONTRACT [illegible] TYPE CARS [illegible] SPECIFICATIONS (NO TRADE-IN)	4,295.59 $12,886.77	4,269.37 ✓ $12,808.11	4,496.03 $13,488.09	$4,295.68	
YEAR MAKE: MODEL:	1977 FORD MARAUDER	1977 CHEVROLET 12309	1977 DODGE ASPEN	1977 VOLARE' HL-47	
DELIVERY	6 - 8 WEEKS	45 - 60 DAYS	45 - 60 DAYS	45 - 60 DAYS	
BID DEPOSIT:	$2 CERTIFIED CHECK	5% BID BOND	5% BID BOND	5% BID BOND	

BIDS - TWO (2) PICNIC SHELTERS FOR THE PARKS AND RECREATION DEPARTMENT

12. Consideration was given to bids received September 13, 1976 for two (2) picnic shelters for the Parks and Recreation Department.

The City Manager read a memorandum from the Purchasing Agent, which recommended the acceptance of the only bid submitted by Koopers Company, Inc., Charleston Heights, South Carolina in the amount of $11,532.00. This bid is for the buildings which come prefabricated and does not include erection of the shelters.

Vice Mayor Horton moved to accept the recommendation of the Purchasing Agent and award the bid to the only bidder, Koppers Company, Inc., Charleston Heights, South Carolina in the amount of $11,532.00. This motion was seconded by Councilwoman Swilling and carried unanimously.

RESOLUTION NO. 76-146 - A RESOLUTION ACCEPTING BIDS FOR EMPLOYEE GROUP HEALTH AND LIFE INSURANCE

13. Consideration was given to a resolution accepting bids for Employee Group and Life Insurance.

The City Manager read the resolution.

Michael Smith, Director of Personnel, said that the reason for letting the bids was that Life of Carolina, the company with whom we had carried health and life insurance coverage for the past several years, had been sold to another company. The new company was not as experienced in providing group services and this resulted in a deterioration of claims service plus a ten per cent across the board increase as of August 1, 1976.

Compatibility with EDA Ranking Criteria and Regulations	This project involves moderately high labor costs. The project provides potential for long-term benefits. Engineering design is not complete; however, State Highway Bridge Design Standards could be used to provide engineering design in a short period of time. No land acquisition is necessary. Project could begin with construction 90 days after EDA approval.

Upon motion of Councilman Michael, seconded by Councilman Rainey, Resolution No. 76-147 was unanimously adopted.

Complete text of Resolution No. 76-147 will be found in Resolution Book No. _____ at page _____.

URBAN MASS TRANSPORTATION ADMINISTRATION GRANT - PUBLIC HEARING SET

The City Manager advised that for the past two years the City has applied for and received grants from the Urban Mass Transportation Adminstration to offset one-half of the cost of the operation of the Asheville Bus System. He said the City is again planning to submit another application and a public hearing is required to be held.

Councilman Morris moved to schedule a public hearing on the matter for October 28, 1976. This motion was seconded by Councilman Michael and carried unanimously.

REZONING REQUEST - R. JACK INGRAM - BREVARD ROAD

The City Manager read a report from the Planning and Zoning Commission which stated that the Commission reconsidered the request of Mr. Ingram relative to rezoning Lots 32 and 33 on Sheet 38 in Ward 15 (Lower Hominey) after the matter was remanded to the Commission for further study on July 8, 1976 by City Council. Mr. Ingram's request was to rezone the indicated lots from R-3 Residential District to CH Commercial Highway District. The report stated that after hearing staff recommendations, presentations by Mr. William Slawter, Attorney for Mr. Ingram, and residents of the area, the Commission by a vote of three to two (the Chairman breaking a tie vote) defeated a motion to approve the request. Therefore, the original recommendation of the Commission submitted to Council on May 6, 1976 was reaffirmed to deny Mr. Ingram's request.

The City Manager also advised that Mr. William Slawter, Attorney for Mr. Ingram, has requested that a public hearing be scheduled for the matter.

Councilwoman Swilling moved to schedule a public hearing on the matter for October 7, 1976. This motion was seconded by Councilman Michael and carried unanimously.

STATEMENT BY MAYOR - CIVIC CENTER PROMOTIONAL EFFORTS - SEAT SURCHARGE

Mayor Ochsenreiter read the following statement:

"The Asheville City Council is very concerned about the quarter of a million dollar deficit that the Civic Center is incurring during the current fiscal year.

In an effort to reduce this loss, the City Council will set aside $30,000 as an operational budget for Civic Center Manager Jim Evans. These funds will be used

the City would receive any of the funds as it is stictly a competitive situation based on several factors, principally the unemployment rate of the area. He said the cost that the City will have to incur in preparation of the application involve land acquistion, architectural, and engineering fees which are not reimburseable.

Mr. Emrick then read the following recommended projects.

1. Project Name:	Water and Sewer Improvements
Description:	(A) 5,200' of 16" sewer line - Smith Creek Sewer (B) 5,200' of 12" water line - Haywood Road, Shelburne Feeder (C) 4,000' of 16" and 20" water line - Patton Avenue, Smith Bridge Feeder
Estimated Cost:	$775,000 Total Cost; $250,000 for Project A $200,000 for Project B; and $325,000 for Project C
Compatibility with EDA Ranking Criteria and Regulations:	This project involves moderately high labor costs. The project provides potential for long-term benefits. Engineering design is either complete or could be completed in a short period of time. No land acquisition is necessary. Project could begin with construction 90 days after approval by EDA.
2. Project Name:	West Asheville Fire Station
Description:	New two-bay fire substation in West Asheville to replace one-bay 1922 fire substation at corner of Haywood Road and Argyle Lane.
Estimated Cost:	$200,000
Compatibility with EDA Ranking Criteria and Regulations:	This project involves moderately high labor costs. The project provides moderate potential for long-term benefits. All engineering design has been completed with the exception of site design. One problem area exists in that the city does not own the land for the station at present. Land must be secured through long-term lease, purchase option, or direct purchase within 3 - 4 weeks. If land is secured, project could begin with construction 90 days after approval by EDA.
3. Project Name:	Deaverview Bridge
Description:	New bridge over railroad at Deaverview Road to replace existing narrow bridge.
Estimated Cost:	$100,000

Verl Emrick, Director of Planning, told Council the only problem his staff had found was a water problem which has since been worked out. He said the proposal had been given preliminary reviewing. He said he felt a recommendation from the Housing Authority relative to the density of housing units in the area was needed.

Mr. William Tate of Alco Properties, Inc., in Memphis, Tenn. told Council the project has been given a 30-day extension by the U. S. Department of Housing and Urban Development but the allocation of funds will expire October 11. He said they planned to ask HUD for an additional extension but if they did not have some indication from City Council that the City has no objection to the project he felt HUD would not consider an extension.

Council expressed concern because the new site, like the old one, is adjacent to the existing apartment complex. However Mr. Tate said Council should not compare the two projects because crime and vandalism are not a problem at Oak Knoll as it was with Pisgah View.

Mr. Tate answered general questions from members of Council relative to the funding of the project.

Vice-Mayor Horton said Council could not endorse the project without a public hearing and a recommendation from the Asheville Planning and Zoning Commission, going through the normal procedures for approval of a project.

Mr. Tate requested that Council state that they have no objections to the project, subject to the usual protocol.

After discussion, Councilman Rainey moved to approve the project "in principle," with the understanding that it must go through the usual procedures and that Council might change its mind on the project. This motion was seconded by Councilman Michael and carried unanimously.

PETITION - ACQUISITION OF SHILOH SCHOOL

Virgil McConnell, spokesman for the South Asheville Community Center, presented the following petition:

RESIDENT PETITION FOR THE ACQUISITION OF SHILOH SCHOOL

During the year 1975 and 1976 commitments were made for major improvements of the South Asheville Community Center (The Shiloh School Building). However, to date after two years no major improvements have been made.

As a result we the residents of the South Asheville Community of Asheville, North Carolina petition the Asheville City Council as follows:

1. The City of Asheville acquire the Shiloh School property from the Buncombe County School Board to be used as a community center and neighborhood facility.

2. In the event that the City of Asheville is not successful in acquiring the Shiloh School property from the Buncombe County School Board, the City of Asheville will purchase a suitable site within the Shiloh area to be used as a permanent community center and neighborhood facility.

to promote events, hopefully to develop additional income for the Civic Center.

The Council will reassess the need for a service charge on tickets sold at the Civic Center next spring after the results of Mr. Evans promotional efforts can be evaluated.

In any event, it should be clear that the proposed seat tax was directed toward commercial shows. The ticket charge is not, nor has it ever been, contemplated for the Art and Colburn Mineral Museums".

CIVIL AIR PATROL PROPOSAL

Mr. Art Jacobson, a member of the Civil Air Patrol and a certified flight instructor, gave a brief history of the Civil Air Patrol. He said the Civil Air Patrol is a non-profit organization which voluntarily stands ready to meet local and national emergencys. He said their primary function is that of search and rescue, however floods, hurricanes, lost children, hunters and fisherman are a few of the situations that Civil Air Patrol assists. He said since Buncombe County does not have a facility for directing Civil Air Patrol operations, missions are based from the Hendersonville Airport. He said the Western North Carolina Civil Air Patrol unit needs to establish a facility at the Asheville Airport. He said Mr. Taylor, Director of Aviation, has agreed to work with the Civil Air Patrol, with Council's approval, in submitting their proposal of leasing space at the Asheville Airport to the FAA and the State. He said they would request Council's consideration of leasing space at the Asheville Airport on a $1.00 per year basis. He said their proposed building would meet or exceed the federal, state and local requirements and codes. He said it is their commitment that they will not interfere or compete in any way with the present or future fixed base operations.

Councilman Michael commended the Civil Air Patrol for their outstanding services and moved to support the proposal presented by the Civil Air Patrol and to instruct the Director of Aviation to include the proposal in the Asheville Airport Master Plan. This motion was seconded by Councilman Morris and carried unanimously.

Gary Taylor, Director of Aviation, said he would recommend that Council consider leasing the Civil Air Patrol property at the Asheville Airport. He said he felt this would be an asset to the Airport. He also commented that it would take two to three years to complete the process for approving the proposal.

RALPH BISHOP - LOTTERY SALES

Ralph Bishop again appeared before Council complaining about the lottery sales in the City of Asheville. He said he had been denied redress of his complaints.

ARROWHEAD APARTMENT PROJECT - DISCUSSION

Mr. Ridgley K. Robinson, Jr., architect for the Arrowhead Apartments Project, appeared before Council with a new site for the apartment complex. He said Council had denied, last month, approval of the original location of the project, that being a 13 acre site in West Asheville opposite the Pisgah View Apartments. He said the new site is on Wood Avenue, adjacent to Sayles Village and the Asheville Jaycees' Oak Knoll Apartments, with the developers having 10-13 acres of the 17-acre tract under option. He said he felt the site was extremely suitable and extremely prime for development. He said this project is to be submitted to HUD for Section 8 funding.

Thursday - September 23, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., Gene E. Rainey, J. W. Hoyle, Otis B. Michael, Corporation Counsel Robert J. Robinson, substituting for William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/ City Clerk William F. Wolcott, Jr.

Absent: Corporation Counsel William C. Moore

APPROVAL OF MINUTES

1. Approval of minutes of September 16, 1976 meeting.

Councilwoman Swilling moved to amend the minutes by changing the date of the public hearing on R. Jack Ingram's request for rezoning of two lots on Brevard and Dogwood Roads from R-3 Residential District to CH Commercial Highway District from October 7, 1976 to October 14, 1976. She further moved to include the rezoning of Lots 1, 2, 3, and 4, Sheet 38, Ward 15 and Lot 23, Sheet 39, Ward 15 from CH Commercial Highway to LI Light Industrial in the public hearing notice. This motion was seconded by Councilman Morris and carried unanimously.

Vice-Mayor Horton moved to approve the minutes of the September 16, 1976 meeting, as amended. This motion was seconded by Councilman Michael and carried unanimously.

ORDINANCE NO. 913 - AN ORDINANCE AMENDING SECTION 8-1 OF CHAPTER 8, ARTICLE I, OF THE CODE OF ORDINANCES, ENTITLED STATE BUILDING CODE ADOPTED

2. Consideration was given to the third reading of Ordinance No. 913, an ordinance amending Section 8-1 of Chapter 8, Article 1 of the Code of Ordinances, entitled State Building Code.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Councilman Rainey said he had heard that a number of cities in the State were not planning to enforce such an ordinance and asked what would happen if Asheville decided not to adopt the ordinance.

J. E. Johnson, Chief Building Inspector, said the Insurance Commissioner in Raleigh could send an Engineer to enforce the code. He further stated that since all plans for high rise buildings must be approved by the State Insurance Commissioner the plans would have to comply with the code before being approved.

Councilman Morris commented that if Council failed to pass the ordinance, the enforcement would be up to Raleigh, and he felt the administration of the ordinance should be local.

3. We ask that the plans for renovation or construction be completed and approved by the City of Asheville by June 30, 1977.

4. We further request that the City of Asheville staff and maintain the permanent facility acquired for the use of residents in the area, as is done for other communities.

Mayor Ochsenreiter said this matter would be discussed by Council during the next week.

312 HOME IMPROVEMENT LOAN - MARY HOLCOMBE

Mrs. Mary Holcombe, of Mildred Avenue, told Council that she had received a 312 Home Improvement Loan in the amount of $10,650 to make repairs to her house. She said a contract was signed with Buncombe Enterprises Company on April 12, 1976 to perform the work. However, since that time the work has not been to code specifications and she was having a difficult time getting the work done. She said she had written to Greensboro about the matter and had had several meetings with the officials of the Asheville Housing Authority and the contractor. She asked if Council could do something to get the work done right.

Mayor Ochsenreiter informed Mrs. Holcombe that he would discuss the matter with the Asheville Housing Authority.

INTERRUPTION OF WATER SERVICE - TUNNEL ROAD AND KENILWORTH

The Assistant City Manager informed Council that water service on Tunnel Road and portions of Kenilworth would be interrupted on Friday, September 17, 1976 from 9 a. m. to 6 p. m.

Adjournment.

MAYOR

CITY CLERK

(a) For the first one-sixth (1/6) of a mile or fraction thereof --- $ .95

(b) For each succeeding one-sixth (1/6) mile ---------- .10

Respectully submitted, this the 21 day of September, 1976."

The petition was signed by the Asheville Cab Company, Blue Bird Taxi Company, John Darity Taxi Company, Miller Cab Company, Oteen Cab Company, West Asheville Cab Company, American Cab Company, Buena Vista Cab Company, Jolly Cab Company, Southside Cab Company, and Yellow Cab Company.

Mr. Cheesborough said the proposed increase would add 20 cents to the cost of each trip. The present rate, he said, begins at 85 cents for the first 2/6 mile, after which each additional 1/6 mile costs 10 cents. He said vehicles themselves have increased in price by more than $1,000 in the past two years and gasoline, which cost the taxi drivers 50.9 cents per gallon last year now costs them 53.9 cents per gallon. He said the Blue Bird Taxi Company, Inc. lost $1,000 each month during May, June, July, and August of this year.

Councilman Rainey suggested that other parts of the ordinance might need to be changed along with the part governing the rate structure. He cited as an example the part which states that the cab driver cannot allow passengers to sit in the front seat until the back seat is full. He said this causes considerable difficulty when a passenger is disabled.

Councilman Michael moved to instruct the City Manager to prepare an ordinance for Council's consideration, which would reflect the request of the Asheville Taxicab Association. This motion was seconded by Councilman Rainey and carried unanimously.

Mayor Ochsenreiter requested Mr. Cheesborough to submit to the City Manager periodic financial statements from two or three taxicab companies for the past three or four months.

PETITION - EUGENE RANKIN PTA - REQUEST FOR SCHOOL GUARD

The City Manager read the following petition from the Eugene Rankin PTA requesting a school guard for the crossing at Hanover and Stewart Street intersection.

"We, the parents and concerned citizens of the Eugene Rankin School District request a school guard for the crossing at Hanover and Stewart Street intersection. This intersection is dangerous and hazardous for our children. We fear for their safety."

The petition was signed by approximately 174 residents.

The City Manager advised that this petition had been discussed with the Chief of Police and a report would be given on the matter at next week's Council meeting.

CLAIM - BON MARCHE

The City Manager presented a claim received from Bon Marche for damages.

Mayor Ochsenreiter referred the claim to the Corporation Council for investigation and recommendation.

On a roll call vote of 6-0, Ordinance No. 913 passed on its third and final reading.

Complete text of Ordinance No. 913 will be found in Ordinance Book No. 7 at page 49.

ORDINANCE NO. 916 - AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT PROJECT BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77

3. Consideration was given to the second reading of Ordinance No. 916, an ordinance amending the Community Development Project Budget of the City of Asheville for fiscal year 1976-77.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 916 passed on its second reading.

RESOLUTION NO. 76-148 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A WATER LINE ON STATE ROAD 3430 (SARDIS ROAD) AND STATE ROAD 3412 (SAND HILL ROAD)

4. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for a water line on State Road 3430 (Sardis Road) and State Road 3412 (Sand Hill Road).

The City Manager read the resolution and explained that Council had previously authorized the installation of 3,650 feet of 8-inch water line to be installed on Sardis Road and in order to do this it is necessary to obtain a right-of-way encroachment from the North Carolina Department of Transportation.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 76-148 was unanimously adopted.

Complete text of Resolution No. 76-148 will be found in Resolution Book No. 9 at page 144.

PETITION REQUESTING AN INCREASE IN TAXICAB FARES

Mr. John Cheesborough, Attorney, representing the Asheville Taxicab Association, presented the following petition requesting the City Council to amend Chapter 27 of the City of Asheville Code relating to taxicab fares:

"The undersigned owners and operators of the Asheville taxicab companies hereinafter set forth respectfully petition the City Council to amend certain Sections of Chapter 27 of the City of Asheville Code relating to taxicabs in the following respects:

1. That a fare increase is hereby requested in the rates by amending Sub-sections (a) and (b) of Section 27-8 to read as follows:

Vice-Mayor Horton said he felt the Buncombe County Health Department should not put all the responsibility on the City and he suggested that Council arrange a meeting with the Health Department and try to work out a solution to the problem.

Mayor Ochsenreiter said the legal problems of the situation would be checked into and a solution to the problem worked out.

Councilman Rainey commented that he did not feel the problems could be worked out until the ordinance governing same is changed.

Councilman Michael suggested that the Corporation Counsel be instructed to prepare an ordinance, for Council's consideration, dealing with these types of problems.

COUNCILMAN MICHAEL - COMPLAINT - RE:WATER CUT-OFF

Councilman Michael said Ms. Minnie Anderson had called him last night regarding her water being cut off for more than 24 hours, with no response to the problem from the Water Department. He said he had called the City Manager and the water was on within 30 minutes. He said he felt action of this nature was poorly handled.

VIRGIL L. STURGILL - MONTFORD AVENUE AREA - DOG CONTROL PROBLEM

Virgil L. Sturgill of 102 Tacoma Circle complained of dogs roaming the neighborhood and knocking over garbage cans. He said he felt the dog ordinance should be better enforced.

The City Manager said the city does have a leash law but that its status is uncertain. The ordinance still is on the books he said, but in a recent court case the judge ruled the dog owner not guilty.

Council asked for citizens suggestions regarding the control of dogs.

Mrs. Elrite V. Nesby of 8 Sylvan Avenue also spoke on the dog control ordinance.

NETTIE C. SMITH - 23 SHORT STREET - CHICKENS

Mrs. Nettie C. Smith of 23 Short Street complained of a neighbor who lives opposite of her who has approximately 50 chickens. She said the chickens draw flies and rats and the owner has the area lighted with spot lights which shine into her bedroom window and prevents her from sleeping.

J. E. Johnson, Chief Building Inspector, said the City does have an ordinance dealing with the keeping of chickens, however he would report back to Council next week on the ordinance and on this particular situation.

RALPH BISHOP - COMPLAINTS RE: CHIEF J. C. HALL

Ralph Bishop again appeared before Council to discuss Chief J. C. Hall.

Mayor Ochsenreiter informed Mr. Bishop that he was still bringing his complaints to the wrong board.

CLAIM - CIVIL SUMMONS - DOROTHY W. CHAMBERS

The City Manager presented a civil summons relative to Dorothy W. Chambers, Administratrix of the Estate of Ralph C. Chambers, Deceased.

Mayor Ochsenreiter referred the civil summons to the Corporation Counsel.

CLAIM - CIVIL SUMMONS - RAY SELLERS

The City Manager presented a civil summons relative to Ray Sellers against the City of Asheville.

Mayor Ochsenreiter referred the civil summons to the Corporation Counsel.

VICE-MAYOR HORTON - STATEMENT - RE: DOWNTOWN BUSINESS DISTRICT

Vice-Mayor Horton referring to a petition presented to Council on August 4, 1976 relative to the downtown business district made the following statement.

"It is my opinion and firm conviction that the revitalizing of DOWNTOWN Asheville CANNOT .... and WILL NOT ... be successful .... UNLESS it includes the CLEAN-UP of those activities which constitute MORAL POLLUTION in our community.

Such things as — public drunkenness, prostitution activity on our streets, and the UNLAWFUL traffic in OBSCENITY and PORNOGRAPHY through so-called "Adult Book Stores" and PORNO MOVIE FILMS are not only detrimental to DOWNTOWN re-development .. but are DEPLORED by most of our citizens, as well.

These are DEGRADING and DEHUMANIZING activities .. which have NO PLACE in a SELF-RESPECTING COMMUNITY ... and should not be tolerated.

It is my hope that the official leadership of our city .. and the business and civil leadership .. will work together to take positive steps as soon as possible to relieve this undesirable situation and remove these sources of MORAL POLLUTION and PUBLIC CONCERN from our Community."

STEVENS HILL ROAD RAT PROBLEM - DAVID H. CANTER

Mr. David H. Canter, of 16 Stevens Hill Road in Parkway Forest asked for Council's help regarding a neighbor, Mr. Francis Stevens, who brings trash home that he finds along the highway, puts it in his yard and in his house and hangs it in the trees in his front yard. He said two boys who live next door to this man's house shot 35 rats last summer with pellet rifles. He said he had not been successful in getting the City or the County to respond to this problem.

Mr. Canter presented pictures of the house in question.

Vice-Mayor Horton referring to a letter from Dr. James Tenney, Director of the Buncombe County Health Department, in which Dr. Tenney suggested that the city arrange to have the lot cleaned and assess the cost to the property, said he felt the situation should be looked at as an individual case.

MARGARET RICE - 332 PEARSON DRIVE - SEWERAGE PROBLEM

Margaret Rice of 332 Pearson Drive complained about a broken sewer line within 10 to 15 feet of her back door. She said the line has been broken since March, 1976 and she could get no help in getting it fixed. She said raw sewerage was in her back door, which caused an infestation of rats.

Mayor Ochsenreiter asked Mrs. Rice to discuss the matter with Mr. William F. Wolcott, Jr., Acting Director of the Water and Sewer Department.

Adjournment.

MAYOR

CITY CLERK

Abstract

Primary discussions revolved around the relationship between city and county government. The unanimous feeling was that local government services must be delivered efficiently and economically. The Committee observed that the City of Asheville loses annually its most valued resources, its people. Residents move into the county for primarily two reasons: lower taxes and fear of integrated schools in the city. Consequently, the tax base diminishes and the school population decreases. While more services are being demanded, the financial ability to provide those services declines. At the same time, the city through the resources of its tax payers, provides

services such as the civic center, library system, recreational program, airport, and water supply for the wider community. A vicious cycle is thus created which appears endless and destructive if not stopped. The Committee, therefore, strongly recommends a metropolitan government for Buncombe County. This would first start with studies, possibly implemented in stages, but approached directly and with full citizen participation and understanding of the reasons for the movement in this direction. The Committee fully understands that there are political obstacles in the way of metropolitan government and that it cannot be achieved in the near future; however, the Committee strongly insists that it must be accomplished for the welfare of all concerned. We should not lose sight of the fact that the Citizens of Asheville are also Citizens of Buncombe County.

Thursday - September 30, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Vice-Mayor Bill B. Horton, Presiding; Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., Gene E. Rainey, J. W. Hoyle, Otis B. Michael, Corporation Counsel Robert J. Robinson, substituting for William C. Moore, Assistant City Manager William F. Wolcott, Jr., Acting City Clerk Carol Hensley

Absent: Mayor Eugene C. Ochsenreiter, Jr. and City Manager Ernest J. Ward, Jr.

APPROVAL OF MINUTES

1. Approval of minutes of September 23, 1976 meeting.

Upon motion of Councilman Michael, seconded by Councilman Hoyle, the minutes of the September 23, 1976 meeting were approved as submitted.

Vice-Mayor Horton announced that there would be no meeting of the Asheville City Council on October 7, 1976.

REPORT BY THE CITIZENS COMMITTEE

Mr. William T. Duckworth, Jr., Chairman of the Citizens Committee read the following report:

CITIZENS COMMITTEE REPORT

Background

On June 23, 1976, a group of 22 Asheville residents was appointed by City Council to form a Citizens Committee with the task of looking toward the year 2000 and suggesting positive programs which might effectively plan for the future of the community. The Committee represented various geographic areas, ethnic backgrounds, vocations, and interests. The Committee met regularly for the past three months to discuss informally long range goals for the community, ideas for specific programs to meet these goals, and our understanding of the goals and programs desired by the Asheville Community.

B. Encourage Buncombe and surrounding counties to accept mutual financial responsibility for maintenance of the airport and installation of a transit freight service.

C. Discourage city business or resident exodus by holding the line on taxes.

II. Government Services

A. Water

(1) Improve the water quality, delivery, and waste disposal systems.

(2) Repeal or challenge the Sullivan Act in order to establish a water rate schedule reflecting the cost of delivery.

B. Streets

(1) Coordinate jobs which require tearing up or repairing streets.

(2) Improve and maintain street signs.

C. Recreation

(1) Provide programs through the recreation department for the special needs of youth.

(2) Develop walk-ways, bike-ways and green areas.

(3) Promote and encourage tourism as an important asset vital to the growth of the community.

D. Ombudsman System (Citizen's Advocate)

To assure prompt response to reasonable requests and legitimate complaints of citizens from the involved department. (One should not find it more efficient to "start at the top" in order to receive standard services.)

E. Encourage recycling.

Given the paramount concern for efficient government so that Asheville and its surroundings may remain vital, the Committee has also considered the importance of improvements in the central business district, and we re-affirmed our belief that these goals can be accomplished only with the understanding and enthusiastic support of its citizenry. We offer the following brief outline as a skeleton drawn from our deliberations. We trust that it will be carefully considered and that positive steps will be taken immediately in these specific areas.

CITIZENS COMMITTEE

GOALS:

I. To form a metropolitan type of government

II. To efficiently and economically supply essential local governmental services.

III. To restore vitality to the central business district.

IV. To encourage citizen confidence and participation in government.

SUGGESTIONS AS THEY RELATE TO PERCEIVED GOALS:

I. Metropolitan Government

A. City-County relationship

(1) In co-operation with the county commissioners, inaugurate an indepth study of metropolitan government as it might affect Asheville-Buncombe County.

(2) Consider consolidation of city-county services in areas such as
(a) Schools
(b) Police Protection
(c) Water Delivery
(d) Recreation
(e) Library system

Mr. Duckworth introduced the members of the Citizens Committee who were in attendance. They were: Marvin Chambers, Mrs. John B. Fisher, Sara Upchurch, Robin Daniel, and Dr. Bob Farzanegan. He said a lot of constructive ideas were discussed by an excellent cross section of concerned dedicated citizens.

Vice-Mayor Horton expressed appreciation to the Citizens Committee for their outstanding efforts in presenting the suggestions.

PUBLIC HEARING - REZONING PROPERTY ON NORTH LIBERTY STREET - MRS. LOUISE TOMLINSON

3. A public hearing was held relative to the rezoning of property on North Liberty from R-4 Residential District to CH Commercial Highway District, property owned by Mrs. Louise Tomlinson.

Vice-Mayor Horton opened the public hearing at 3:44 o'clock p. m.

The Assistant City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, reported that the Planning and Zoning Commission had recommended approval of the request of Mrs. Louise Tomlinson that Ward 2, Sheet 4, Lots 98 and 99 be rezoned from R-4 Residential District to CH Commercial Highway District. He said after discussing the issues of the request, the Commission further recommended that the adjoining Lots 97, 97-1/2, and 101 to the North and to the South also be considered for rezoning from R-4 Residential District to CH Commercial Highway District. He said the Commission recommended approval for the following reasons:

1) Development trends as well as recent zoning development indicate that properties in this immediate area are moving toward increased commercialization.

2) The additional lots recommended for rezoning would establish a definite physical boundary for the existing CH border. In staff's opinion this would be more desirable than splitting the block with different zoning designations.

Mr. Emrick presented a letter of opposition from the East Chestnut Street Church of Christ. He said since this property is within 100' of the property requested to be rezoned a 3/4 favorable vote would be required to zone all the recommended parcels. He said if Council wish to rezone just the property petitioned to be rezoned it would not require a full 3/4 favorable vote.

Ralph Bishop spoke in support of the rezoning.

Vice-Mayor Horton closed the public hearing at 4:04 o'clock p. m.

The Assistant City Manager read the ordinance rezoning the property as recommended by the Planning and Zoning Commission.

Councilwoman Swilling moved for the adoption of Ordinance No. 917. This motion was seconded by Councilman Michael.

On a roll call vote of 5-0, Ordinance No. 917 passed on its first reading.

A. Parking

(1) Consider free two-hour parking with strong enforcement policies and heavier fines for violations.

(2) Institute safety precautions at the city parking building.

(3) Bicycle rack near library.

B. Encourage a downtown activities center as exemplified by the new Craft Center in the Winner's building.

C. Consider establishing historic designations for valuable older buildings in order that owners may request a 50% tax deferral as provided by the 1975 General Assembly (Chapter 578, Sec. 105-277, P F)

D. Consider a reasonable and fair implementation of the building code to encourage the occupancy of vacant buildings in central business district.

IV. Citizen Participation - Establish a citizens council as outlined:

Proposal: A plan for citizen participation in city government.

In order to encourage cooperation between the city government and the citizens of Asheville by giving the citizens a better understanding of the government and a more positive voice in its operation, we propose the establishment of a citizen's council composed of representatives from the various communities within the corporate limits of Asheville.

Purposes: To become better informed about the operation of city government and its departments.

To make city government more aware of and responsive to citizen needs.

To work with city officials in a constructive manner to implement suggestions and solve problems.

To give more opportunity for citizen participation in decision-making.

ORDINANCE NO. 916 - AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT PROJECT BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77

5. Consideration was given to the third reading of Ordinance No. 916, an ordinance amending the Community Development Project Budget of the City of Asheville for fiscal year 1976-77.

Vice-Mayor Horton stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 916 passed on its third and final reading. Complete text of Ordinance No. 916 will be found in Ordinance Book No. 7 at page 55.

ORDINANCE NO. 914 - AN ORDINANCE PROVIDING FOR FIXED PENALTIES FOR VIOLATION OF CERTAIN TRAFFIC ORDINANCES OF THE CITY OF ASHEVILLE

6. Consideration was given to the second reading of Ordinance No. 914, an ordinance providing for fixed penalties for violation of certain traffic ordinances of the City of Asheville.

Vice-Mayor Horton stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Councilwoman Swilling moved to amend Ordinance No. 914 by deleting sub-section (2) of Section 3 of the ordinance entitled "Meter Feeding". This motion was seconded by Councilman Rainey and carried unanimously.

Councilman Morris commented that in the near future a proper definition of "Meter Feeding" should be obtained and a proper enforcement method should be looked into.

Councilman Michael said he would like for Council to move in the direction of removing the meters downtown, as suggested by the Citizens Committee. He said tires should be marked and two hour limits placed on parking.

On a roll call vote of 5-0, Ordinance No. 914 passed on second reading.

ORDINANCE NO. 919 - AN ORDINANCE AMENDING SECTION 27-8 AND SECTION 27-50 OF CHAPTER 27 OF THE ASHEVILLE CODE RELATING TO TAXICABS

7. Consideration was given to an ordinance amending Section 27-8 and Section 27-50 of Chapter 27 of the Asheville Code relating to taxicabs.

The Assistant City Manager read the ordinance, which was prepared at the direction of Council, resulting from a petition presented to Council from the Taxicab Association. He advised that Section 27-50 was included in the ordinance to change the age limit on chauffeurs license from 18 to 21. He said this would conform with North Carolina General Statutes.

Councilman Rainey moved for the adoption of the ordinance. This motion was seconded by Councilman Michael.

PUBLIC HEARING - REZONING PROPERTY ON NEW LEICESTER HIGHWAY AND ERWIN HILLS ROAD - COUNTY OF BUNCOMBE

4. A public hearing was held relative to the rezoning of property on New Leicester Highway and Erwin Hills Road from OI Office Institutional District to CS Commercial Service District, property owned by the County of Buncombe.

Vice-Mayor Horton opened the public hearing at 4:04 o'clock p. m.

The Assistant City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, reported that the Planning and Zoning Commission had recommended approval of the request of the County of Buncombe that Ward 17, Sheet 45, Part of Lot 50 be rezoned from OI Office Institutional District to CS Commercial Service District. He said the Commission recommended approval for the following reasons:

1) Development patterns indicate increased commercialization of this area along New Leicester Highway;

2) The property, being approximately ten (10) acres in size, will provide adequate area for larger and more stable types of commercial activity;

3) The property is contiguous with the existing Commercial Service District; and

4) The rezoning will provide for a commercial shopping area not presently available to the residents of the Erwin area.

Chuck Tessier of the Department of Natural & Economic Resources and Buncombe County Planner, said the County of Buncombe had requested the rezoning of the property for better utilization of County owned property to benefit the residents of the Erwin area by providing a neighborhood-commercial area not presently available to the residents. By the use of a map, Mr. Tessier pointed out the location of the property.

Councilman Rainey again emphasized that he felt the City should not be involved with the zoning in the one-mile perimeter in the County.

Vice-Mayor Horton closed the public hearing at 4:17 o'clock p. m.

The Assistant City Manager read the ordinance rezoning the property as requested.

Councilman Morris moved for the adoption of Ordinance No. 918. This motion was seconded by Councilman Hoyle.

On a roll call vote of 5-0, Ordinance No. 918 passed on its first reading.

Bid Summary - Two (2) Trailer Mounted Engine Drive Suction Units for Vacuum Collection and Mulching of leaves

Bidder	Bid
A. E. Finley & Assoc.	$10,820.00
Porter Brothers	9,390.00
Interstate Equipment Co.	16,003.50
North Carolina Equipment Company	20,150.00

RESOLUTION NO. 76-149 - RESOLUTION AUTHORIZING THE MAYOR TO ARRANGE FOR A REALTOR TO LOCATE POTENTIAL LAND PARCELS FOR THE PURPOSE OF CONSTRUCTING A WEST ASHEVILLE FIRE STATION AND AUTHORIZATION FOR THE MAYOR TO SIGN OPTIONS AND/OR OTHER APPROPRIATE DOCUMENTS TO ACQUIRE LAND FOR THAT PURPOSE

9. Consideration was given to a resolution authorizing the Mayor to arrange for a realtor to locate potential land parcels for the purpose of constructing a West Asheville Fire Station and authorization for the Mayor to sign options and/or other appropriate documents to acquire land for that purpose.

Ken Michalove, Assistant City Manager, said the City Council has previously authorized the filing of an application to the United States Department of Commerce, Economic Development Administration, for a grant under the provisions of Title I of the Public Works Employment Act of 1976. He said a major project of that application is to be a new fire station in West Asheville and the federal guidelines require that land for various projects contained under this Public Works Employment Act must be under option and that this resolution would arrange for a realtor to locate potential land parcels for the purpose of constructing a West Asheville Fire Station and that the Mayor would also be authorized to sign options and/or other appropriate documents to acquire land for that purpose.

Upon motion of Councilman Morris, seconded by Councilman Rainey, Resolution No. 76-149 was unanimously adopted.

Complete text of Resolution No. 76-149 will be found in Resolution Book No. 9 at page 145.

PROPOSED MOTEL/HOTEL ROOM TAX

Mr. Lloyd Kirk of the Forest Manor Motor Lodge and President of the North Carolina Innskeepers Association read the following resolution:

RESOLUTION

ROOM TAX

"WHEREAS, a proposed Hotel/Motel room tax will, according to recent Raleigh News and Observer reports, be considered by the N. C. League of Municipalities for inclusion in its 1977 Legislative Program for presentation to the North Carolina General Assembly;

On a roll call vote of 5-0, Ordinance No. 919 passed on first reading.

Councilman Morris said the Taxicab Association had also requested that the section pertaining to passengers riding in the front seat be amended and he suggested that the Corporation Counsel research the General Statutes to see if amending the section would be in conflict with any state law.

BIDS - TWO (2) TRAILER MOUNTED ENGINE DRIVE SUCTION UNITS FOR VACUUM COLLECTION AND MULCHING OF LEAVES

8. Consideration was given to bids received Spetember 20, 1976 fro two (2) trailer mounted engine drive suction units for vacuum collection and mulching of leaves.

The Assistant City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the only fully responsive bid, submitted by North Carolina Equipment Company in the amount of $20,150.00.

The Assistant City Manager also read the following memorandum from Mr. James H. Parris, Jr., Superintendent of Motor Transport:

"Mr. S. L. (Bud) McHone and I have very carefully checked all the bids on request #380 pertaining to two (2) leaf machines to be used in the Sanitation Division. We find the low bids do not meet the specifications.

On September 23, 1976 Mr. McHone and I went to Statesville, N. C. to look at two (2) vacuum leaf machines sold by Interstate Equipment Company under the trade name American #400. These two machines are the same type quoted to the City. We talked at length with the Assistant Superintendent of Sanitation and he stated even though the machine was new he had to keep it in the shop most of the fall because he could not keep the impeller shaft in line. Also, they had a great deal of trouble picking up leaves that were not dry. The gentlemen further stated he had rather have other machines that were 5 years old than these new ones.

On September 27, 1976 Mr. McHone and I drove to Hendersonville, N. C. to check on a new Goodroads machine #LL1000. These machines will not meet specifications under any circumstance. You will find included with this memorandum a breakdown of all bids versus specifications.

Also, I would like to state the City now has or has had all the different types of leaf vacuums quoted, and in the best interest of the City I can only recommend the Super Vac 400A. These other machines can not take 8 hours a day of heavy work. Therefore, the down time is too great. I would further like to state that the City now has three of these machines on hand and have been very successful with the same."

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to the only fully responsive bidder, North Carolina Equipment Company in the amount of $20,150.00. This motion was seconded by Councilman Hoyle and carried unanimously.

REPORT - COMPLAINT OF NETTIE C. SMITH - 23 SHORT STREET - CHICKENS

J. E. Johnson, Chief Building Inspector, said his staff had inspected the premises of 23 Short Street, in answer to a complaint of Nettie C. Smith that her neighbor was keeping almost 50 chickens in his yard. He said the man in question has a permit to keep 20 chickens but was keeping more than that. He said the man was instructed to get rid of the excess chickens. He said a re-inspection was made and the permitted number of chickens were there and the premises had been limed.

Mrs. Smith said stricter enforcement needed to be placed on people keeping chickens. She said it was a nuisance to the neighborhood.

Councilman Rainey objected to allowing people to keep so many chickens. He suggested that the ordinance be amended limiting chicken ownership to six.

Councilman Michael suggested that such permits should be renewed once a year as other licenses.

Councilman Morris said he felt there was a need for restrictions as to how far the chickens must be from the street and from the nearest dwelling.

Council requested that the ordinance, with the suggested amendments, be considered by Council at the earliest possible date.

REPORT ON PETITION FOR SCHOOL CROSSING GUARD - EUGENE RANKIN PTA

Chief J. C. Hall reported that he had investigated the need for a school crossing guard at the Hanover and Stewart Street intersection, as requested in a petition received from the Eugene Rankin PTA. He said his investigation revealed that a guard was needed and he would talk to the City Manager about a budgeted position for this area.

REPORT ON PETITION RECEIVED FROM DOWNTOWN MERCHANTS RE: LEXINGTON AVENUE -COLLEGE STREET

Chief J. C. Hall said the situation in the Lexington Avenue-College Street areas have improved and the Police Department was receiving less complaints. He said an officer has been assigned to this area, particularly at 5 p. m. when employees are walking to their cars.

Chief Hall commented that local officials should have more say-so over the ABC licenses that are issued. He suggested that representatives of the City ask the legislators to pass such legislation. He said the legislators should also pass a state law regulating drinking of alcoholic beverages on public streets.

RESOLUTION NO. 76-150 - RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING AND RATIFYING THE EXECUTION OF GRANT AGREEMENT FOR PROJECT NO. 6-37-0005-03 BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF ASHEVILLE

Consideration was given to a resolution authorizing, adopting, approving, accepting and ratifying the execution of grant agreement for Project No. 6-37-0005-03 between the United States of America and the City of Asheville.

AND WHEREAS, any room tax would be very detrimental to the Travel Industry in North Carolina and most particularly the hotels and motels in Asheville;

AND WHEREAS, any new tax, should a new tax be deemed necessary, such a tax should not single out any one industry but should apply fairly to all industries;

AND WHEREAS, certain representatives of the municipal government of the City of Asheville will vote on whether the League of Municipalities should include any proposal for a room tax in its 1977 legislative program;

BE IT RESOLVED THAT the Hotel and Motel owners and operators signified below do hereby request that the City Council of Asheville instruct Asheville representatives to the League of Municipalities to oppose and vote against any proposed room tax. "

Approximately 33 resolutions were presented from different motel/hotel owners in the Asheville and surrounding areas.

Mr. Kirk said the proposed room tax would be unfair and discriminatory because it singles out the travel industry for a tax which no other industry would be burdened with. He said such a tax would be imposed on a local-option basis, increasing the room rates in places where it would be in effect and thus putting these places at a disadvantage with regard to nearby places with no room tax.

Mr. Kirk said he had estimated that such a room tax would bring in approximately $40,000 which is insignificant compared to the city's present and future needs.

It was the consensus of Council, before taking any action, to obtain more information on the matter from the North Carolina League of Municipalities and to discuss the subject more fully at the October 14, 1976 meeting.

MICHAEL ARGO - WILDERNESS SHOP - DISCHARGING OF FIREARMS

Michael Argo, owner of the Wilderness Shop in the Northland Shopping Center, appealed before Council to receive a clarification of Section 18-7 of the Asheville City Code dealing with discharging of firearms in the City. He said he was planning to build a new business building in the City of Asheville to house the "Wilderness Shop" and was planning a firing range in the building for educational and sporting purposes. He said he can not get financial support until he receives a letter from the Corporation Counsel that his business would be exempt from Section 18-7 of the Asheville City Code. He said he had been unsuccessful in obtaining such a letter.

Vice-Mayor Horton suggested that he meet with the Corporation Counsel after the meeting to resolve the problem.

RALPH BISHOP - LOTTERY SALES

Mr. Ralph Bishop again appeared before Council complaining of lottery sales in the City of Asheville.

PROCLAMATION - DAY IN COURT FOR LEGAL SECRETARIES - OCTOBER 14, 1976

Vice-Mayor Horton proclaimed October 14, 1976 as Day in Court for Legal Secretaries.

PROCLAMATION - AFFIRMATIVE ACTION - NATIONAL EMPLOY THE HANDICAPPED WEEK

Vice-Mayor Horton proclaimed the first full week in October as National Employ the Handicapped Week. He read a proclamation on Affirmative Action and Public Employment.

PROCLAMATION - NATIONAL FIRE PREVENTION WEEK IN ASHEVILLE - OCTOBER 3 - 9, 1976

Vice-Mayor Horton proclaimed October 3 - 9, 1976 as National Fire Prevention Week in Asheville.

Adjournment.

MAYOR

CITY CLERK

The Assistant City Manager read the resolution and explained that this resolution would allow for the execution of a grant of federal funds to extend safety area, Runway 34 (100'); rehabilitate MITL and HIRL systems; construct FCR building; and acquire fire and crash rescue vehicle (1500 gallon) at the Asheville Airport.

Upon motion of Councilman Michael, seconded by Councilwoman Swilling, Resolution No. 76-150 was unanimously adopted.

Complete text of Resolution No. 76-150 will be found in Resolution Book No. 9 at page 146.

The Assistant City Manager said the regulations also require that a Lighting Agreement be executed for the operation and maintenance of lighting systems in this project.

Councilwoman Swilling moved that the Vice-Mayor be authorized to execute the Lighting Agreement in connection with the grant agreement for project no. 6-37-0005-03 between the United States of America and the City of Asheville. This motion was seconded by Councilman Hoyle and carried unanimously.

VIRGIL L. STURGILL - MONTFORD AVENUE AREA - DOG CONTROL PROBLEM

Virgil L. Sturgill of 102 Tacoma Circle, again appeared before Council complaining of the dogs roaming the neighborhood and knocking over garbage cans.

Council requested that the Corporation Counsel write the Attorney General for an opinion on enforcing the dog-leash law now in effect in the City of Asheville.

COUNCILMAN MICHAEL - SHILOH SCHOOL ACQUISITION

Upon inquiry of Councilman Michael, Ken Michalove reported that a letter had been sent to the Buncombe County Board of Education requesting that the Mayor be allowed to discuss the acquisition of the Shiloh School Property at their meeting of October 9, 1976.

Councilman Michael requested that Mr. McConnell of the South Asheville Community Center be informed of this meeting.

COUNCILMAN MICHAEL - COUNCIL MEETINGS TO BE HELD AT A LATER HOUR

Councilman Michael commented that he had previously suggested that the Council meetings be held at a later hour in order that working people could attend the meetings. He said he had not had any response and requested that an item be placed on the agenda for the October 14, 1976 Council meeting to discuss changing the time of Council meetings.

PROCLAMATION - ALPHA DELPHA KAPPA WEEK

Vice-Mayor Horton proclaimed the week of August 12, 1976 through August 18, 1976 as Alpha Delpha Kappa Week.

Mayor Ochsenreiter opened the public hearing at 3:05 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, reviewed the background of the Brevard Road Zoning Study. He said on May 5, 1976, at its regular monthly meeting, the Asheville Planning and Zoning Commission considered a request by Mr. R. Jack Ingram to rezone property at the intersection of Brevard Road and Dogwood Road from R-3 Residential District to CH Commercial Highway District. Mr. Ingram requested the zoning change in order to utilize the property for the construction of a garage to house and maintain race cars.

At this hearing, he said, several residents of Brevard Road and Dogwood Road appeared and expressed opposition to the proposed zoing change, indicating that a race car garage on this site would be too noisy and would lower the residential property values in the area.

Following the discussion, the Commission voted to deny the request for the following reasons:

1. The rezoning would increase strip development along this portion of Brevard Road which is in direct conflict with sound zoning practices;

2. As the subject property is located adjacent to an established residential area, the proposed change would introduce a new use not in harmony with existing uses; and

3. The proposed zoning change would not be in the best interest of the community as a whole.

Mr. Ingram then appealed the decision of the Commission and requested that the City Council hold a public hearing on this matter. A public hearing was held by City Council on July 8, 1976 at which time residents of the area again spoke in opposition to the request.

Following a discussion by Council, it was moved that the request be tabled and referred back to the Planning and Zoning Commission for further study. The Council also requested that the entire Brevard Road area be looked at for possible zoning changes to accommodate anticipated development.

Based upon a detailed land use survey and projections for future development within the area, the Planning and Zoning Commission offered the following recommendations:

1. Northern region

Based upon recent development trends and those which are projected, the following lots are recommended for inclusion in the Light Industrial (LI).

Ward 15 (Lower Hominy)
(1) Sheet 38, Lots 1, 2, 3, and 4
(2) Sheet 39, Lot 23

Thursday - October 14, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., Gene E. Rainey, Jr. Otis B. Michael, Corporation Counsel Robert J. Robinson, substituting for William C. Moore, City Manager Ernest J. Ward, Jr., Acting City Clerk Carol Hensley

Absent: Assistant City Manager/City Clerk William F. Wolcott, Jr.

APPROVAL OF MINUTES

1. Approval of minutes of September 30, 1976 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilman Michael, the minutes of the September 30, 1976 meeting were approved as submitted.

RESOLUTION NO. 76-151 - RESOLUTION IN MEMORIUM OF RUTH SNIPES SUMMEY

Councilwoman Swilling read the following resolution:

"Whereas, the City Council of the City of Asheville wishes to record its deep sorrow over the recent passing of Ruth Snipes Summey; and

Whereas, Ruth Summey, most recently the Secretary to the City Manager, was a model employee in a variety of positions with the City of Asheville over her 24 year career with the City until her untimely death on October 1, 1976; and

Whereas, Ruth Summey through her courteous and friendly manner took a personal interest and concern in everyone and she was a constant source of help and enthusiasm to her fellow staff members, the general public and the members of City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE that as evidence of the City's gratitude for Ruth's fine work we hereby express our appreciation and extend to her family our sincere sympathy upon her passing;

BE IT FURTHER RESOLVED, that this resolution be transcribed on the minutes of the Asheville City Council and that the City Clerk is directed to forward a copy of the resolution to the family of Ruth Snipes Summey."

Upon motion of Councilwoman Swilling, seconded by Vice-Mayor Horton, Resolution No. 76-151 was unanimously adopted.

Complete text of Resolution No. 76-151 will be found in Resolution Book No. 9 at page 147.

PUBLIC HEARING -REZONING- BREVARD ROAD AND DOGWOOD ROAD - BREVARD ROAD AREA - COMMERCIAL HIGHWAY DISTRICT AND LIGHT INDUSTRIAL DISTRICT

2. A public hearing was held relative to rezoning property at the intersection of Brevard Road and Dogwood Road from R-3 Residential District to CH Commercial Highway District, property owned by R. Jack Ingram and to rezone property in the Brevard Road area LI Light Industrial District.

Mr. Emrick said due to the Ingram request being met with opposition from property owners of Lots 31 and 34, which comprised more than 20 per cent of the neighboring property owners, under the Zoning Ordinance a change in the rezoning classification would require a three-fourths majority vote by the seven Council members.

Councilman Rainey questioned whether Council should take action at all within the extra one-mile area, where property owners are subject to zoning regulations and building codes but are not afforded such things as fire and police protection that residents within the city limits receive. He said he did not feel it was fair or even constitutional for the City of Asheville to impose zoning and building regulations a mile beyond its boundaries when the residents of this extraterritorial area have no redress in city elections.

Councilman Rainey said the City should consider pulling completely out of the extraterritorial area, but Mr. Emrick said this would require a two year notice under terms of the joint agreement adopted by the City and the County of Buncombe that set up the one-mile perimeter.

Mr. Emrick said the extraterritorial jurisdiction, which become effective in March, 1975, was made possible under a state statute that gives cities the option of extending zoning regulations for a mile under agreements with the County. He said the City could extend the jurisdiction for up to three miles, under the agreement, upon specific request of the County. He said the purpose of the statute is to give cities the power to insure conforming patterns of land use in areas contiguous with their borders, where land use planning is necessary and annexation is likely.

Mayor Ochsenreiter, responding to Councilman Rainey's suggestion, said the matter should be jointly discussed by members of Council and the County Commissioners and that Council would move forward in that direction.

Mr. Bill Slaughter, attorney for Mr. R. Jack Ingram, spoke in favor of the rezoning. He said Mr. Ingram purchased his property before the enactment of the one mile perimenter zoning. He said no new use would be introduced into the area as many commercial developments are already in existance in the neighborhood. He further commented on a petition that was previously presented with some 65 signatures who were in favor of the rezoning. He said there would be no more noise or traffic problems than there is presently with the I-40 and I-26 interchange coming into Brevard Road.

Mr. Slaughter said as requested by Councilman Rainey during a previous public hearing, the plans for the building have been altered to include white pine buffering between adjoining property owners and the doors of the business would not open onto Dogwood Road. He said according to appraisals of the property it would be valued much higher with the Commercial Highway zone. He said he felt Mr. Ingram had invested his money in good faith and in his opinion the rezoning would be in the best interest of the area.

Mr. E. R. McCarthy, Mrs. Virginia Stevens, Mrs. Carl Williamson, Mrs. Helen Reed, Mr. Ed DeBruhl, and Mrs. J. Alfred Williams all spoke in opposition to the rezoning.

Mayor Ochsenreiter closed the public hearing at 4:12 o'clock p. m.

The City Manager read a prepared ordinance rezoning the property as requested.

Development Trends Evident

Since 1970, this particular region of Brevard Road has accommodated the following industrial and related uses:

1. Carolina Power and Light Company
2. Thurston
3. Southern Bell
4. WNC Farmers Market, 1976
5. Pond Road Land Fill, 1974 (expected life - 5 years)

Proposed Development

1. U. S. Post Office Distribution Point, 1977-78

Existing Service to Area

1. County sewer line - 8". County officials indicate that existing lines have sufficient capacity to accommodate additional industrial growth in this area.

2. Existing water lines -
   (a) 8" line to I-40
   (b) 6" line from I-40 to I-26

If large scale industrial growth were to be encouraged in this area the City Engineer recommends that the service be upgraded to a 12" line from I-40 to Sardis Road. There are no immediate plans to increase these lines anytime in the near future.

In light of past controversies in the City's extraterritorial jurisdiction with regard to locating exact boundary lines on the ground, Planning and Zoning offers the following recommendation:

That the area bounded by I-26 on the west, Dogwood Road (SR 3427) on the north and Brevard Road on the east and south be considered for inclusion in the City's extraterritorial jurisdiction.

However, prior to such action City and County officials should: (1) Notify all effected property owners; (2) Hold a public hearing; and (3) complete all statutory requirements for such a proposed expansion.

Mr. Emrick, said the Planning and Zoning Commission, after hearing the staff recommendations, presentations by Mr. William Slaughter, Attorney for Mr. Ingram, and residents of the area, the Commission by a vote of three to two (the Chairman breaking a tie vote) defeated a motion to approve the request. Therefore, the original recommendation of the Commission submitted to Council on May 6, 1976 was reaffirmed.

He said Council at this public hearing, is considereing the rezoning of Lots 1, 2, 3, and 4, on Sheet 38, and Lot 23 on Sheet 39 both in Ward 15 (Lower Hominy) to LI Light Industrial District and the rezoning request of Mr. R. Jack Ingram to rezone Lots 32 and 33 on Sheet 38 in Ward 15 (Lower Hominy). He suggested that, even though the rezonings were advertised as one, that Council consider them as two separate zoning matters.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 918 passed on second reading.

ORDINANCE NO. 919 - AN ORDINANCE AMENDING SECTIONS 27-8, 27-15 AND 27-50 OF CHAPTER 27 OF THE ASHEVILLE CODE RELATING TO TAXICABS

6. Consideration was given to the second reading of Ordinance No. 919, an ordinance amending Sections 27-8, 27-15 and 27-50 of Chapter 27 of the Asheville Code relating to Taxicabs.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Upon inquiry of Councilman Rainey, Corporation Counsel Robinson said he had researched the N. C. General Statutes and could find no provisions relative to passengers riding in the front seat of taxicabs.

Councilman Rainey moved to amend Ordinance No. 919 by inserting in Section 2 the following:

"Section 2. That Section 27-15 entitled "Passengers riding in front seat" of Chapter 27 of the Code of Ordinances is hereby repealed and in its place and stead the following is enacted so that Section 27-15 of said Code of Ordinances shall read as follows:

"At no time shall more than two persons, in addition to the driver, ride on the front seat of any taxicab."

Councilman Rainey further moved that the present Section 2 become Section 3 dealing with "Qualifications of Applicant". This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 919 passed on second reading.

John C. Cheesborough, Attorney for the Asheville Taxicab Association, requested that Council proceed to the third and final reading of the ordinance, since no opposition to the increase has been made.

Councilman Michael moved to suspend the rules and proceed to the third and final reading of Ordinance No. 919. This motion was seconded by Councilman Rainey, which motion carried, with Councilwoman Swilling voting "no".

On a roll call vote of 5-0, Ordinance No. 919 passed on third and final reading.

Complete text of Ordinance No. 919 will be found in Ordinance Book No. 7 at page 59.

After legal deliberations, in an effort to separate the two rezoning parcels, Councilman Morris moved to amend the ordinance by deleting Section 1 (referring to R. Jack Ingram's property - Ward 15, Sheet 28, Lots 32 and 33 (Lower Hominy) from the ordinance. He further moved to schedule another public hearing on the rezoning request of Mr. R. Jack Ingram to be readvertised at the City's expense. This motion was seconded by Councilman Rainey which amendment carried unanimously.

Councilman Rainey moved for the adoption of Ordinance No. 920, as amended. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 4-0, Ordinance No. 920 passed on first reading, with Councilman Michael voting "no".

Councilman Morris requested that, in the future, the Planning and Zoning Commission be instructed not to recommend two rezoning requests together.

ORDINANCE NO. 914 - AN ORDINANCE PROVIDING FOR FIXED PENALTIES FOR VIOLATION OF CERTAIN TRAFFIC ORDINANCES OF THE CITY OF ASHEVILLE

3. Consideration was given to the third reading of Ordinance No. 914, an ordinance providing for fixed penalties for violation of certain traffic ordinances of the City of Asheville.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 914 passed on third and final reading.

Complete text of Ordinance No. 914 will be found in Ordinance Book No. 7 at page 51.

ORDINANCE NO. 917 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (North Liberty Street - Mrs. Louise Tomlinson)

4. Consideration was given to the second reading of an ordinance amending Ordinance 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended rezoning property on North Liberty Street from R-4 Residential District to CH Commercial Highway District, property owned by Mrs. Louise Tomlinson).

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 917 passed on second reading.

ORDINANCE NO. 918 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (New Leicester Highway)

5. Consideration was given to the second reading of an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended rezoning property on New Leicester Highway from OI Office Institutional District to CS Commercial Service District, property owned by the County of Buncombe.

Larry Fisher, Director of Finance, explained that Pack Memorial Library has received federal funds under Title I of the Library Services and Construction Act in the amount of $12,057. He said these funds were not included in the fiscal 76-77 City of Asheville operating budget and they must be expended before June 30, 1977. He said the funds would be appropriated in the Library Funds for travel and books and audio visual equipment.

Mr. Fisher said the grant is a supplement to the existing funds appropriated from the City's general fund to the library.

Councilman Rainey moved for the adoption of Ordinance No. 921. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 5-0, Ordinance No. 921 passed on first reading.

ORDINANCE NO. 922 - AN ORDINANCE APPROPRIATING CAPITAL PROJECTS IN EFFECT AS OF JULY 1, 1976

10. Consideration was given to an ordinance appropriating capital projects in effect as of July 1, 1976.

The City Manager read the ordinance.

Larry Fisher, Director of Finance, explained that the Local Government Budget and Fiscal Control Act (GS-159), as amended by the 1975 General Assembly, approved Capital Project budgeting as an alternative to annual budgeting of projects "involving the construction or acquisition of a capital asset". He said the ordinance outlines the capital projects the City has in effect as of July 1, 1976 and establishes and appropriates the projects for the life of the projects.

Vice-Mayor Horton moved for the adoption of Ordinance No. 922. This motion was seconded by Councilman Michael.

On a roll call vote of 5-0, Ordinance No. 922 passed on first reading.

ORDINANCE NO. 923 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77 (Parking Garage Appropriations)

11. Consideration was given to an ordinance amending the operating budget of the City of Asheville for fiscal year 1976-77. He said this ordinance is in conjunction with Ordinance No. 922.

Larry Fisher, Director of Finance, explained that the City originally appropriated $1,244,000 of Revenue Sharing funds to apply to the construction of the Parking Garage and the funds are not sufficient to complete the project. He said funds are appropriated in the Revenue Sharing Trust Fund as a reserve for such capital improvements and this ordinance would appropriate additional funds to the Capital Projects Fund to complete the project.

Councilwoman Swilling moved for the adoption of Ordinance No. 923. This motion was seconded by Councilman Rainey.

On a roll call vote of 5-0, Ordinance No. 923 passed on first reading.

RESOLUTION NO. 76-152 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE AND THE UNITED STATES OF AMERICA FOR THE PURPOSE OF CLOSING OUT THE CIVIC REDEVELOPMENT PROJECT N. C. R-13

7. Consideration was given to a resolution authorizing the Mayor to sign an agreement with the Housing Authority of the City of Asheville and the United States of America for the purpose of closing out the Civic Redevelopment Project N. C. R-13.

The City Manager read the resolution.

Ken Michalove. Assistant City Manager, said there is very little work left to do in the Civic Redevelopment Area and the Department of Housing and Urban Development is giving the City an opportunity to close-out and receive title to the three parcels of land that are left and once the parcels are sold, the City will receive the revenues which will be allocated in the Community Development Project funds. He said the City would probably ask the Housing Authority to continue to market the land as they have done in the other parcels in the Civic Redevelopment Project and be the City's agent for the sale of these parcels. He said by signing this agreement the City can now close-out the project and, in fact, save a great deal of interest that they are currently paying on funds as they relate to this project. He said these parcels amount to approximately 78,000 square feet and would probably sell somewhere in the vicinity of $75,000 to $100,000.

Upon motion of Councilwoman Swilling, seconded by Councilman Michael, Resolution No. 76-152 was unanimously adopted.

Complete text of Resolution No. 76-152 will be found in Resolution Book No. 9 at page 148.

SALE OF PARCELS 112 AND 114 - EAST RIVERSIDE URBAN RENEWAL PROJECT N. C. R-48

8. Consideration was given to the approval of the sale of Parcels 112 and 114 in the East Riverside Urban Renewal Project N. C. R-48.

The City Manager read a letter from the Housing Authority of the City of Asheville requesting approval of the sale of Parcels 112 and 114 in the East Riverside Urban Renewal Project N. C. R-48. Parcel 112 would be used as a residential use to be sold to Mr. and Mrs. Perry M. Avery in the amount of $850.00. Parcel 114 would also be used as a residential use to be sold to Mr. and Mrs. Feimster Moore for $1,926.00.

Vice-Mayor Horton moved to approve the sale of Parcels 112 and 114 in the East Riverside Urban Renewal Project N. C. R-48, as recommended by the Housing Authority of the City of Asheville. This motion was seconded by Councilman Morris and carried unanimously.

ORDINANCE NO. 921 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77 (Library funds)

9. Consideration was given to an ordinance amending the operating budget of the City of Asheville for fiscal year 1976-77 appropriating library funds.

RESOLUTION NO. 76-153 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A LEASE AGREEMENT WITH THE COUNTY OF BUNCOMBE FOR THE OPERATION OF A COUNTY-WIDE ZOO FACILITY

13. Consideration was given to a resolution authorizing the Mayor to sign a lease agreement with the County of Buncombe for the operation of a county-wide zoo facility.

The City Manager read the resolution.

It was explained that this resolution and agreement would provide that future operation and development of the Zoo facility would operate as a function of the governmental services of Buncombe County.

Upon motion of Councilman Michael, seconded by Councilwoman Swilling, Resolution No. 76-153 was unanimously adopted.

Complete text of Resolution No. 76-153 will be found in Resolution Book No. 9 at page 149.

RESOLUTION NO. 76-154 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE SUPPLEMENTAL MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION RELATIVE TO UTILITY RELOCATIONS ASSOCIATED WITH DEPARTMENT OF TRANSPORTATION PROJECT 8.1901409

14. Consideration was given to a resolution authorizing the Mayor to execute supplemental municipal agreement with the North Carolina Department of Transportation relative to utility relocations associated with Department of Transportation Project 8.1901409.

The City Manager read the resolution.

Bill Edens, City Engineer, explained that the supplemental municipal agreement deals with changes in utilities made necessary by that section of the I-40 Connector to be made through Beaucatcher Mountain.

Upon motion of Councilman Rainey, seconded by Vice-Mayor Horton, Resolution No. 76-154 was unanimously adopted.

Complete text of Resolution No. 76-154 will be found in Resolution Book No. 9 at page 150.

BIDS - ONE (1) PICK-UP TRUCK FOR CIVIC CENTER AND TWO (2) PICK UP TRUCKS FOR TRAFFIC ENGINEERING

15. Consideration was given to bids received October 11, 1976 for one (1) pick-up truck for the Civic Center and two (2) pick-up trucks for the Traffic Engineering Division.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted in each bid item:

1.	Apple Tree Chevrolet	$3,714.24
2.	Matthews Motors, Inc.	7,487.39
3.	Matthews Motors, Inc.	3,665.92

Councilwoman Swilling moved the accept the recommendation of the Purchasing Agent and award the bids as recommended. This motion was seconded by Councilman Michael and carried unanimously.

ORDINANCE NO. 924 - ORDINANCE REQUESTING AND AUTHORIZING SUPPORT FOR PUBLIC WORK IMPROVEMENTS AND AMENDING THE COMMUNITY DEVELOPMENT PROJECT BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77

12. Consideration was given to an ordinance requesting and authorizing support for Public Work Improvements and amending the Community Development Project Budget of the City of Asheville for fiscal year 1976-77.

The City Manager read the ordinance.

Logan Delany, Community Development Coordinator, said public work improvement projects are recognized as eligible activities under the Community Development Block Grant Act of 1974. He said certain project extensions have been requested, reviewed, and approved informally by citizen groups from the area directly affected and involved. He said this ordinance would amend the Community Development Project Budget to include the following projects. He said the appropriations would be from the 1976-77 Community Development Budget Contingency Fund.

Title	Project Improvement	Total
Santee Street	Resurfacing, curb and gutter repair	$1,820
Melbourne Place	Resurfacing, curb and gutter repair, cul-de-sac	7,100
Hibriten Drive	Resurfacing, curb and gutter repair	6,465
Rosewood Avenue	Resurfacing, curb and gutter repair	2,709
Magnolia Street	800 ft. storm drain and catch basin	6,000
Pelham Road	Sidewalk, curb and drive entrances - removal and replacement with new concrete, reseeding and landscaping as required.	15,000
	Total	$39,094

Vice-Mayor Horton moved for the adoption of Ordinance No. 924. This motion was seconded by Councilman Morris.

On a roll call vote of 5-0, Ordinance No. 924 passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 924. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 924 passed on second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 924. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 924 passed on third and final reading.

Complete text of Ordinance No. 924 will be found in Ordinance Book No. 7 at page 64.

county-wide with some formula for dispersing the funds received and that if a room tax does come into being it should be county-wide and only used for travel promotion and that these funds should be used in addition to, rather than in lieu of any current city or county participation in promotions.

It was the consensus of Council to move forward with Councilman Morris' suggestion.

Bill Morris, a local attorney representing the Holiday Inns in the area, said the proposed room tax bill is opposed by motel owners because it is discriminatory in that it singles out one particular industry for special taxation. He said other businesses should be included in such a tax to promote travel business.

Mr. Bill Shultz, owner of the Buena Vista Motel, spoke in opposition to a room tax.

Mr. Chris Moutos, owner of the Mountaineer Inn, also spoke in opposition to a room tax.

R. JACK INGRAM REZONING REQUEST - BREVARD ROAD AND DOGWOOD ROAD

The City Manager advised that Mr. Bill Slaughter, Attorney for Mr. R. Jack Ingram, requested that Council schedule a public hearing date for Mr. Ingram's rezoning request on Brevard Road and Dogwood Road.

Councilwoman Swilling moved to schedule a public hearing for Mr. R. Jack Ingram's rezoning request for November 4, 1976, to be advertised at the City's expense. This motion was seconded by Councilman Rainey and carried unanimously.

CLAIM - CAROLINA POWER AND LIGHT COMPANY - DAMAGE BY GARBAGE TRUCK

The City Manager presented a claim received from Mr. Conley Gillespie, District Right-of-Way Agent for Carolina Power and Light Company, for damages by a garbage truck to electric facilities.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - RODERICK CHRISTOPHER HAWKINS

The City Manager presented a claim received from Robert M. Pitts, Attorney for Roderick Christorpher Hawkins, by and through his Guardian Ad Litem, Gail McCarter.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - WHITE CANE SAFETY DAY - OCTOBER 15, 1976

Mayor Ochsenreiter proclaimed Friday, October 15, 1976 as White Cane Safety Day.

PROCLAMATION - NATIONAL WOMEN'S BUSINESS WEEK - OCTOBER 17 - 23, 1976

Mayor Ochsenreiter proclaimed the week of October 17 - 23, 1976 as National Women's Business Week.

Bid Summary - One (1) pick-up truck for Civic Center and two (2) pick-up trucks for Traffic Engineering.

Bidder	Bid Item #1	Item #2	Item #3
Arrowhead International Trucks	$4,335.32	No Bid	No Bid
Apple Tree Chevrolet	3,714.24	No Bid	3,743.43
Dorato Motors, Inc.	3,806.35	8,054.47	4,332.97
Matthews Motors, Inc.	3,854.91	7,487.39	3,665.92

DISCUSSION - PROPOSED MOTEL/HOTEL ROOM TAX

Mr. Lloyd Kirk, owner of the Forest Manor Motor Lodge and informal leader of the local hotel/motel owners in Asheville and the Vice-President of the North Carolina Innskeepers Association commented on the proposed motel/hotel room tax to be discussed by the North Carolina Leauge of Municipalities during their convention beginning October 15, 1976. He said the room tax should be divided into two basic subjects one of which is the room tax as a source of general revenue funds and the other the room tax as a source of funds for the promotion of tourism, travel business, conventions and other activities pertaining to the Hotel/Motel business. He said the room tax as a source of general revenue funds would be ineffective because it would bring only about $40,000 in revenues. He said the room tax is discriminatory as it singles out hotel and motel owners which represent only about 3 per cent of the sales activities in the City. He said other sales should not be excluded from such a tax. He said since the room tax would be on a local option basis it would make the city motel and hotels non-competitive with others in another political jurisdiction.

Mr. Kirk said the room tax as a source of funds for the promotion of tourism, conventions, and travel business is of a positive nature.

He said he would propose that the City Council authorize City representatives to participate on a task force with County and Chamber of Commerce representation. This task force would be empowered to propose legislation to the 1977 Buncombe County delegation of the General Assembly to tax the travel industry for its own benefit. He said the legislation would reflect the wishes of our community in the area of taxation and promotion of tourism. He suggested that the task force consist of nine to twelve members.

Mr. Kirk also requested that the Council direct its Asheville representatives to the North Carolina League of Municipalities convention to oppose and vote against the Leagues proposed room tax.

Councilman Michael said he would not oppose the tax because it would be paid only by visitors to Asheville, while providing additional revenue for Asheville residents.

Councilman Morris said the Committee on Finance and Taxation of the League are looking for new revenue sources and proposes that in order to enable municipalities to meet the ever increasing need for services and inflation the League will seek authority for the levy upon voter approval of one or more local option taxes, such as an occupational tax, income or payroll tax, and a hotel/motel room tax.

Councilman Morris said he felt the City already had enough impediments in the City attempting to drive out local residents and he would suggest that any tax should be

Thursday - October 21, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilmen Gene E. Rainey, Otis B. Michael, J. W. Hoyle, Corporation Counsel Robert J. Robinson, substituting for William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilwoman JoAnn M. Swilling and Councilman Ralph D. Morris, Jr.

PRESENTATION OF CERTIFICATES TO FIRE CADETS

Mayor Ochsenreiter presented certificates to four of five fire cadets who completed six weeks of basic fire training under the Fire Cadet Program funded by Title I funds.

APPROVAL OF MINUTES

1. Approval of the minutes of the October 14, 1976 meeting.

Councilman Rainey noted that Attorney Slawter's name was misspelled in the minutes.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, the minutes of the October 14, 1976 were approved,as amended.

ORDINANCE NO. 917 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (North Liberty Street - Mrs. Louise Tomlinson)

2. Consideration was given to the third and final reading of Ordinance No. 917, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, as amended rezoning property on North Liberty Street from R-4 Residential District to CH Commercial Highway District, property owned by Mrs. Louise Tomlinson.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 917 passed on its third and final reading.

Complete text of Ordinance No. 917 will be found in Ordinance Book No. 7 at page 57 .

ORDINANCE NO. 918 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (New Leicester Highway)

3. Consideration was given to the third and final reading of Ordinance No. 918, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended rezoning property on New Leicester Highway from OI Office Institutional District to CS Commercial Service District, property owned by the County of Buncombe.

RALPH BISHOP - LOTTERY SALES IN THE CITY OF ASHEVILLE

Mr. Ralph Bishop again appeared before Coumcil to protest the lottery sales in the City of Asheville.

Adjournment.

MAYOR

CITY CLERK

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 923 passed on its second reading.

BIDS - 100 TRAFFIC MODEL FIRE HYDRANTS FOR THE FIRE DEPARTMENT

8. Consideration was given to bids received October 14, 1976 for 100 Traffic Model Fire Hydrants for the Fire Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the lowest bid submitted by Supply Specialties, Inc., in the total net amount of $24,467.85.

Councilman Michael moved to accept the recommendation of the Purchasing Agent and award the bid to the lowest bidder, Supply Specialties, Inc. in the total net amount of $24,467.85. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary Bidder	Net Amount Bid
ITT Grinnell Corp.	$25,298.90
American-Darling Valve & Mfg.	30,076.70
Ferguson Enterprises	27,580.50
Silverman Company	25,234.70
Supply Specialties, Inc.	24,467.85

BIDS - COPPER TUBING FOR USE IN WATER AND SEWER DEPARTMENT

9. Consideration was given to bids received October 14, 1976 for copper tubing for use in the Water and Sewer Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the lowest bid submitted by Supply Specialties, Inc., in the total net amount of $9,496.57.

Councilman Rainey moved to accept the recommendation of the Purchasing Agent and award the bid to the lowest bidder, Supply Specialties, Inc. in the total net amount of $9,496.57. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Bid Summary Bidder	Net Amount Bid
Southern Meter & Supply Co.	$9,756.00
Supply Specialties, Inc.	9,496.57
Davis Meter & Supply Co.	9,702.00
Silverman Company	9,684.00
Hajoca Corp.	10,001.88
Tidewater Supply Co.	9,720.00
Ferguson Enterprises, Inc.	9,727.28
Crane Supply Co.	9,522.37

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 918 passed on third and final reading.

Complete text of Ordinance No. 918 will be found in Ordinance Book No. 7 at page 58 .

ORDINANCE NO. 920 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Brevard Road Area)

4. Consideration was given to the second reading of Ordinance No. 920, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended rezoning property in the Brevard Road area to Light Industrial District.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 920 passed on second reading.

ORDINANCE NO. 921 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77 (Library Funds)

5. Consideration was given to the second reading of Ordinance No. 921, an ordinance amending the operating budget of the City of Asheville for fiscal year 1976-77 appropriating library funds.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 921 passed on second reading.

ORDINANCE NO. 922 - AN ORDINANCE APPROPRIATING CAPITAL PROJECTS IN EFFECT AS OF JULY 1, 1976

6. Consideration was given to the second reading of Ordinance No. 922, an ordinance appropriating Capital Projects in effect as of July 1, 1976.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 922 passed on second reading.

ORDINANCE NO. 923 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77 (Parking Garage Funds)

7. Consideration was given to the second reading of Ordinance No. 923, an ordinance amending the operating budget of the City of Asheville for fiscal year 1976-77 appropriating funds for the completion of the Parking Garage.

CLAIM - MRS. SYBLE N. HAMILTON

The City Manager presented a claim received from Joseph C. Reynolds, Attorney for Mrs. Syble N. Hamilton.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

COUNCILMAN MICHAEL - LATE COUNCIL MEETINGS

Councilman Michael said it was his hope that next week's agenda would include consideration of his suggestion that at least one council meeting each month be held at a later time to enable working people to attend. He said Council should also consider the possibility of meeting from time to time in the various neighborhoods throughout the City.

Adjournment.

MAYOR

CITY CLERK

BIDS - ONE (1) TRACTOR-TOWED LANDSCAPING MACHINE - SEEDER/TURF SHAPER

10. Consideration was given to bids received October 15, 1976 for one (1) tractor-towed landscaping machine, seeder/turf shaper.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the only bid, fully responsive to specifications, received from Porter Brothers, Inc. in the amount of $4,788.00.

Vice-Mayor Horton moved to accept the recommendation of the Purchasing Agent and award the bid to Porter Brothers, Inc. in the amount of $4,788.00. This motion was seconded by Councilman Michael and carried unanimously.

Bid Summary

Bidder	Bid
E. J. Smith and Sons	No Bid
R. P. Johnson Sons, Inc.	No Bid
Porter Brothers, Inc.	$4,788.00

PETITION TO CLOSE A PORTION OF CHARLOTTE STREET EXTENSION

RESOLUTION NO. 76-155 - RESOLUTION OF INTENT TO CLOSE A PORTION OF CHARLOTTE STREET EXTENSION AND CALLING A PUBLIC HEARING ON THE QUESTION

11. Mr. William Green, Attorney for Country Club of Asheville, Inc. and Andrew Gennett, read a petition requesting the Council to close a portion of Charlotte Street Extension. He said the street was never accepted as a public street by either Buncombe County or the City of Asheville or any other governmental unit, and has never been under the authority and control of either Buncombe County, the City of Asheville, the North Carolina State Highway Commission or the North Carolina Board of Transportation and never has been either opened, used or maintained as a public street.

The City Manager read a resolution of intent to close the portion of Charlotte Street Extension and calling a public hearing on the question for November 18, 1976.

Upon motion of Councilman Hoyle, seconded by Councilman Rainey, Resolution No. 76-155 was unanimously adopted.

Complete text of Resolution No. 76-155 will be found in Resolution Book No. 9 at page 151.

REZONING REQUEST - MRS. ESTIE WILSON - 15 ARLINGTON STREET

12. The City Manager read a letter from the Asheville Planning and Zoning Commission relative to the rezoning request of Mrs. Estie Wilson to rezone Ward 2, Sheet 16, Lot 200 (15 Arlington Street), from R-4 Residential District to CG Commercial General District. The Planning and Zoning Commission recommended denial of the request; however, Mrs. Wilson submitted a letter to the City Clerk requesting that Council schedule a public hearing on the matter.

Vice-Mayor Horton moved to schedule a public hearing on the matter for November 11, 1976. This motion was seconded by Councilman Michael and carried unanimously.

MAYOR'S FINANCE AND LEGISLATIVE COMMITTEE

Summarization of Committee Actions

The function of this committee is to attempt to discover sources of revenues which might supplement revenues now being collected through the ad valorem and other taxes presently being collected by the City of Asheville. This committee is not an investigating body, but is formed to do a research job and to make recommendations to the Mayor and City Council as to its findings.

Recognizing that the State of North Carolina prescribes by Statute the collection of taxes (other than ad valorem taxes) on those items which constitute the principal sources of revenue for the State, Counties and Municipalities, these latter two governments are restricted in their activities to supplement their revenues by local option additions to the State assessed taxes except by approval of the State Legislature. While the State does return to the counties and cities certain taxes collected by them in the form of sales taxes, beer and wine tax, intangibles tax and gasoline tax and shares in the State assessed franchise tax, it does not share in its collection of income tax or cigarette tax which are two major sources of revenue in the state.

Residents of the City of Asheville are also residents of the County of Buncombe and as such, they are assessed ad valorem taxes on their properties for both the City and County. These taxes collected by Buncombe County from residents of the City of Asheville constitute a major portion (39% in 1976) of the total ad valorem revenues of Buncombe County.

Thursday - October 28, 1976 - 3:00 o'clock p. m.

Regular Meeting:

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Gene E. Rainey, Otis B. Michael, J. W. Hoyle, Ralph D. Morris, Jr., Corporation Counsel Robert J. Robinson, substituting for William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/ City Clerk William F. Wolcott, Jr.

Absent: None

APPROVAL OF MINUTES

1. Approval of the minutes of the October 21, 1976 meeting.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, the minutes of the October 21, 1976 meeting were approved as submitted.

REPORT OF FINANCE AND LEGISLATIVE COMMITTEE

Mr. William M. Morgan, Chairman of the Finance and Legislative Committee, presented and read the following report of the committee:

Committee Members:

W. M. Morgan, Chairman

J. Lewis Daniels, Member

Osborne M. Hart, Member

Vice Mayor, Bill B. Horton, Council Representative

Councilwoman Jo Ann Swilling, Council Representative

Larry A. Fisher, Administrative Staff Representative

the names and addresses applicable to each automobile license issued. This would greatly assist in the followup and collection of fees and fines for City issued citations. The committee readily endorsed the proposed new system and the purchase of the tapes.

While the statistic (Exhibit A - "EDP Parking Ticket System") indicated lost revenue in the amount of some $80,000, this figure could possibly be increased, by double this amount, assuming a $5.00 fine applicable to each citation.

At the time of this report, the tapes have been ordered and as soon as they are received, the information on the tapes will be matched with the information on the outstanding citations and collection efforts on these outstanding citations begun even though the matching process will be beneficial only for the permanent licenses issued in 1975 and 1976.

In discussing item 1, statistics obtained from the Automobile Licensing Agency indicated that approximately 5,000 to 7,000 automotive vehicles owned and operated by residents of the City of Asheville are operating without the owner having purchased the Auto License Sticker.

The non-purchase of the City Auto License is in violation of City Ordinances No. 584 and 687 amending Ordinance 584. This ordinance prescribes the original cost of the license at one dollar ($1.00) and the penalties attached for the non-purchase and display of the license sticker on the operating vehicle.

Information obtained from the Asheville Police Department indicated that for the fiscal year 1976, no citations were issued for non-purchase of the stickers and only fourteen have been issued in this new year. This indicates the lack of enforcement of this ordinance.

Discussing this item, comments were made that the revenues from these

In the attempt to discover additional revenue to supplement the collection of ad valorem taxes, the committee actions were directed to the following items:

1. Revenue now available to the City in the form of parking and traffic violations, licensing of automobiles and collection of water bills.
2. Costs of operating the Airport, Civic Center, Libraries and Parks and Recreation facilities which are regional projects.
3. Revenue Sharing by the State resulting from collection of income and tobacco taxes.
4. Local option taxes or additional assessed taxes by the State on those items now taxed by the State and returned to the counties and cities.
5. Operating costs of City Departments.
6. Annexation.
7. Combination of city and county operations.
8. Region B funds.
9. Sinking Fund Commission.

I. In discussing item 1 above, statistics were presented indicating that for the year 1975, citations were issued for collectible violations numbering 80,146 and that of this number, 39,961 were paid and 40,185 remain unpaid. Statistics for 1976 are not available.

The committee was advised that a proposal had been presented to computerize the handling of these citations which involved the purchase of magnetic tapes from the State Department of Motor Vehicles which would supply

supply region wide services available to residents of Buncombe, Henderson, Haywood and counties contiguous to Asheville. These activities include the Asheville Airport, Civic Center, Libraries and Parks and Recreation Departments.

The costs of operating these services are included in the ad valorem taxes assessed against the property owners in Asheville only, but are participated in and enjoyed by the residents of Buncombe, Henderson, Haywood and other counties contiguous to Asheville. It is grossly unfair to the residents of the City of Asheville that they should have to pay the full cost of these services and to provide them for so many outside city residents at no cost.

Each of the above four functions will be reviewed independently.

The Asheville Airport operated at a loss, after depreciation, in 1976 (before Federal grants) of $237,805 and is forecast to lose $262,047 for the fiscal year 1977. The Airport is a regional facility and used extensively by business representatives and citizens from outside the city. With the great majority of business located outside Asheville, it is greatly used by officials and employees of Olin, National Distillers, General Electric, Champion, Enka, Taylor and many other national companies. Some of these companies fly their own planes, but much overflow fly from Asheville Airport. Employees, salesmen and company representatives use this facility to a very large degree. In the summertime, the airport is used by those people attending Ridgecrest, Montreat, Blue Ridge and other assemblies and day camps. Most all of these are located outside Asheville.

The committee recommended that the Mayor and City Council propose to the Commissioners of Buncombe County that an Airport Authority or Commission be established to operate the Airport and that they pursue this proposal with representatives of the other surrounding counties.

license fees were to specifically subsidize the operations of the Asheville Transit Authority (see minutes of City Council, September 7, 1967). Ordinances 584 and 687 do not indicate such application of funds to the Asheville Transit Authority. However, there seems to exist a question of constitutionality of these ordinances to collect these fees and fines for the operations of the Asheville Transit Authority.

The committee recommends that these ordinances be strictly enforced.

Review of the collection of water bills indicated that much action was needed in the enforcement of the water regulations, but that great improvement had been made in most recent years. However, lack of personnel to assist in bill collection continued to impede much further progress. It was reported that bills amounting to some $46,000 had been charged off in 1976.

Under present water regulations, tenants are responsible for payment of water bills and owners of rented property do not share this responsibility.

The committee recommends strict enforcement of the City's water regulations including early cut off for non-payment of bills.

The committee also recommends the adoption of a "Lien Law" similar to that used by the City of Greensboro, North Carolina whereby the non-paid water bills attach to the property and water is not supplied to that property until the lien is satisfied or paid. (See Exhibit #6).

The report of outside Public Accountants indicated net earnings of water operations for the year ending June 30, 1975 amounted to $571,864, however, these earnings did not include payments for debt service of $807,001 with a resulting deficit in cash earnings of $235,137. (Exhibit 7).

II. The committee discussed, in much detail, those activities which

They will also be absorbing at least thirty nine percent of the County's payment of $205,000. So, City residents are also paying part of the costs for supplying library service to County residents for the five library branches located without the City plus Bookmobile operations. Statistics obtained from the main library indicates that circulation in the County amounts to 52% of the total circulation from all library operations.

The committee recommends that the Mayor and City Council request that the Commissioners of Buncombe County assume full responsibility for the operations of the total library system. The residents of the City would still pay its thirty nine percent of these costs through payments of the County ad valorem tax.

It should also be noted that in recent years, Durham County has absorbed all the costs of operating the Durham City Libraries as has Mecklenberg County taken over the operations of the Charlotte Library System and Forsythe County, the Winston-Salem Library operations.

Recommendations pertaining to operations of Parks and Recreation Departments are deferred pending recommendations of the Asheville-Buncombe County Local Government Study Commission from their study of these functions.

III. & IV. The review of Revenue Sharing by the State of North Carolina indicated that although the City and County are receiving a share of revenue collected from sales taxes, intangibles taxes, liquor and alcohol beverage taxes, franchise and gasoline taxes, they are not sharing in collection of State assessed income taxes or tobacco and cigarette taxes and these latter two classes of tax probably compose the greatest source of revenue to the state. Why these taxes are not shared with the municipalities where they are assessed should be questioned inasmuch as other taxes noted above are returned for local government use.

If established, the Airport Authority should repay to the City of Asheville for its capital assets at a value to be agreed upon by the two parties.

The Civic Center, like the Airport, is a regional facility and is enjoyed by many non-city residents. The Civic Center operated at a loss of $250,251 in fiscal year 1976 and is forecast to lose $282,858 for the fiscal year 1977. Again, the residents of Asheville are paying this total cost.

The committee recommends that the Buncombe County Commissioners be requested to either underwrite this loss, operate the facility, or to place it under a Civic Center Authority or Commission operated jointly by the City and County. A pro ration of costs and losses by head count (39% in city, 61% in county) could be a possible basis. An alternative to this proposal would be to increase rental charges for each event to a schedule that would provide for all absorptionof all costs. This would probably result in higher ticket prices for attendees at each event. The committee also recommends that, in the event that Buncombe County chooses to operate the Civic Center in its entirety, the County reimburse the City in full for its capital assets at a value to be agreed upon by the two parties.

Operation of the libraries is a joint function of the City and County in that the main library plus four branch libraries are located within the City and five are located in the County, plus the Bookmobile servicing the County. The costs of operating all libraries are budgeted by the City. Even though the County contributed $175,000 for the fiscal year 1976 and has pledged $205,000 for 1977, it left a deficit of costs for City taxpayers to absorb of $228,712 for 1976 and forecast deficit of $295,200 for 1977. It would appear that the taxpayers in Asheville are absorbing again the major part of these costs including contributing to the operations of the County units.

do so. However, we do recommend that a qualified Consulting Industrial Engineering firm be employed to study several departments to effect savings or to increase services to the City residents by improvements in scheduling of jobs and assignment of personnel to jobs.

VI. The annexation of additional areas to the City was discussed. Action and recommendations on this item was deferred as it is understood this subject is now under study.

VII. No action or recommendation is included in this report on the possible combination of City and County operations.

VIII. Investigation as to whether Region B funds could be made available for contribution toward deficit in costs over revenue of operations that are regional in nature should be followed up by an appointee of the Mayor and City Council.

IX. Elimination of the "Sinking Fund Commission" is recommended by this committee to save some $30,000 in costs to the City. It is the opinion of the committee that the City's Finance Department could handle the City's debt administration. Study should be made of the indentures applicable to the outstanding bonds to determine whether the Sinking Fund Commission is further required.

Other Observations. Reviewing the County budget for the fiscal year ending June 30, 1977, it is meritorious to observe the creation of a Capital Reserve fund of $3,875,600. It is good to provide such a surplus reserve for future

So, the committee segregated the State and Local tax problem into two categories as follows:

1. Petition the State Legislature to share with municipalities the collection of income taxes and tobacco and cigarette taxes.
2. Petition the State Legislature to permit municipalities to collect taxes on a local option basis applicable to:
   a. liquor and alcohol
   b. tobacco and cigarettes
   c. hotel/motel rentals
   d. income tax
   e. interest on delinquent taxes (increase interest rate)
   f. increase auto license fees (to $10.00 per vehicle)

The committee has no statistics available that would indicate the dollar volume that would be made available except that an increase in auto license fees to $10.00 per vehicle would amount to approximately $330,000.

It is the consensus of opinion of the committee that to assess taxes on luxury items such as those noted above would be more desirable than increasing ad valorem taxes as the purchases or users of the above items could more readily assume these increased costs. Also, the increase in the auto license fee would reach many persons who are not contributing to the tax revenues of the City by not listing any properties subject to ad valorem taxes.

The need to obtain additional revenue for the City should be stressed to the League of Municipalities for action on all of the above items.

V. The committee is taking no action in studying the operations of City Departments to effect cost savings. We do not believe we are qualified to

All of the recommendations noted would provide additional revenues to the City. However, they are contigent on collection of various items, the take over of various functions by the County and finally the action of Legislature to provide by Statute the collection of additional taxes.

Without positive action in each of the recommended items, it is impossible to foresee any possibility of the ad valorem tax remaining at its present rate for 1977-78 or years beyond these dates. With inflation in costs ever increasing for labor and supplies plus fringe benefits attached to services (including pensions and past service liabilities attachments), the achievement of a balanced budget for next year cannot be realized. Much effort must be expended in the followup of all of the items recommended to afford any minimum of hope to the taxpayers of the City of Asheville to retain the present rate for ad valorem taxes.

Assumption by the County of the Airport, Civic Center and Libraries could result in savings of $700,000 to $800,000 to City taxpayers and this should be actively pursued.

Mayor Ochsenreiter thanked the Committee for their time and effort and stated that the City Staff has already started to work on some of the recommendations.

[redacted]ngencies. However, this budget fails to provide any contribution to those projects or functions that are "region wide" such as the Asheville Airport or Civic Center. These functions provide service and entertainment for the region contiguous to Asheville totally at the expense of the residents of the City of Asheville. But, the citizens of Asheville are also, citizens of Buncombe County, so, why should the 60,000 residents of Asheville pay the total cost to provide services to the 155,200 residents of Buncombe County, plus many other residents from surrounding counties. It seems grossly unfair that the County Commissioners should not recognize their responsibility to absorb costs in its budget to provide for supplying such services.

It is also recognized that Buncombe County is in the position of obtaining additional funds from the State distribution of sales taxes, intangibles taxes, [redacted]c. as these are pro rated to the County and City either on total tax valuation or head count of residents. Inasmuch as the County continues to grow in location of industries, with their accompanying employees and outflow of residents from Asheville into the County, such pro ration of taxes will result in greater income to the County and decreases to the City of Asheville.

In reviewing the County budget, it would appear that the County is in a very good financial condition with the completed payoff of its bonded indebtedness and elimination of interest on the same, plus its noted possible increase in State distributed taxes and should be able to assume all of the costs of those functions which are regional in nature and which would relieve the taxpayers of the City from paying all of the costs of these functions.

[redacted]

ORDINANCE NO. 920 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

3. Consideration was given to the third and final reading of Ordinance No. 920, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended rezoning property in the Brevard Road area to Light Industrial District.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 920 passed on its third and final reading.

Complete text of Ordinance No. 920 will be found in Ordinance Book No. 7 at page 61.

ORDINANCE NO. 921 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77

4. Consideration was given to the third and final reading of Ordinance No. 921, an ordinance amending the operating budget of the City of Asheville for fiscal year 1976-77 appropriating library funds.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Mrs. Hamlin of the Library Staff, responded to Vice-Mayor Horton's question during the first reading of the ordinance. That question being "Could the funds of this federal grant be used to supplement part of the appropriation of the city for the library operating fund?". She said under the guidelines of the State Library federal funds are to extend and improve public library service and may not be used to replace state or local funds.

On a roll call vote of 6-0, Ordinance No. 921 passed on its third and final reading.

Complete text of Ordinance No. 921 will be found in Ordinance Book No. 7 at page 62.

ORDINANCE NO. 922 - AN ORDINANCE APPROPRIATING CAPITAL PROJECTS IN EFFECT AS OF JULY 1, 1976

5. Consideration was given to the third and final reading of Ordinance No. 922, an ordinance appropriating Capital Projects in effect as of July 1, 1976.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 922 passed on its third and final reading.

PUBLIC HEARING - URBAN MASS TRANSPORTATION ADMINISTRATION GRANT

RESOLUTION NO. 76-156 - RESOLUTION AUTHORIZING AND ENDORSING THE FILING OF AN APPLICATION FOR MASS TRANSIT FUNDS

2. A public hearing was held to receive public comment and opinion on a grant through the North Carolina Department of Transportation and the United States Department of Transportation, Urban Mass Transportation Administration.

Mayor Ochsenreiter opened the public hearing at 3:10 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Larry Ward, of the Planning Division, stated that this grant proposal is the same basic grant that the City has applied for in 1975 and 1976 and received funds from the Urban Mass Transportation Administration through the State to help offset the operating expenses of the Asheville Transit System. The City has participated in the grant program in those two previous years. The project could be a capital project or an operating assistance project, however, due to the need for the monies for operating assistance the determination seems to be that the money should be used for operating assistance. The grant project has been discussed with Mr. Larry Fisher, Director of Finance, and has been anticipated in the city's 1977 budget. All the necessary steps to apply for these funds have been taken except for the public hearing and the approval of a resolution authorizing the filing of the application. It has been reviewed by the Asheville Transportation Advisory Committee, the Asheville Technical Coordinating Committee, the Asheville Transit Authority and the Land-of-the-Sky Regional Council A-95 Review Board. All these groups have given the project a favorable review. It is currently under review by the North Carolina Department of Administration A-95 Clearinghouse.

Mr. Ward stated that the Accounting firm of Patton and Hunter made an audit on last year's Transit operation and projected an audit on this year's transit operation and calculated the UMTA share and the City's share according to the guidelines for the grant program. He said no major increase in services is projected with the funds. He said the program was projected for 6 years, beginning in 1975 and ending in 1982. He said the funds received from the grant are based on the projected deficit of the Transit operation.

There was no public comment on the grant proposal.

Mayor Ochsenreiter closed the public hearing at 3:20 o'clock p. m.

The City Manager read the resolution authorizing and endorsing the filing of an application for Mass Transit Funds.

Upon motion of Councilman Micheal, seconded by Vice-Mayor Horton, Resolution No. 76-156 was unanimously adopted.

Complete text of Resolution No. 76-156 will be found in Resolution Book No. 9 at page 152.

Councilman Michael said he did not believe that most people could understand the legal notices printed in the newspapers and a better method of notification should be given the property owner.

Councilman Rainey agreed stating that prior closings in this area have been minor; however, with the intended major closings, a more thorough review should be made before closing these major streets.

Mr. Holt explained that Southside would be replaced and would be constructed to the north of Southside and will intersect with South French Broad Avenue.

Mrs. Lucille Fields, 166 South French Broad Avenue, protested that McDuffie Street, which runs behind her property was closed earlier this year without her being given a reasonable opportunity to oppose the closing. She said she had purchasing the lot which faced McDuffie Street with the intention of building a house for her children, but the closing of the street has made the lot useless.

Mrs. Fields said someone had phoned to ask if she objected and she had said yes. The caller said he hoped she would change her mind.

Councilman Rainey expressed disapproval of such calls.

Mayor Ochsenreiter requested that Mr. Michalove, the Assistant City Manager and Larry Holt work with Mrs. Fields in an attempt to solve her problem.

Mr. Holt assured Council that everyone involved would be notified by registered mail, return receipt requested, before the public hearing on December 2, 1976.

It was the consensus of Council members, that a thorough review of the master plan should be made before the public hearing on December 2, 1976.

Upon motion of Vice-Mayor Horton, seconded by Councilman Morris, Resolution No. 76-158 was adopted, with Councilman Michael voting "no".

Complete text of Resolution No. 76-157 will be found in Resolution Book No. 9 at page 153.

RESOLUTION NO. 76-158 - RESOLUTION OF INTENT TO CLOSE ALL OF BEECH STREET, AND CALLING A PUBLIC HEARING ON THE QUESTION

8. Consideration was given to a resolution of intent to close all of Beech Street, and calling a public hearing on the question.

The City Manager read the resolution, scheduling the public hearing for December 2, 1976.

Councilman Rainey was excused from the meeting at 4:15 o'clock p. m.

Vice-Mayor Horton commented that since Council was expecting opposition to the Beech Street closing from the two families who live on the street, Council had requested that the Beech Street closing be separated from the other closings.

Complete text of Ordinance No. 922 will be found in Ordinance Book No. 7 at page 63.

ORDINANCE NO. 923 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77

6. Consideration was given to the third and final reading of Ordinance No. 923, an ordinance amending the operating budget of the City of Asheville for fiscal year 1976-77 appropriating funds for the completion of the Parking Garage.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 923 passed on its third and final reading.

Complete text of Ordinance No. 923 will be found in Ordinance Book No. 7 at page 64.

RESOLUTION NO. 76-157 - RESOLUTION OF INTENT TO CLOSE PORTIONS OF BARTLETT STREET, CHOCTAW STREET, AND SOUTHSIDE AVENUE, SMITH STREET, OWENS ALLEY, POWELL ALLEY, AND FOUR (4) UN-NAMED ALLEYS AND CALLING A PUBLIC HEARING ON THE QUESTION

7. Consideration was given to a resolution of intent to close portions of Bartlett Street, Choctaw Street, and Southside Avenue, Smith Street, Owens Alley, Powell Alley and four (4) un-named alleys and calling a public hearing on the question.

The City Manager read the resolution, scheduling the public hearing for December 2, 1976.

The Corporation Counsel read the descriptions of the streets and alleys to be closed.

Upon inquiry of Vice-Mayor Horton, Larry Holt, Deputy Director of the Asheville Housing Authority, said there were no objections to the closing of these streets at the present time but proper notification would be given to all concerned before the public hearing on December 2, 1976.

Councilman Michael commented that he felt matters of closing of streets and alleys should be reviewed by the Planning and Zoning Commission before being presented to Council.

Mr. Holt said the closing of these streets is a part of the East Riverside Urban Renewal Project which was approved by the Planning and Zoning Commission and the Asheville City Council.

Councilman Michael further commented that the closing of streets and alleys sometimes presents hardships on the owners or the tenants of houses located on these streets and alleys.

Mr. Phipps, Purchasing Agent, explained that there were no local manufacturers of the steel culvert pipe and the local retailers would have to purchase the pipe from the manufacturers. He said he did not feel the city would have any control over the manufacturers bidding against the local retailers.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Southern Tank and Culvert Company, Inc. in the amount of $7,601.20. This motion was seconded by Councilman Michael, which motion carried with Vice-Mayor Horton voting "no".

Bid Summary

Bidder	Bid
Armco Steel Corporation	$8,576.00
Wheeling Corrugating Company	10,726.20
Southern Tank & Culvert Company, Inc.	7,601.20

BIDS - BULK ROCK SALT FOR SNOW AND ICE CONTROL

11. Consideration was given to bids received October 25, 1976 for bulk rock salt for snow and ice control.

The City Manager read the recommendation from the Purchasing Agent which recommended the acceptance of the low bid submitted by Morton Salt Company at $18.96 per ton. Total bid, based on estimated quantity for season of 300 tons, is $5,688.00.

Councilman Hoyle moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Morton Salt Company at $18.96 per ton. This motion was seconded by Councilwoman Swilling and carried unanimously.

Bid Summary

Bidder	Bid	
	Per Ton	Total
Morton Salt Company	$18.96	$5,688.00
International Salt Company	20.80	6,240.00
Diamond Crystal Salt Company	21.96	6,588.00

BIDS - ONE (1) FOUR CHANNEL DUAL RECORDER FOR FIRE DEPARTMENT

12. Consideration was given to bids received October 25, 1976 for one (1) four channel dual recorder for the Fire Department.

The City Manager read the recommendation from the Purchasing Agent which recommended the acceptance of the low bid sumitted by Stancil-Hoffman Corporation in the amount of $7,950.00.

Chief Ball, Fire Chief, explained that the recorder would record all fire calls and monitor all telephone calls. He said this would be a great asset to the department and he felt it would deter deficiency points.

Councilman Michael moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Stancil-Hoffman Corporation, in the amount of $7,950.00. This motion was seconded by Councilwoman Swilling and carried unanimously.

Larry Holt, deputy director of the Asheville Housing Authority, said the two houses left on the street are owned by the Asheville Housing Authority. He said the houses were condemned under the right of eminent domain and the money was deposited with the Clerk of Court. He said all appeals have been exhausted on the matter.

Responding to Councilwoman Swilling, the City Manager advised that the closing of these streets, in the long run, would not affect the Powell Bill funds.

Councilman Michael said he would not vote for this closing because he protested the right of government to take someone's property against their will.

Upon motion of Vice-Mayor Horton, seconded by Councilman Morris, Resolution No. 76-158 was adopted, with Councilman Michael voting "no".

Complete text of Resolution No. 76-158 will be found in Resolution Book No. 9 at page 160.

RESOLUTION NO. 76-159 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE A RIGHT-OF-WAY EASEMENT FROM NOLA O. WHITAKER FOR A 24-INCH WATER LINE ON AURORA DRIVE, ASHEVILLE, NORTH CAROLINA

9. Consideration was given to a resolution authorizing the City Manager to acquire a right-of-way easement from Nola O. Whitaker for a 24-inch water line on Aurora Drive, Asheville, North Carolina.

The City Manager read the resolution and explained that this is to relocate a line running from White Fawn Drive along Aurora Drive and replaces a line that is now under the Holiday Inn. As the resolution states the appraised value of the property, as determined by W. T. Duckworth Company, is $4,500.00.

Councilman Michael said he felt the price of the right-of-way has been increased because the city wants to use the property for a pipeline.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Horton, Resolution No. 76-159 was adopted, with Councilman Micheal voting "no".

Complete text of Resolution No. 76-159 will be found in Resolution Book No. 9 at page 162.

BIDS - GALVANIZED CORRUGATED STEEL CULVERT PIPE FOR STREET DEPARTMENT

10. Consideration was given to bids received October 25, 1976 for galvanized corrugated steel culvert pipe for the Street Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Southern Tank and Culvert Company, Inc., in the amount of $7,601.20.

Vice-Mayor Horton expressed concern over the jobbers, who provide the same type of materials to local retailers, being able to bid in competition to the local retailers.

PETITION - ACQUISITION OF SHILOH SCHOOL - SHILOH COMMUNITY

Virgil McConnell presented and read the following petition:

RESIDENT PETITION FOR THE ACQUISITION OF SHILOH SCHOOL

We the residents of the Shiloh Community of Asheville, North Carolina, petition the Asheville City Council, and the Buncombe County School Board as follows:

1. The Buncombe County School Board to transfer the Shiloh School property at minimum cost within the legal limits as prescribed by law to the City of Asheville.

2. The City of Asheville to acquire the Shiloh School property from the Buncombe County School Board to be used as a permanent community center and neighborhood facility.

3. The City of Asheville through the use of Community Development funds, advalorem tax refunds and other resources available and applicable to rehabilitate and develop the facility suitable for the uses described in No. 2.

4. We ask that plans for renovation and/or construction of the permanent community center and neighborhood facility be completed and approved by the City of Asheville, North Carolina by June 30, 1977.

5. We further request that the City of Asheville staff and maintain the facility for the use of residents of the area.

Mr. McConnell said the petition would be presented to the Buncombe County School Board on Friday, October 29, 1976. He said the petition contained 507 signatures from residents of the Shiloh area.

Councilman Michael said Council should go on record requesting that the Buncombe County School Board transfer, by lease or purchase, the Shiloh School property to the City of Asheville for the use of the Shiloh Community.

Mayor Ochsenreited advised that Council would be attending the meeting of the Buncombe County School Board on Friday, October 29, 1976, to present the request.

Bid Summary

Bidder	Bid
Dictaphone Corporation	$8,208.00
Stancil-Hoffman Corporation	7,950.00

MR. E. R. McCARTHY - CLOSING OF STREETS

Mr. E. R. McCarthy suggested that legislation be initiated to give the City of Asheville authority to receive funds for the closing of streets and alleys. He said he felt property owners being given portions of the streets or alleys should have to pay for the land.

CITY MANAGER'S REPORT - MINORITY EMPLOYMENT

The City Manager reported that about a year ago a complaint was filed with the Equal Employment Opportunity Division of the Department of Labor in which allegations were made that the Police and Fire Department did not employ minorities in proportion to the City's minority population. It also alleged that the Police Department did not employ any women as patrol officers. As is the case, when a complaint of this type is filed a report is forwarded to a federal agency which may be involved in advancing or making a project of federal funds for the City. In this particular case, it was the Office of Revenue Sharing. On December 12, 1975 the office wrote to the City Manager requesting information relative to employment in the City and various information relative to payroll. He said this week two representatives of the Revenue Sharing office in Raleigh visited him and at their request they were provided financial data relative to the City's Revenue Sharing expenditures, the Affirmative Action Program, Civil Service Act and the Civil Service Rules and Regulations as well as information relative to the Police and Fire Cadet Program and payroll information. He said there was additional information requested which will be forwarded to them as soon as it is prepared. Following a review of this information the office of Revenue Sahring will make recommendations that will assist the City in the Affirmative Action Program.

COMPLAINTS - MRS. LILLIAN WILSON - MRS. ELROD

Mrs. Lillian Wilson, 296 S. Michigan Avenue, complained to Council about people parking on both sides of S. Michigan Avenue. She said children have removed the no parking signs twice during the past year. She also complained about cars parking at fire hydrants.

Mrs. Wilson said people are using the graded area for the proposed site for the Arrowhead Apartments for drinking and drug uses.

She also complained about the City Dog Catcher, Lee Hyatt's, dog being allowed to run loose. She said he should be made to keep the dog fenced.

Mrs. Elrod also complained about the dogs in the neighborhood.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilman Ralph D. Morris, Jr., Otis B. Michael, J. W. Hoyle, Corporation Counsel Robert J. Robinson, substituting for William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Gene E. Rainey

APPROVAL OF MINUTES

1. Approval of the minutes of the October 28, 1976 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilman Michael, the minutes of the October 28, 1976 meeting were approved as submitted.

PUBLIC HEARING - REZONING PROPERTY ON BREVARD ROAD AND DOGWOOD ROAD - R. JACK INGRAM

2. A public hearing was held relative to the rezoning of property on Brevard Road and Dogwood Road from R-3 Residential District to CH Commercial Highway District, property owned by R. Jack Ingram.

Mayor Ochsenreiter opened the public hearing at 3:06 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, reiterated that the Planning and Zoning Commission, at its regular meeting of September 8, 1976 voted 3-2 to reaffirm denial of the Ingram request. He said the property owners were re-notified on October 21, 1976, by certified mail, that the public hearing on this matter would be held today, November 4, 1976.

Mr. Emrick, also reminded Council that due to the Ingram request being met with opposition from the property owners, comprising more than 20 per cent of the neighboring property owners, under the Zoning Ordinance a change in the rezoning classification would require a three-fourths majority vote by the seven Council members.

Bill Slawter, Attorney for Mr. R. Jack Ingram, said with the existing commercial establishments along Brevard Road the only practical use for the Ingram property would be a commercial use. He again emphasized that Mr. Ingram purchased his property before the enactment of the one mile perimeter zoning. He said he had also spent some $16,000 on improvements prior to the zoning enactment. He said according to appraisals of the property it would be valued much higher with the Commercial Highway zone.

Mr. Slawter said he felt only one of those people who have spoken against the rezoning has a valid reason. He said all the other opposing neighbors own property which already is zoned for commercial use.

JOE PLESS - DREAMLAND DRIVE-IN FLEAMARKET

Mr. Joe Pless of the Dreamland Drive-In Theatre and Fleamarket said he hoped Council would consider the local businessman, who pays taxes and buys privilege license to operate in the City of Asheville, before forcing him to compete with the city government in the flea market business.

PROCLAMATION - JEWISH COMMUNITY CENTER WEEK - OCTOBER 24 - 31

Mayor Ochsenreiter proclaimed the week of October 24-31, 1976 as Jewish Community Center Week.

PROCLAMATION - NOVEMBER AS EPILEPSY MONTH

Mayor Ochsenreiter proclaimed the month of November as Epilepsy Month.

PROCLAMATION - OCTOBER 31, 1976 -"MEET N' TREAT DAY"

Mayor Ochsenreiter proclaimed October 31, 1976 as Meet N' Treat Day.

Adjournment.

Eugene C. Ochsenreiter Jr.
MAYOR

Wilma F. Woodall
CITY CLERK

RESOLUTION NO. 76-160 - RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE FOR AND ENTER INTO A CONTRACT FOR THE INVENTORY AND APPRAISAL OF CITY OWNED FIXED ASSETS

3. Consideration was given to a resolution authorizng the City Manager to negotiate for and enter into a contract for the inventory and appraisal of city owned fixed assets.

The City Manager read the resolution and explained that this resolution was discussed during a prior meeting but was tabled until a later date.

Mr. Larry Fisher, Director of Finance, said the American Institute of Certified Public Accountaints has stated that local governments must account for fixed assets for financial statement purposes and that this resolution would authorize a contract with, Marshall and Stevens, for a detailed inventory and appraisal of such fixed assets. He said Marshall and Stevens submitted a proposal of $46,500. He said without such an inventory the auditors will have to "qualify" their opinion this year on the city's fixed assets. He said one benefit which will result from such an inventory is that it will improve the city's bond ratings and lower the cost of any future bond issues.

Councilman Michael commented that it was his hope that in the near future the City will have to have this inventory in order to negotiate with the county for the establishment of a mentropolitan government.

Councilman Morris noted that the City might discover property that it no longer needs that could be sold.

Mr. Fisher commented that the money, which will come from revenue sharing funds and water funds, is included in the current budget.

Councilman Hoyle said he felt this was a job for the existing city employees.

Upon motion of Vice-Mayor Horton, seconded by Councilman Michael, Resolution No. 76-160 was adopted, with Councilwoman Swilling and Councilman Hoyle voting "no".

Complete text of Resolution No. 76-160 will be found in Resolution Book No. 9 at page 163.

BIDS - ONE (1) CRAWLER TRACTOR/DOZER WITH HEAVY DUTY RIPPER FOR THE STREET DEPARTMENT

4. Consideration of bids received October 25, 1976 for one (1) crawler tractor/dozer with heavy duty ripper for the Street Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Arden Equipment Company, Inc. in the amount of $42,472.00.

Councilman Michael moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Arden Equipment Company, Inc. in the amount of $42,472.00. This motion was seconded by Councilman Hoyle and carried unanimously.

Mr. Slawter cited several similar zoning cases in the state. In one case, he said, it was found that a zoning ordinance which in effect deprives the owner of the beneficial use of his property by precluding all practical uses or the only use to which it is reasonably adapted is invalid. He said Mr. Ingram's property is only adapted to a commercial use. He said no one cares that the property be rezoned commercially but they just don't want Mr. Ingram's garage to be on the lot.

Mr. Andy Reed, J. A. Williams and Al Williamson opposed the rezoning.

Mayor Ochsenreiter closed the public hearing at 3:42 o'clock p. m.

The City Manager read the ordinance rezoning the property as requested.

Councilwoman Swilling moved for the adoption of the ordinance. This motion was seconded by Councilman Hoyle.

Councilwoman Swilling made the following statement: "I am very sorry that I have to sit in a position where we have to pass judgment regarding people who live outside the city limits with regard to their property and things that affect them greatly. I do not think this is fair. I do not feel like the people that live in this area have a right to vote for me or against me so I feel like they are not being treated fair although the State of North Carolina has given Council the authority to regulate things within the one-mile perimeter or up to three (3) miles. I have my misgivings about that. I would like to state that I feel like that the people that live on Dogwood Lane have a sincere and honest desire to keep their area residential and to keep it in a lovely neighborhood that it is now. I also feel like that it is inevitable that Brevard Road will be growing. You can already see the amount of industry that has begun active in that area. I feel like Mr. Ingram purchased the property as commercial property prior to the extension of the one-mile perimeter zoning and I feel like he should be allowed to construct his garage on it. I feel like the people in the area that is protesting are doing so because it is a race car garage not because of the commercial area. I feel like when we rezone property it should be for what can be placed on the lot rather than considering one particular type of business. The County issued a permit, then the zoning came into effect and Mr. Ingram had spent considerable amount of money. Therefore, I feel like that the zoning should be changed to Commercial Highway."

Councilman Hoyle questioned Mr. Ingram regarding the noise and buffering.

Councilman Michael noted that the neighbors will have due recourse after the race car garage is built if the noise becomes a problem.

Councilman Morris said he was voting for the ordinance in order to keep it alive. He said he has not had an opportunity to look at the property in question and will do so before the ordinance comes up for its second reading next week.

On a roll call vote of 6-0, Ordinance No. 925 passed on its first reading.

He further moved that on the third Thursday of each month, Council set a short agenda in the hope of finishing before 5 p. m. and then continue the meeting until at least 5:30 p. m. to meet with any citizens who care to come. This motion was seconded by Councilwoman Swilling and carried unanimously.

Councilman Michael expressed the hope that citizens will take advantage of this opportunity to participate.

Due to a public hearing scheduled for December 2, 1976 which was advertised as being held in the Council Chambers at City Hall, Council decided to hold the December night meeting on December 9, 1976, with a location to be announced shortly.

COMPLAINTS RELATIVE TO SHORT MICHIGAN AVENUE

The City Manager announced that the Police Department was working on the complaints during last week's Council meeting of Mrs. Wilson and Mrs. Elrod. He said a report would be given at next week's Council meeting of the progress relative to the complaints.

BATTERY PARK HOTEL - DISCUSSION

The City Manager said according to the minutes of the July 29, 1976 Council meeting, a public hearing was scheduled for today, November 4, 1976, relative to the Battery Park Hotel. However, since that time Battery Park Hotel has been considered for Section 8 Housing and due to an administrative oversight the public hearing was not duly advertised. Council may now re-schedule the public hearing for a later date, with proper advertising being given or delay scheduling the public hearing until HUD informs Council or Mr. Blackwell of the decision of the Section 8 funding.

Vice-Mayor Horton moved to delay scheduling a public hearing until a decision from HUD is made relative to Section 8 Housing funding for the Battery Park Hotel. This motion was seconded by Councilwoman Swilling and carried unanimously.

It was the consensus of Council to authorize the Mayor to follow up on a letter sent to Mr. Donald Blackwell, owner of the Battery Park Hotel, several months ago in which he was asked to comply with the following instructions for securing and maintaining the vacant building:

1. Board up all openings on the ground level and first floor and paint them to match the building;

2. Construct an eight-foot fence around the property;

3. Sweep the sidewalks at least once a month, cut the grass and remove the weeds and trim the shrubbery.

Mayor Ochsenreiter advised that he would follow up on these requirements and give him a deadline of approximately 10 days to comply with the instructions. He further advised that he would ask Mr. Blackwell to advise Council as to the status of the Section 8 Housing funding.

BID SUMMARY

Bidder	Bid
Arden Equipment Company, Inc.	$42,472.00
E. F. Craven Company	44,925.00
Bruce Construction Machinery	48,001.44
Western Carolina Tractor Company	52,214.00
Mitchell Distributing Company	53,650.00

BIDS - ONE (1) 1,000 GPM CUSTOM BUILT TRIPLE COMBINATION PUMPER

5. Consideration was given to bids received November 1, 1976 for one (1) 1,000 gpm custom built triple combination pumper for the Fire Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the lowest bid submitted by Boyce L. Ford Company in the amount of $59,990.00.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to Boyce L. Ford Company in the amount of $59,990.00. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

Bidder	Bid
Boyce L. Ford Company	$59,990.00
Midstate Emergency Services	69,000.00
Continental Fire Truck Company	68,252.00
Action Fire & Safety	No Bid
Mack Truck Inc.	No Reply

BIDS - ONE (1) FOUR DOOR CAR FOR POLICE DEPARTMENT

6. Consideration was given to bids received November 1, 1976 for one (1) four door car for the Police Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the lowest bid submitted by Matthews Motors, Inc. in the amount of $4,195.31.

Councilman Michael moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Matthews Motors, Inc. in the amount of $4,195.31. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Bid Summary

Bidder	Bid
Apple Tree Chevrolet	$4,244.82
Dorato Motors	4,696.18
Matthews Motors, Inc.	4,195.31

ANNOUNCEMENT OF NIGHT COUNCIL MEETINGS

Councilman Michael moved that Council have one night meeting each month, at 7p. m. on the first Thursday of each month, to be held in rotating neighborhoods.

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Received 8:30
11/4/76
Mayor's Office

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

TO: THE CITY OF ASHEVILLE; HONORABLE GENE C. OCHENREITER, JR., MAYOR OF THE CITY OF ASHEVILLE; MEMBERS OF THE CITY COUNCIL and WILLIAM E. MOORE, ATTORNEY FOR THE CITY OF ASHEVILLE

The undersigned attorney for Mrs. William (Pearl) Byrd O'Donnell gives notice that in a recent publication of the Asheville Citizen Times notice was given by the City of Asheville that the Exhibition Hall of the Civic Center would be used for the operation of a flea market. Such conduct on your part puts the City in competition with every merchant within its confines, as a flea market will sell all and every sort of merchandise in direct competition with all other merchants, and specifically in competition with the above named Mrs. O'Donnell who operates such a market at 20 and 22 North Lexington Avenue in the City of Asheville and in direct and specific competition with her and all other taxpayers.

You will further take notice that such conduct on your part is ultra vires your power and authority to operate such an enterprise and unless you cease and desist forthwith your published intention of operating such a flea market in your Civic Center, the above named individual will pursue such legal action as she may be advised in the premises.

Of the above demand you will take notice.

Awaiting your reply, I am

Most cordially yours,

William A. Parker

WILLIAM A. PARKER
ATTORNEY AT LAW
P. O. Box 7036
ASHEVILLE, N. C. 28807

CLAIM - LOUISE BURTS MIDDLEBROOK

The City Manager presented a claim received from Gary A. Dodd, attorney for Louise Burts Middlebrook for damages for personal injury.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - RUTH WRIGHT SINCLAIR

The City Manager presented a claim received from J. Lawrence Smith, attorney for Ruth Wright Sinclair for damages for personal injury.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

PETITION - RE FLEA MARKET AT CIVIC CENTER

The City Manager presented the following documents relative to the Civic Center Flea Market.

October 29, 1976

The Honoable Mayor Gene C. Ochsenreiter
City of Asheville
Asheville, North Carolina

Dear Mayor Ochsenreiter:

We the Merchants of Biltmore Village feel that the upcoming venture of a Flea Market to be established at the Civic Center would be a detriment. We feel that it would have an unfavorable impact on the downtown area, that these people operate without a privledge license, and also feel that it would be unfair competition to other merchants in that often new merchandise is presented for sale.

We urge the City Council to carefully study this venture at the Civic Center and its general impact on the business community before allowing its opening.

The Shop of John Simmons

The Shoe String

The Snail

Village Galleries

The Stuffed Artichoke

The Book Mart

Biltmore Antiques

The Dry Goods Emporium

Quickprint

The Dande' Lion

The Earth Shoe

Bella Traditionals

New Morning Gallery

Biltmore Village Inne

Yesterday

House of Charles

Shop Easy Market

Thursday - November 11, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilman Ralph D. Morris, Jr., Otis B. Michael, Gene E. Rainey, J. W. Hoyle, Corporation Counsel Robert J. Robinson, substituting for William C. Moore, City Manager Ernest J. Ward., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

APPROVAL OF MINUTES

1. Approval of the minutes of the November 4, 1976 meeting.

Vice-Mayor Horton noted that the minutes should be amended relative to the last sentence in Bill Slawter's statement. He said the minutes should read: "He said he had also spent some $16,000 for the purchasing of the property and improvements prior to the zoning enactment." This notation was made on page 166 of the minutes.

Vice-Mayor Horton moved to approve the minutes of the November 4, 1976 meeting, as amended. This motion was seconded by Councilman Hoyle and carried unanimously.

PUBLIC HEARING - REZONING 15 ARLINGTON STREET - MRS. ESTIE WILSON

2. A public hearing was held relative to the rezoning of property at 15 Arlington Street (Ward 2, Sheet 16, Lot 200) from R-4 Residential District to CG Commercial General District, property owned by Mrs. Estie Wilson.

Mayor Ochsenreiter opened the public hearing at 3:05 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, reported that the Planning and Zoning Commission, at its regular meeting of October 6, 1976, recommended that the request be denied for the following reasons:

1. To rezone the property merely for speculation is in direct conflict with sound planning and zoning practices.

2. The present owner as well as future owners are afforded a variety of nonresidential uses in the R-4 Residential District which would be in harmony with the residential area.

3. This property as well as other property on Arlington Street has been zoned for high density residential purposes since 1948. As no appreciable change of land use along this street has taken place since that time, it is the Planning and Zoning Commission's opinion that the R-4 High Density Residential Zoning should be upheld.

Mayor Ochsenreiter advised that the Corporation Counsel would review the flea market issues and make a recommendation regarding same.

Upon inquiry of Vice-Mayor Horton, Corporation Counsel Robinson said he hasn't research the issue enough to answer any questions but added that he felt the flea market operation constitutes a"lease of space" just like any other event at the Civic Center.

PROPOSED WORDING AMENDMENT TO ZONING ORDINANCE NO. 322 - COMMERCIAL REGIONAL DISTRICT

The City Manager read a letter from the Planning and Zoning Commission which recommended amending the Zoning Ordinance to amend CR Commercial Regional District to include additional uses within that district.

Councilwoman Swilling moved to schedule a public hearing on the matter for December 9, 1976, to be held during the night meeting of Council during the month of December. This motion was seconded by Councilman Michael and carried unanimously.

SHILOH SCHOOL PROPERTY

Councilman Michael announced that he and the Mayor met with the Buncombe County School Board relative to the leasing of the Shiloh School Property to the City of Asheville. He said the School Board gave a favorable intent to lease the School Property to the City of Asheville on a long term lease agreement. He expressed appreciation to the Mayor for his efforts and to the Buncombe County School Board for their cooperation.

PROCLAMATION - YOUTH APPRECIATION WEEK - NOVEMBER 8-15

Mayor Ochsenreiter proclaimed the week of November 8-15 as Youth Appreciation Week.

PROCLAMATION - CONSUMERS CREDIT COUNSELING WEEK - NOVEMBER 7 - 13

Mayor Ochsenreiter proclaimed the week of November 7 - 13 as Consumers Credit Counseling Week.

MRS. ROY ROGERS AND MR. CARL JOHNSON - CLOSING OF BEECH STREET

Mrs. Roy Rogers and Mr. Carl Johnson appeared before Council to protest the closing of Beech Street and the taking of the property on Beech Street by the Asheville Housing Authority.

Mayor Ochsenreiter informed Mrs. Rogers and Mr. Johnson that Council would meet with them after the Council meeting to discuss the matter in detail.

Adjournment.

Eugene S. Ochsenreiter
MAYOR

Thomas J. Holcomb, Jr.
CITY CLERK

ORDINANCE NO. _____ AN ORDINANCE AMENDING CHAPTER 28 PERTAINING TO TRAFFIC, SECTION 28-96, PASSENGER ZONES, LOADING ZONES, AND TOW-AWAY ZONES AND SECTION 28-107, IMPOUNDMENT OF VEHICLES OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

4. Consideration was given to an ordinance amending Chapter 28 pertaining to Traffic, Section 28-96, Passenger Zones, Loading Zones, and Tow-Away zones and Section 28-107, Impoundment of Vehicles of the Code of Ordinances of the City of Asheville.

The City Manager read the ordinance.

Drew Walker, Legal Advisor for the Asheville Police Department, said the present ordinance governing tow away zones is rather vaguely worded and no one is sure exactly what it means. He said the Police Department has never interpreted it to permit the towing away of any car.

He said the proposed ordinance would authorize a police officer to have a vehicle towed away if it has been abandoned, junked or wrecked on the public streets of the city or on city property; vehicles involved in hit and run accidents; vehicles subject of a theft; vehicles used in the commission of a felony; driver of vehicle operated vehicle without a driver's license, or was under the influence of intoxicating liquor or narcotics; or if the vehicle is parked in violation of a city ordinance or state statute.

Mr. Walker, upon questioning from members of Council, said private wreckers are now called for accidents, drunk drivers and stolen cars. He said the officer ask an individual if he has a preferred wrecking company or if one is not preferred the closest wrecker company is called.

Councilman Rainey questioned whether, under the present policy, one wrecker company might get more business that another. He requested that the Police Department furnish Council with a list showing the wrecker companies used during the past year and which companies received the most business.

Councilman Rainey further suggested that the towing away of vehicles in the City be let out to bid to the various wrecker companies. He also suggested that the ordinance be amended to specify the fees which a wrecker company could charge.

Councilwoman Swilling commented that unless these tow away zones are specifically marked this endeavor would create ill-will with the many tourists of Asheville.

Assistant Chief Trulove expressed that the City has needed a clarification of this ordinance for many years. He encouraged the adoption of the ordinance stating that this would help the Police Department greatly in removing these types of vehicles.

Vice-Mayor Horton said the language of the ordinance relative to the towing away of vehicles parked in violation of a city ordinance could possibly be in conflict with the present parking ordinance. He said he was concerned that vehicles could be towed away for such minor offenses as overtime parking. He said the proposed ordinance does not stipulate a time limit for parking violations.

Mr. Emrick, by the use of a map, reviewed the location of the property.

Mrs. Estie Wilson, owner of the property, spoke in favor of the rezoning stating that some small business should build on her property, such as a drive-in bank.

Mayor Ochsenreiter closed the public hearing at 3:15 o'clock p. m.

The City Manager read the ordinance rezoning the property as petitioned.

Councilman Michael moved for the adoption of the ordinance. This motion was seconded by Councilman Morris.

After discussion of the ordinance, Councilman Morris commented that if Council rezones the property and Mrs. Wilson continues to live at the location her taxes would increase as commercial property which would be harmful for her on a fixed income.

On a roll call vote of 6-1, Ordinance No. 926 failed on first reading.

ORDINANCE NO. 925 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, property on Brevard Road and Dogwood Road from R-3 Residential District to CH Commercial Highway District, owned by R. Jack Ingram

3. Consideration was given to the second reading of Ordinance No. 925, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, property on Brevard Road and Dogwood Road from R-3 Residential District to CH Commercial Highway District, owned by R. Jack Ingram.

Mayor Ochsenreiter stated that the ordinance has been read on first reading and members of Council have been furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Vice-Mayor Horton stated that he had looked at the property in question and he felt the lot appeared to be a very good residential lot. He said the only commercial enterprise worthy of the name was the little grocery store next to the property in question.

Councilwoman Swilling questioned why the adjoining property was zoned for commercial property. Mr. Emrick responded that when the Planning Staff was doing the land use study the area indicated that a business zone was obvious.

Councilwoman Swilling also commented that Mr. Ingram's property was not completely within the one-mile perimeter, that about 60-70% was within the one mile zone.

Councilman Michael commented that Council should not prejudge what's going to happen and say that Mr. Ingram is going to have a nuisance. He said Mr. Ingram might build a beautiful garage that would be an asset to the neighborhood.

On a roll call vote of 3-3, Ordinance No. 925 failed on second reading, failing to receive a three-fourths favorable vote of the entire seven member council which was required since at least 20 per cent of the nearby property owners objected to the proposed rezoning.

The City Manager read a memorandum from the Purchasing Agent which stated that the first and second low bids for item 1 failed to meet bid specifications. The lowest bid, submitted by Graybeal Equipment Company did not meet specifications for the hydraulic bodies; and the next low bid, submitted by Arrowhead International Truck Sales, Inc. did not meet cab and chassis specifications. Therefore, it was recommended that the lowest responsive bid for items 1 and 2, submitted by Matthews Motors, Inc. be accepted. Lowest responsive bid is as follows:

Item 1 - Four (4) rear-end loaders, after three (3) trade-in units - net amount $150,681.96.

Item 2 - One (1) front-end loader, after one (1) trade-in unit- net amount $38,677.92

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to the lowest responsive bidder for items 1 and 2, submitted by Matthews Motors, Inc., for the total amount of $189,359.88. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Bid Summary	Bid	
Bidder	Item 1	Item 2
Matthews Motors, Inc.	$150,681.96	$ 38,677.92
Quality Equipment Co.	153,700.00	45,821.00
Carolina Truck & Body Co.	164,250.00	41,740.00
Arrowhead International Trucks	149,440.32	38,747.77 (Did not meet specs)
Graybeal Equipment Co.	141,527.60	No Bid (Did not meet specs)
Surburban Sanitation Service	152,604.60	48,434.50

FINAL PLAT - SUBDIVISION - AVONDALE ESTATES- OFF BEE TREE ROAD

7. Consideration was given to the approval of the final plat of Avondale Estates, off Bee Tree Road.

Verl Emrick, Planning Director, advised that the final plat of Avondale Estates subdivision belonging to L. S. and M. Builders, Inc., prepared by Ray E. Anders, Registered Land Surveryor, has been reviewed by the Planning and Zoning Commission and they are recommending approval of the City Council in accordance with Ordinance No. 424, Subdivision Regulations for the City of Asheville.

He said since the units in the district are located in a R-2 Residential District, which requires a 35' setback on the building lines, the developer must adjust his building line in accordance with the 35' setback. He said the developer has complied with this requirement. He said if Lots 1 and 3 should exceed 20,000 square feet, the developer will have to submit an Erosion Control Plan.

Mr. Emrick said the normal procedure for a subdivision requires that the Planning and Zoning Commission review the preliminary plat and the developer then, upon approval, has one year to install the improvements for water and sewer and streets. However, these particular lots are located on existing roads with water and sewer services available and the only action pending is Council's approval of the final plat in order for the developer to record same.

Mr. Walker said, by the adoption of the proposed ordinance, many parking violations could be better enforced. He emphasized such violations as parking at bus stops, loading zones, fire hydrants, and driveways.

Mayor Ochsenreiter suggested that the ordinance be tabled for further clarification and until Council could work out the guidelines that are not too controversial and are consistent with good policy.

Councilman Rainey moved to table the ordinance for further clarification. This motion was seconded by Councilman Michael and carried unanimously.

Councilwoman Swilling commented that more emphasis should be placed on the enforcement of such ordinances, including the city license sticker requirement.

Councilman Morris questioned whether or nor an individual, trading automobiles in the middle of the year is required to purchase a new city sticker or were they transferable.

Mayor Ochsenreiter informed Councilman Morris that the matter would be reviewed and an answer obtained.

RESOLUTION NO. 76-161 - RESOLUTION AUTHORIZING THE ALLOCATION OF WATER TO SERVE THE PROPOSED WESTINGHOUSE ELECTRIC COMPANY PLANT IN LIMESTONE TOWNSHIP

5. Consideration was given to a resolution authorizing the allocation of water to serve the proposed Westinghouse Electric Company Plant in Limestone Township.

The City Manager read the resolution.

Bill Edens, City Engineer, explained that this resolution would authorize the allocation of 4,750,000 gallons of water per month, which was requested by the new Westinghouse Electric Company. He said the City has the capacity to meet this need. He said Westinghouse Electric Company is building on the same site where Coca-Cola had planned to build and the City had been prepared to supply 30 million gallons per month. He said the City would be furnishing them a stipulated amount of water per month, at the City's regular rates. He said the County has agreed to pay for extending the water lines to the new plant.

Assistant City Manager William F. Wolcott, Jr., noted that anyone using more than three million gallons per month must come to Council for approval.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 76-161 was unanimously adopted.

Complete text of Resolution No. 76-161 will be found in Resolution Book No. 9 at page 164.

BIDS - FIVE (5) REFUSE TRUCKS FOR SANITATION DIVISION

6. Consideration was given to bids received October 25, 1976 for five (5) refuse trucks for the Sanitation Division.

1) That the developer comply with requirements set forth on October 4, 1976 by the Design Review Board of the Asheville Housing Authority.

2) That the developer comply with provisions of the City of Asheville's Erosion Control Ordinance as they apply to this property.

3) That a fifteen (15') foot easement be obtained from adjoining property owner(s) in order to make connection to the existing manhole and sanitary sewer south of Silver Street.

4) That sanitary and storm sewer be completed underground as shown on the amended site plan submitted to the Commission on November 3, 1976.

Councilman Hoyle moved to schedule a public hearing on the matter for December 2, 1976. This motion was seconded by Councilman Michael and carried unanimously.

REPORT ON COMPLAINTS OF MRS. ELROD AND MRS. WILSON - SHORT MICHIGAN AVENUE - DOGS

Assistant Police Chief Joseph W. Trulove reported on complaints made two weeks ago by Mrs. Lillian Wilson and Mrs. Miriam Elrod on Short Michigan Avenue. He said both complained of the Dog Warden, Leroy Hyatt, allowing his dogs to run loose in violation of the city's leash law. He said the dogs have been tied up and are not running at large now. He said they also complained of cars parking on S. Michigan Avenue. He said 10' no parking signs have been erected in an effort to control the parking problem. He said no complaints have since been received from Mrs. Wilson or Mrs. Elrod.

In response to Councilwoman Swilling, Assistant Chief Trulove said the dog leash law has not been enforced recently due to a previous violation being contested and ruled on in the Superior Court. He said he would suggest that since the ordinance is on the books the City should enforce it and get a case in court. If the City loses the case it can proceed to make whatever changes are needed in the ordinance.

Drew Walker, Legal Advisor for the Asheville Police Department, said the ordinance was enacted in 1965 and several years ago a case went to Superior Court when a local dog owner appealed the citation to the owner who allegedly violated the leash law. He said it was his interpretation that the case was dismissed on the grounds that the ordinance did not spell out that it was unlawful to let a dog run at large.

Councilman Rainey said he thought the ruling has been "no contest", with no opinion as to the constitutionality of the ordinance.

Corporation Counsel Robinson said he understood that the Judge had interpreted the ordinance to mean that the only penalty permitted was the fee for impoundment of the dog. He suggested that Judge Martin be contacted for the specifics on the case.

Councilwoman Swilling moved to approve the final plat of the Avondale Estates, off Bee Tree Road. This motion was seconded by Vice-Mayor Horton and carried unanimously.

FINAL PLAT - SUBDIVISION - OFF AVONDALE ROAD

8. Consideration was given to the approval of a final plat of a proposed subdivision off Avondale Road.

Verl Emrick, Planning Director, advised that the final plat of the subdivision belonging to Earl K. and Mable Cowan prepared by C. W. Smith, Registered Land Surveyor, has been reviewed by the Planning and Zoning Commission and they are recommending approval of the Ciy Council in accordance with Ordinance No. 424, Subdivision Regulations for the City of Asheville.

He said these lots were also located in a R-2 Residential District, which requires a 35' setback on the building lines, and the developer must adjust his building line in accordance with the 35' setback. He said the developer has complied with this requirement. He said these lots are also located on existing roads with water and sewer services available.

Councilman Morris moved to approve the final plat of the subdivision off Avondale Road. This motion was seconded by Councilman Hoyle and carried unanimously.

REZONING REQUEST - MRS. LOUISE RAY - WARD 12, SHEET 3, LOTS 97, 98, AND 99 - NORTH LOUISIANA AVENUE

9. Consideration was given to a motion setting a public hearing relative to rezoning property located on North Louisiana Avenue (Ward 12, Sheet 3, Lots 97, 98, and 99) from R-5 Residential District to CH Commercial Highway District, property owned by Mrs. Louise Ray.

Verl Emrick, Planning Director, advised that the Planning and Zoning Commission voted to deny the petition. However, Mrs. Ray's attorney, Jerry W. Miller, has submitted a letter requesting that this matter be set for public hearing before the Asheville City Council. He said four letters in opposition from nearby property owners have been received and as a result, the twenty percent (20%) protest rule applies which requires a favorable vote of three-fourths of all members of City Council to approve the zoning change.

Councilwoman Swilling moved to schedule a public hearing on the matter for December 16, 1976. This motion was seconded by Councilman Rainey and carried unanimously.

GROUP DEVELOPMENT - ELECTRIC SUPPLY COMPANY ADDITION - PUBLIC HEARING SET

10. Consideration was given to a motion setting a public hearing relative to the site plan of a proposed addition to Electric Supply Company on Asheland Avenue.

Verl Emrick, Planning Director, advised that the Planning and Zoning Commission recommended approval of the site plan subject to the following:

Councilman Michael said he would like to suspend the continuation of the flea market until he is shown that a private entrepreneur will be given an equal chance with the Jaycees.

Jim Evans, Civic Center Manager, said the flea market last week-end cost the City approximately $400.00, after figuring the expenses vs. revenues taken in. Among these costs were the advertising costs, concession supplies, labor, and licenses. He said some of these expenses are one-time expenditures for the promotion of such events and will not be incurred in the future by the City.

Mr. Evans said the Asheville Jaycees will pay the same $250.00 per day rental fee, required by anyone else who rents the exhibition level of the Civic Center. He said they would also pay for any labor used from the employees of the Civic Center. He said in addition they would pay the City 50% of any profits over $500.00. He said they are required to purchase license and insurance.

In response to Councilman Michael, Mr. Evans said he had a conversation with Joe Pless, Dreamland Drive-In flea market operator, regarding the leasing of the space for the flea market. However, Mr. Pless indicated an interest but not under the present circumstances.

Mr. Evans said the contract with the Jaycees is for a two week period and the City is not committed beyond that time. He said in the future a set of specifications should be written as to what the City would require in the operation of a flea market. and those interested in promoting the flea market could make an offer as to what they would be willing to pay the City to operate it and the City should take the best offer from the most responsible party.

In response to questions by members of Council, Mr. Evans said that anyone wanting to rent the exhibition level would be permitted to preempt the flea market with at least 30 days notice.

Bob Long, attorney for Dreamland Drive-In flea market operator, Joe Pless, appeared before Council to protest on behalf of his client but made a suggestion that Council lay down some fair and reasonable guidelines for the flea market operation by a private individual before letting it out to bids. He said he has a copy of the contract offered to the Jaycees, adding that it is not the same deal Pless was offered.

Mr. Long said Mr. Pless would have had to pay $250.00 per day for rent, plus almost $1,500 for the booths at $1.50 per foot, plus an additional fee for rental of dollies, adding up to more than $2,000. He complained that his clinet was not offered the same proposal as the Jaycees.

Mr. Evans commented that no offer was made, either by himself or by Mr. Pless.

Mayor Ochsenreiter revealed the details of a meeting held with Jim Evans and Councilman Rainey, who are ex-officio members of the Civic Center Advisory Committee, in which proposals were discussed to continue the operation of the Civic Center flea market. He said during the meeting the Asheville Jaycees were contacted about operating the flea market on a temporary basis.

After discussion, Mayor Ochsenreiter proposed that a committee be set up to study the problem and to try to draw up an effective ordinance. He named Councilwoman Swilling to head the Committee.

PROCLAMATION - VETERANS DAY - NOVEMBER 11, 1976

Mayor Ochsenreiter proclaimed November 11, 1976 as Veterans Day.

E. R. McCARTHY - ROCKS IN BEAUCATCHER MOUNTAIN

Mr. McCarthy said the Beaucatcher Mountain Project should have a large amount of granite rock and he suggested stablizing the French Broad River with the rock. He further suggested that the Planning Department investigate the economic feasibility of using the rocks in the French Broad River in an effort to control the flood plains.

STATEMENT - CIVIC CENTER FLEA MARKET

Mayor Ochsenreiter read the following statement relative to the Civic Center Flea Market:

"The Asheville City Council is pleased with the success of the flea market last week-end and we wish to thank and commend Jim Evans and the Advisory Committee for their work in this regard. The Council has decided to continue the flea market.

Upon the advice of the City Attorney and because we believe it best, the ultimate operation of the flea market should be in the hands of an entrepreneur.

While negotiating for a contract by a private entrepreneur, we are happy to announce that the Asheville Jaycees will operate the flea market for the next two week-ends. We hope that the people will support the Jaycees in their efforts to raise funds for a worthwhile project by these means.

The reason for the Council's action has been indicated by the formation of the Advisory Committee which had as its objectives the goal of increasing the revenues of the Civic Center. This would, of course, ultimately result in a less costly operation and give strength to the Council's general purpose of running all departments as efficient as possible."

Councilman Michael expressed concern that the Civic Center Flea Market was not discussed with him prior to the Council meeting. He said he would like to suspend judgement on its continuation until he is furnished with a cost breakdown of the cost to the local taxpayers and to determine whether or not projected revenues will be anticipated. He said he felt this matter should have been discussed in open meetings before, but for some reason it was not put on the agenda.

He said the $30,000 appropriated for promotion of the Civic Center was intended for bringing in entertainment and not to promote things, such as flea markets, which would be in conflict with the local businessman.

He further stated that he would like to see the Civic Center Advisory Committee expanded to include downtown businessmen, promoters, advertisers, and entertainers.

Thursday - November 18, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilman Ralph D. Morris, Jr., Otis B. Michael, Gene E. Rainey, Corporation Counsel Robert J. Robinson, substituting for William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William P. Wolcott, Jr.

Absent: Councilman J. W. Hoyle

APPROVAL OF MINUTES

1. Approval of the minutes of the November 11, 1976 meeting.

Upon motion of Councilman Rainey, seconded by Vice-Mayor Horton the minutes of the November 11, 1976 meeting were approved as submitted.

RESOLUTION NO. 76-162 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AGREEMENT FOR DEPOSIT OF FUNDS AND THE ISSUANCE OF A CERTIFICATE OF COMPLETION CONCERNING THE LANDMARK HOTEL PROPERTY

2. Consideration was given to a resolution authorizing the Mayor to execute agreement for deposit of funds and the issuance of a certificate of completion concerning the Landmark Hotel Property.

The City Manager read the resolution.

It was noted that the Landmark Hotel Property was sold to the Asheville Development Associates by the Housing Authority of the City of Asheville for private development. The contract provided for the issuance of a Certificate of Completion from the Housing Authority. Over the past few years the property has exchanged owners and the present owner is known as Landmark-Asheville, Inc.

Mr. Larry McDevitt, attorney representing Landmark-Asheville, Inc. explained that the approval of this resolution would tie up the loose ends in order for the property to be sold or operated. He said the resolution authorized the execution of an agreement whereby Chemical Realty Company would deposit into a joint account with the Housing Authority for the City of Asheville a sum of $68,303.84 to be used in the fulfillment of provisions relating to expenditures for landscaping and aesthetics to the property. He said it would also approve of the Housing Authority issuing a certificate of completion for the property as well as approving the transfers of title to said property.

David Jones, Executive Director of the Housing Authority of the City of Asheville, reported that all specifics had been worked out amoung the attorneys. He said inspections were made of the property by the Housing Authority inspectors as well as the City's inspectors. He said all work was found to be satisfactory.

In response to Councilman Michael relative to allegations of shoddy workmanship, Mr. Jones said the allegations were "just a legal maneuver on the part of the owners to cover their interests when the statute of limitations were running out." He said the inspectors did not report any of the allegations relative to shoddy workmanship.

Upon motion of Vice-Mayor Horton, seconded by Councilman Michael, Resolution No. 76-162 was unanimously adopted.

Complete text of Resolution No. 76-162 will be found in Resolution Book No. 9 at page 165.

Mayor Ochsenreiter said, in the future, other civic organizations might want to promote the flea market.

John Eudy, a private citizen, commented that he would like to see any civic organization operate the flea market. He said any civic organization that puts money back into the City are contributing to the City.

Mike Moser, President of the Asheville Jaycees said their main objectives were to make money, bring people into Asheville, and to help reduce the deficit of the Civic Center. He said the Jaycees have attained all the licenses and insurance necessary for the operation of the flea market.

RICHMOND HILLS PROJECT - REQUEST OF VICE-MAYOR HORTON

Vice-Mayor Horton requested the City Manager to give a brief report on the status of the Department of Transportation making improvements to the access road to Richmond Hills.

The City Manager advised that a report would be given at next week's Council meeting.

MRS. REID - TOWN AND COUNTRY MOBILE HOME PARK - COMPLAINTS OF PLUMBING INSPECTORS

Mrs. Reid, owner of Town and Country Mobile Home Park, appeared before Council to complain of the strict requirements of the plumbing inspectors on trailer parks in the one-mile perimeter. She said since the enactment of the one-mile perimeter zoning she has had to spend a considerable amount of money on plumbing requirements before a trailer could be occupied.

Mayor Ochsenreiter informed Mrs. Reid that Mr. J. E. Johnson, Chief Inspector, and Mr. K. M. Michalove, Assistant City Manager for Planning and Development would meet with her after the meeting to discuss her particular problem.

Adjournment.

MAYOR

CITY CLERK

RESOLUTION NO. _____ - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A LEASE AGREEMENT WITH THE BUNCOMBE COUNTY BOARD OF EDUCATION PERMITTING THE CITY OF ASHEVILLE TO LEASE THE SHILOH SCHOOL FOR A COMMUNITY AND RECREATION CENTER

4. Ken Michalove, Assistant City Manager, said he had been advised that the Buncombe County Board of Education's attorney has not completed the details of the lease agreement and this resolution would be presented to Council on December 2, 1976. He said the attorney would be presenting the agreement to the Board of Education and Council should receive the completed lease agreement by the December 2, 1976 meeting.

RESOLUTION NO. 76-164 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A LEASE AGREEMENT WITH THE COUNTY OF BUNCOMBE TO PERMIT THE COUNTY TO LEASE A CERTAIN PORTION OF THE LIVINGSTON STREET NEIGHBORHOOD FACILITY FOR THE OPERATION OF A DAY CARE CENTER

5. Consideration was given to a resolution authorizing the Mayor to sign a lease agreement with the County of Buncombe to permit the County to lease a certain portion of the Livingston Street Neighborhood Facility for the operation of a Day Care Center.

The City Manager read the resolution.

Ken Michalove, Assistant City Manager, said the City of Asheville purchased the Livingston Street School for a Neighborhood Facility and for the past five years the County of Buncombe has been using the annex portion for the operation of a day care center. He said this resolution would formalize the arrangement and the County will reimburse the City for utilities and maintenance.

He said under the terms of the agreement, the only cost to the County is for utilities and maintenance services as well as minor repairs costing less than $100.00. He said the Day Care Center is operated with federal funds with limited amounts to spend on repairs to the building.

After discussion, Councilwoman Swilling moved for the adoption of Resolution No. 76-164. This motion was seconded by Councilman Rainey and carried unanimously.

Complete text of Resolution No. 76-164 will be found in Resolution Book No. 9 at page 168.

ORDINANCE NO. 927 - ORDINANCE REQUESTING AND AUTHORIZING CHANGE ORDERS FOR COMMUNITY DEVELOPMENT PUBLIC WORKS PROJECTS AND AMENDING THE COMMUNITY DEVELOPMENT PROJECT BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77

6. Consideration was given to an ordinance requesting and authorizing change orders for Community Development Public Works Projects and amending the Community Development Project Budget of the City of Asheville for fiscal year 1976-77.

The City Manager read the ordinance.

Bill Edens, City Engineer, explained that this ordinance would increase funds for three current public works projects funded by community development block grants. He said this would provide an additional $120,000 for the Shiloh streets and sidewalk projects, an additional $26,000 for the Oakley Public Works Project and an additional $41,000 for the Shiloh Street drainage project. He said the proposed ordinance would decrease the appropriation for the Caribou Road sewer line project by $96,000 and the Sweeten Creek Road sewer line by $50,000. He said these projects have budgetary surpluses.

PUBLIC HEARING - CLOSING OF PORTION OF CHARLOTTE STREET EXTENSION

RESOLUTION NO. 76-163 - RESOLUTION TO CLOSE THAT PORTION OF CHARLOTTE STREET EXTENSION FROM THE NORTHERN MARGIN OF WOODLINK ROAD TO THE SOUTHERN MARGIN OF CLUBVIEW ROAD

3. A public hearing was held relative to the closing of that portion of Charlotte Street Extension from the northern margin of Woodlink Road to the southern margin of Clubview Road.

Mayor Ochsenreiter opened the public hearing at 3:18 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing, in the form of Resolution No. 76-155, and the affidavit of publication.

He also read an affidavit signed by William E. Greene, stating that a copy of the resolution of intent to close a portion of Charlotte Street Extension was prominently posted by him on Saturday, October 23, 1976 at the following two places on Charlotte Street Extension; where the North margin of Woodlink Road intersects Charlotte Street Extension and where the Southern margin of Clubview Road intersects Charlotte Street Extension. The affidavit also stated that a copy of the resolution was sent by certified mail to all owners of property adjoining that portion of Charlotte Street Extension referred to in the Resolution, such owners being only Country Club of Asheville, Inc. and Andrew Gennett.

The City Manager also stated that he had received a Deed of Easement from the Country Club of Asheville to the City of Asheville wherein the Country Club of Asheville acknowledges the rights-of-way and easements that the City has for the repairs and maintenance of various water and sewer lines as the same crosses said property.

William Greene, attorney for the Country Club of Asheville, Inc., stated that the portion of Charlotte Street Extension proposed to be closed is not under the authority and control of North Carolina Board of Transportation, is located within the City Limits of the City of Asheville, but was never accepted as a public street by either Buncombe County or the City of Asheville or any other governmental unit and has never been either opened, used or maintained as a public street by either the City of Asheville, or Buncombe County or any other governmental unit and has never been under the authority and control of either the City of Asheville or Buncombe County or any other governmental unit.

Mr. Green said the official closing of the unopened road is necessary in order to nullify the proposed dedication of the road which appeared in a plat filed before the turn of the century.

Mayor Ochsenreiter closed the public hearing at 3:28 o'clock p. m.

The City Manager read the resolution closing a portion of Charlotte Street Extension.

Upon motion of Councilman Michael, seconded by Councilman Morris, Resolution No. 76-163 was unanimously adopted.

Complete text of Resolution No. 76-163 will be found in Resolution Book No. 9 at page 166.

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Mr. Ward:

I was contacted by a representative of the North Carolina Department of Transportation on or about October 22, 1976 in regards to our request for them to study the possible solutions to the problems along Pearson Bridge Road.

I was informed by the representative that members of the N.C. DOT staff would be in Asheville on October 26, 1976 and if time permitted would look at the situation in the field.

I was also informed by John Caldwell of the Planning and Research Branch of N.C. DOT that DOT staff had looked at the situation and were in the process of preparing the study that we requested.

John Mills of the DOT Division 13 Office stated at the Technical Coordinating Committee meeting held on September 15, 1976 that Pearson Bridge Road was scheduled to be resurfaced in the current fiscal year.

Larry P. Ward

Larry P. Ward

MEMORANDUM

TO: Ernest Ward, City Manager

FROM: Larry P. Ward, Transportation Planner

SUBJECT: Pearson Bridge and Richmond Hill Road Study

DATE: November 18, 1976

I contacted Mr. Grady Dawson of the North Carolina Department of Transportation's Planning and Research Branch today. He reported that the Planning and Research Department has studied the subject area and had prepared a draft report for review by DOT officials. He stated that a copy of the report would be mailed to me within the next few days.

As soon as the report is received, I will see that you get a copy.

Larry P. Ward

Mr. Edens said the increases were necessary because the City had had little experience in drawing up plans and specifications for such projects and they had not asked for enough money to do the job properly. He said he had changed the plans when it became apparent that the original specifications would not produce an acceptable plan. He commented that it is not unusual for engineers to make decisions in the field, with the paper work carried out after the fact.

Mr. Edens said if Council did not wish to approve the proposed ordinance the contractor on the project could be paid for what they have done with the budgeted funds, and the remainder of the work would have to be left unfinished or handled in a different manner.

Several members of Council were concerned over the large increases necessary to complete the projects.

After discussion, Councilwoman Swilling moved to table the ordinance until further information could be obtained, but withdrew her motion when Councilman Morris said since the ordinance takes three weeks to give it the required three readings, further information could be obtained before the third reading.

Councilman Rainey said he would like to know the difference between the original plans and specifications and the judgement Mr. Edens made in changing the plans. He said he would also like to know the name of the individual who drew up the original plan.

Mayor Ochsenreiter requested that Mr. Edens furnish members of Council the desired information before Tuesday, November 23, 1976.

Vice-Mayor Horton moved for the adoption of Ordinance No. 927. This motion was seconded by Councilman Morris.

On a roll call vote of 4-1, Ordinance No. 927 passed on first reading with Councilwoman Swilling voting "no".

REPORT FROM CITY MANAGER - PEARSON BRIDGE ROAD IMPROVEMENTS - PEARSON BRIDGE AND RICHMOND HILL ROAD STUDY

The City Manager read the following memorandums from Larry Ward, Transportation Planner, relative to the Pearson Bridge Road Improvements and the Pearson Bridge and Richmond Hill Road Study. He said the reports were prepared at the request of Vice-Mayor Horton during the November 11, 1976 Council meeting.

MEMORANDUM:

TO: Ernest Ward, City Manager

FROM: Larry P. Ward

SUBJECT: Pearson Bridge Road Improvements

DATE: November 12, 1976

SENIOR CITIZENS BILL OF RIGHTS

Mayor Ochsenreiter read the Senior Citizens Bill of Rights at the request of Mrs. Roy Rogers.

Senior Citizens Bill of Rights

As a Senior Citizen, I believe that I have certain rights regardless of my race, sex or creed.

The right for me to have . . .

1. The understanding and respect of my community.
2. An environment in which I can be understood and accepted.
3. An opportunity to attend and participate in religious activities.
4. A community program which offers the opportunity, through recreation, for development of my potential.
5. The due respect of all citizens of the community, regardless of age.
6. An acknowledgment of my individuality as a Senior Citizen.
7. Health services to prevent and treat disease and to permit my mental, physical, and social development.
8. Recognition for my ability, training and experience.
9. A safe neighborhood in which to live.
10. Life in a community in which the well being and security of Senior Citizens is considered important.

VICE-MAYOR HORTON - STREET CLOSINGS AND REZONINGS AFFECTING PROPERTY TAXES

Vice-Mayor Horton requested that the City Clerk check with the Board of Tax Supervision to determine whether the City is receiving the full benefit of the new property values that are established when the City closes streets and alleyways or when the City rezones property which would increase the property values. He requested that the Board of Tax Supervision give the City a report as to what measures they have been taking.

REPORT - BATTERY PARK HOTEL

Mr. J. E. Johnson, Chief Building Inspector, reported that a meeting has been scheduled for Friday, November 19, 1976 at 10 o'clock a. m. to meet with Don Blackwell, owner of the Battery Park Hotel, to go over the requirements stipulated in a letter from the Mayor to Mr. Blackwell as it pertains to the overall condition of the Battery Park Hotel. He said a permit would be issued for the improvements to be made.

EQUAL EMPLOYMENT OPPORTUNITY CORPORATION MEETING - COUNCILMAN OTIS MICHAEL

Mayor Ochsenreiter thanked Councilman Michael for representing the City of Asheville at the Equal Employment Opportunity Corporation meeting at Hilton Head, South Carolina.

PROCLAMATION - BIBLE WEEK - NOVEMBER 21 - 28

Mayor Ochsenreiter proclaimed the week of November 21 - 28 as Bible Week.

PROCLAMATION - NATIONAL YOUTH PROJECT USING MINI-BIKE DAY - NOVEMBER 20

Mayor Ochsenreiter proclaimed November 20, 1976 as "National Youth Project Using Mini-Bike Day" in the City of Asheville.

STATEMENT - COUNCILMAN MICHAEL - BEECH STREET CLOSING

Councilman Michael announced that the Council members met with the Housing Authority of the City of Asheville on Tuesday, November 16, 1976 to discuss the displacement of two houses on Beech Street after the closing of same. He said an agreement was worked out whereby the two families on Beech Street would not be displaced until suitable acceptable housing is obtained and also Beech Street would not be closed until they have been moved. He said the families will be shown housing until they find an acceptable house. He commended the Housing Authority and Council members for their help in obtaining this moral obligation.

ANNOUNCEMENT OF PUBLIC HEARING ON THE PROPOSED IMPROVEMENTS OF VALLEY STREET

Mayor Ochsenreiter announced that the North Carolina Department of Transportation Division of Highways will hold a public hearing on November 23, 1976 at 7:30 p. m. in the Fifth Floor Courtroom of the Buncombe County Courthouse in Asheville, North Carolina relative to the proposed improvements of Valley Street from Biltmore Avenue to Popular Street in Asheville.

Thursday - December 2, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Otis B. Michael, Gene E. Rainey, Corporation Counsel Robert J. Robinson, substituting for William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/ City Clerk William F. Wolcott, Jr.

Absent: None

APPROVAL OF MINUTES

1. Approval of the minutes of the November 18, 1976 meeting.

Upon motion of Councilman Michael, seconded by Councilman Hoyle, the minutes of the November 18, 1976 meeting were approved as submitted.

JOHN HAROLD GARLAND - COMMENDED ON RECEIVING AWARD FOR OUTSTANDING CONTRIBUTIONS TO ELECTRICAL SAFETY

Mayor Ochsenreiter commended Mr. John Harold Garland, Chief Electrical Inspector, for receiving an award from the Ellis Cannday Chapter of the International Association of Electrical Inspectors for Outstanding Contributions to Electrical Safety.

Mayor Ochsenreiter read the following letter:

November 26, 1976

Mr. Harold Garland
Chief Electrical Inspector
City of Asheville
Post Office Box 7148
Asheville, NC 28801

Dear Harold:

Just a note to congratulate you on receiving the Ellis Cannady Chapter of IAEI outstanding City Electrical Inspector award at the Annual Meeting last Saturday. Your major contributions to electrical safety have been observed by many people in our State and the honor is richly deserved.

We, in this Department, who have had the pleasure of working with you have always been impressed with your sincerity and dedication. It is my opinion that the people of Asheville are very fortunate in having a Chief Electrical Inspector with your qualities to direct their electrical inspection program.

Again our congratulations, and best wishes to both you and your wife.

Sincerely,

Richard [illegible] Boyd, Jr., P. E.
State El[illegible]trical Inspector & Engineer

RESPONSE TO MR. DON FOX - RE: CIVIC CENTER ROOF

Mayor Ochsenreiter announced that a response was made to Mr. Don Fox's questions relative to the roof on the Asheville Civic Center. He said this response was also made available to the news media.

MRS. LILLIAN JOHNSON - COMPLAINT RE: CIVIC CENTER INSURANCE

Mrs. Lillian Johnson, representing the Improved Benevolent Protective Order of Elks, asked that something be done about the requirement that anyone renting the Civic Center be covered by insurance. She said her organization is holding a dance next Saturday night at the Civic Center's Exhibition Hall and the required insurance will cost $150 to $200, in addition to the $250 for rental of the exhibition level, the $47.50 for stage hands, the $40.00 for the two off-duty policemen and the cost of hiring a band. She said she simply felt this was too much. She added that she knew of other organizations which haven't had to provide this insurance.

Councilman Rainey suggested that there might be some way for an organization renting the facility to assume the liability itself and eliminate the need for insurance.

Mayor Ochsenreiter asked the City Manager to meet with the Civic Center Manager to try to work out a solution to the insurance problem.

Mayor Ochsenreiter told Mrs. Johnson that the Staff would meet with her after the meeting to try to solve her problem.

COUNCILWOMAN SWILLING - DOG CONTROL PROBLEM

Councilwoman Swilling advised that she had been working on the dog control problem along with the Corporate Counsel and it was her hope to bring a report back to Council in the very near future.

Adjournment.

Eugene C. Ochsenreiter Jr.
MAYOR

William F. Valentine
CITY CLERK

PUBLIC HEARING - CLOSING OF PORTIONS OF BARTLETT STREET, CHOCTAW STREET, AND SOUTHSIDE AVENUE, SMITH STREET, OWENS ALLEY, POWELL ALLEY AND FOUR (4) UN-NAMED ALLEYS

RESOLUTION NO. 76-166 - RESOLUTION TO CLOSE PORTIONS OF BARTLETT STREET, CHOCTAW STREET, AND SOUTHSIDE AVENUE, SMITH STREET, OWENS ALLEY, POWELL ALLEY, AND FOUR (4) UN-NAMED ALLEYS

3. A public hearing was held relative to the closing of portions of Bartlett Street, Choctaw Street, and Southside Avenue, Smith Street, Owens Alley, Powell Alley and four (4) un-named alleys.

Mayor Ochsenreiter opened the public hearing at 4:10 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing, advertised notice taking the form of Resolution No. 76-157. He also read an affidavit from Charles E. Vess, Jr., stating that the streets were prominently posted with copies of the Resolution of intent to close said streets in two (2) places along portions of said streets proposed to be closed.

Larry Holt, Deputy Director of the Housing Authority of the City of Asheville said in accordance with the request of several members of Council certified letters were sent to all adjacent property owners and tenants that would be affected by these closings. He said a letter was sent explaining the package, a copy of the resolution of intent to close these streets, and letters for signatures by the people to join the Housing Authority in the petition to close the streets, if they so chose. He said eight letters from property owners have been received joining in said petition, those being from Dr. Earl Sunderhaus, M. D., Trustees of Friendship Lodge, Mrs. Dora B. Bass, Mrs. Annie B. Leverett, Trustees of St. John Church of God, Mr. and Mrs. Howard Beidler, Mr. and Mrs. Furman Miller, and S. Thomas Walton, Executor of the Estate of Mrs. Genevieve Francis.

Rev. Wesley Grant opposed the closing of Choctaw Street from Biltmore Avenue to Southside Avenue, due to the many businesses that will be affected by the closing.

Larry Holt answered general questions from members of Council and the public relative to the overall layout of the proposed streets.

Mayor Ochsenreiter closed the public hearing at 4:40 o'clock p. m.

The City Manager read the resolution closing the streets requested to be closed.

Upon motion of Councilman Michael, seconded by Councilwoman Swilling, Resolution No. 76-166 was unanimously adopted.

Complete text of Resolution No. 76-166 will be found in Resolution Book No. 9 at page 170.

GROUP DEVELOPMENT - ADDITION TO ELECTRIC SUPPLY COMPANY - ASHELAND AVENUE

4. A public hearing was held relative to the site plan of a proposed addition to the Electric Supply Company located at 157 Asheland Avenue.

Mayor Ochsenreiter opened the public hearing at 4:42 o'clock p. m.

PUBLIC HEARING - CLOSING OF BEECH STREET

RESOLUTION NO. 76-165 - RESOLUTION TO CLOSE BEECH STREET

2. A public hearing was held relative to the closing of Beech Street.

Mayor Ochsenreiter opened the public hearing at 3:05 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing, advertised notice taking the form of Resolution No. 76-158. He also read an affidavit from Charles E. Vess, Jr., stating that the streets were prominently posted with copies of the Resolution of Intent to close Beech Street in two (2) places along that portion of said street proposed to be closed.

Rev. Wesley Grant opposed the closing of Beech Street because it would be necessary to relocate two elderly families, the Andersons and Youngs, living on the street. He said the families do not want to move from this location.

Mrs. Roy Rogers also spoke in opposition to the closing of Beech Street for the same reasons.

David Jones, Executive Director of the Housing Authority, said the closing of Beech Street was part of the overall redevelopment plan. He assured Council that no one would be deprived of reasonable means of ingress and egress to their property.

Mr. Jones said all the property on Beech Street technically and legally belongs to the Housing Authority of the City of Asheville. He said they would work with the two families in an effort to relocate them. However, the families would be given access to their homes as long as they are living there.

Responding to questions from members of Council, Mr. Jones said it would be beyond his authority to say the two families could stay there until they die. He said he did not have the authority to say they could live there indefinitely. He said that this was a legal decision which would have to be made by the Department of Housing and Urban Development.

Mayor Ochsenreiter closed the public hearing at 3:55 o'clock p. m.

The City Manager read the resolution closing Beech Street.

Councilman Michael moved to amend the resolution by adding that as long as the Andersons and Youngs, residing on the property known as Lot 46, Parcels 14 and 15, being 36 and 40 Beech Street, they will not be deprived of a means of ingress and egress to the property and they will not be coerced or intimidated in any way to move. Further, that if they do decide to move, they are to come before City Council and state that they are making the move of their own free will.

This motion was seconded by Councilman Rainey and the amendment carried unanimously.

Upon motion of Councilman Michael, seconded by Councilman Rainey, Resolution No. 76-165, as amended, was unanimously adopted.

Complete text of Resolution No. 76-165 will be found in Resolution Book No. 9 at page 169.

Councilman Michael suggested that bids of this nature be for total project rather than for unit prices.

Councilman Rainey read a portion of the following letter from Gary R. McGill relative to the Shiloh-Oakley Public Works Project plans:

December 2, 1976

Eugene C. Ochsenreiter, Mayor
City of Asheville
Post Office Box 7148
Asheville, North Carolina 28807

Dear Mr. Ochsenreiter:

On Wednesday, December 1, 1976, the Asheville Citizen and the Asheville Times published similar articles summarizing a meeting which was held in your office to discuss the various problems arising out of the street and drainage improvements presently under construction in the Shiloh and Oakley areas. According to this account of the meeting, William E. Edens, City Engineer explained the situation to those present via a five-page memorandum addressed to yourself. Upon reviewing the newspaper articles and the above referenced memorandum, I find that several implications are made directly and indirectly regarding my involvement in this project. Quite a few of these implications are misleading and false statements which do not reflect the true sequence of events prior to my resignation with the city in Mid-April, 1976. Any comment on my part regarding events taking place after my resignation would be based solely on heresay and speculation and not fact, therefore I could not do so.

An accurate and brief synopsis of the events relating to this project prior to my resignation is as follows:

The scope and extent of the street and drainage improvements to be constructed in the Shiloh and Oakley areas were formulated primarily by myself, Webb Bostic, Ken Michalove and Logan Delaney. Several public meetings were held to obtain suggestions and ideas from the citizens of the area and this formed the basis of the work to be done with available Community Development Block Grant Funds. The cost estimates, which were prepared and subsequently formed the basis of the budget, were sufficient to complete all of the work intended in each area subject to sufficient drawings and specifications as well as adequate contract management during construction. I am willing to review my cost estimates in detail with you at any time.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, advised that the Planning and Zoning Commission had recommended to the Council that the site plan be approved subject to the following conditions:

1. That the developer comply with requirements set forth on October 4, 1976 by the Design Review Board of the Asheville Housing Authority.

2. That the developer comply with provisions of the City of Asheville's Erosion Control Ordinance as they apply to this property.

3. That a fifteen (15') foot easement be obtained from adjoining property owner(s) in order to make connection to the existing manhole and sanitary sewer south of Silver Street.

4. That sanitary and storm sewer be completed underground as shown on the amended site plan submitted to the Commission on November 3, 1976.

Mr. Emrick said these conditions have either been completed or were in the process of being completed.

After discussion, Mayor Ochsenreiter closed the public hearing at 4:50 o'clock p. m.

Councilman Morris moved to approve the site plan of the proposed addition to the Electric Supply Company located at 157 Asheland Avenue. This motion was seconded by Councilman Hoyle and carried unanimously.

ORDINANCE NO. 927 - ORDINANCE REQUESTING AND AUTHORIZING CHANGE ORDERS FOR COMMUNITY DEVELOPMENT PUBLIC WORKS PROJECTS AND AMENDING THE COMMUNITY DEVELOPMENT PROJECT BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77

5. Consideration was given to the second reading of Ordinance No. 927, an ordinance requesting and authorizing change orders for Community Development Public Works Projects and amending the Community Development Project Budget of the City of Asheville for fiscal year 1976-77.

Mayor Ochsenreiter stated that the ordinance was previously passed on first reading and members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

The City Manager said an amendment should be made to the ordinance reducing the amount of Contingency required from $41,000 to $31,000, this would make code number 18-618 Shiloh Street and Drainage, Amount Budgeted $41,265, Budget Increase $31,000 and new appropriation $72,265. Code 18-678 Contingency Amount Budgeted $204,326, Budget decrease $31,000 and new appropriation $173,326.

This amendment was noted.

Councilman Rainey then moved to amend the ordinance by adding the following to page two:

"Be it further ordained that the Mayor request the Department of Housing and Urban Development to investigate the cost overrun incurred in the Shiloh Public Works Project and if HUD can not undertake such an investigation that a professional road engineer currently employed by a North Carolina municipality be procured to undertake the investigation. The purpose of this investigation would be to ascertain who is responsible for the alleged errors in the specifications of the project."

This motion was seconded by Councilwoman Swilling.

Councilman Morris said he felt this amendment would be by-passing the City Manager as well as creating dissention in the morale among city employees. He said he felt this was an administrative action that should be carried out by the City Manager.

Councilman Michael agreed with Councilman Morris and suggested that Council turn the investigation over to the City Manager.

Councilman Rainey, in response to the suggestions by Councilmen Morris and Michael, changed the wording of his amendment, replacing the word "Mayor" in his opening sentence with the words "City Manager". Councilwoman Swilling accepted this change.

Councilman Morris and Michael objected to the amendment stating that the City Manager should have the prerogative of either conducting the investigation himself or calling in outside help if he feels it is needed.

Councilman Rainey objected to having the staff investigate the staff, adding that his objection was not because there was any question about the City Manager and his objectivity, but because he is not a professional engineer.

Councilman Rainey withdrew his amendment to the ordinance and made it into the form of a motion reading the same, except dropping the words "Be it further ordained". Councilwoman Swilling seconded this motion.

Councilman Rainey then requested a roll call vote on the motion.

On a roll call vote of 4-2, the motion was defeated with Vice-Mayor Horton, Councilmen Hoyle, Michael and Morris voting "no".

Mayor Ochsenreiter then called for a roll call vote on the second reading of Ordinance No. 927.

On a roll call vote of 4-2, Ordinance No. 927 passed on second reading with Councilman Rainey and Councilwoman Swilling voting "no".

Councilwoman Swilling then requested that the City Manager prepare a detailed monthly report on what funds are paid out in the Oakley-Shiloh Public Works Projects to the contractors, not just by the Street Department, but by any department working in that area. She requested that the reports begin with the month of November.

Due to my position being under the direct supervision of the then Director of Water and Sewer Services, projects of that department were given priority causing a delayed start on the preparation of contract documents for the subject project. The preparation of drawings were begun in January and February, 1976. At the time of my resignation in April, 1976 none of these drawings were complete. The plan-profile sheets were almost complete with the typical sections and details in a less advanced stage. If these drawings had been completed prior to my resignation, they would bear my seal as a Registered Professional Engineer establishing the responsibility for their content. Several preliminary copies of these sheets were marked in red by myself for final completion but apparently this was not accomplished either before or after my resignation. Final review of the contract documents prior to advertising for bids should allow mistakes to be recognized and corrected prior to release. Since the contract documents were not complete at the time of my resignation this function was not performed by myself.

I realize that the content of the newspaper articles is irretractable however I strongly resent the obvious reflection upon my professional abilities as well as my involvement in the project with misleading and false statements.

It is not my intent to prolong this matter or to fault any party(s) but simply to provide you with a clear understanding of events occurring prior to my resignation.

If you desire further discussion of this matter, please do not hesitate to call me.

Sincerely,

Gary R. McGill

Gary R. McGill, P.E.

CC: William Horton
Joann Swilling
Otis Michael
Ralph Morris
J.W. Hoyle
Eugene Rainey
Ernest Ward

COUNCIL MEETING - DECEMBER 9, 1976 - WILLIAM RANDOLPH ELEMENTARY SCHOOL

Mayor Ochsenreiter announced that the regular meeting of the Asheville City Council of December 9, 1976 will be held in the auditorium of the William Randolph Elementary School at 7:00 o'clock p. m.

ASHEVILLE CITY HALL - NATIONAL REGISTER OF HISTORIC PLACES

The City Manager read the following news release from Congressman Roy A. Taylor relative to the Asheville City Hall being entered into the National Register of Historic Places.

NEWS from

[illegible] House Office Bldg., Washington D C
Telephone: Area 202 225 6401 Zip 20515

1201 Northwestern Bank Building, Asheville N C
Telephone: Area 704 254 6526 Zip 28801

CONGRESSMAN ROY A. TAYLOR

11th Congressional District, North Carolina

November 16, 1976 For Immediate Release

WASHINGTON -- Congressman Roy A. Taylor announced Tuesday that the Asheville City Hall has been entered in the National Register of Historic Places by the National Park Service. The register is a national list of distinctive properties worthy of preservation because of their historical or other cultural value.

The Asheville City Hall, designed by Douglas D. Ellington and built during the years 1926-1928, is one of the vital reminders of Asheville's rapid development in the early twentieth century -- a pre-Depression boom era which produced buildings of extremely fine quality and considerable historic importance to the city. While relatively little remains of Asheville's nineteenth century history, its importance as an early twentieth century boom town is well represented in this and other major buildings.

Asheville's history and mountain location influenced the design of the building. Ellington wrote that it was specially designed so that "the contours of the building should reflect the (mountainous) background". The Indian history of the western city was acknowledged in the "prevailing ornament, which may be described as a feather motif, . . . devised as lightly reminiscent of the Indian epoch". The massive building, with rich combinations of color, is a major landmark in the city.

Ellington, a native of Clayton, North Carolina, trained in America and the Ecole des Beaux Arts in Paris and excelled as a student and served as a teacher before coming to Asheville in the 1920s. He worked in the 1920s in a style then popular across the country, particularly in New York City and other major metropolitan areas. The Art Deco style, very "modern" and expressive of the pre-Depression era, employs angular and curved abstracted elements based on such motifs as feathers, fountains, leaves, flowers, and birds. These forms are expressed in a rich and colorful variety of materials such as brick, tile, metal, and glass.

RESOLUTION NO. 76-167 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A LEASE AGREEMENT WITH THE BUNCOMBE COUNTY BOARD OF EDUCATION PERMITTING THE CITY OF ASHEVILLE TO LEASE THE SHILOH SHCOOL FOR A COMMUNITY AND RECREATION CENTER

6. Consideration was given to a resolution authorizing the Mayor to sign a lease agreement with the Buncombe County Board of Education permitting the City of Asheville to lease the Shiloh School for a Community and Recreation Center.

The City Manager read the resolution.

Ken Michalove, Assistant City Manager, highlighted the details of the lease and explained that the lease had been approved by the Buncombe County Board of Education.

Mr. Michalove said the Opportunity Corporation has leased the Shiloh School from the Buncombe County Board of Education for several years for use as a Neighborhood Community Center and under the terms of the resolution the Opportunity Corporation has agreed to cancel the lease in the interest of permitting the City of Asheville to lease the facility. However, they have requested that the City sub-lease the facilities to them in order for them to carry on their program.

Mr. Michalove said he would prepare a resolution for Council's consideration next week authorizing a sub-lease of the facilities to the Opportunity Corporation.

After discussion, Vice-Mayor Horton moved for the adoption of Resolution No. 76-167. This motion was seconded by Councilwoman Swilling and carried unanimously.

Complete text of Resolution No. 76-167 will be found in Resolution Book No. 9 at page 177.

COMMUNITY DEVELOPMENT PUBLIC HEARINGS

7. Mayor Ochsenreiter announced the following schedule for the Community Development Public Hearings relative to the third action year projects:

AREA	DATE	PLACE	TIME
SHILOH	12-7-76	SHILOH COMMUNITY CENTER	7:30 p.m.
OAKLEY	12-8-76	OAKLEY COMMUNITY CENTER	7:30 p.m.
MONTFORD	12-9-76	WILLIAM RANDOLPH SCHOOL	7:30 p.m.
VALLEY STREET	12-14-76	HILLTOP COMMUNITY CENTER	7:30 p.m.
BURTON STREET (West Asheville)	12-15-76	AYCOCK SCHOOL	7:30 p.m.
LIVINGSTON STREET	12-16-76	LIVINGSTON ST. COMMUNITY CENTER	7:30 p.m.
KENILWORTH	1-4-77	KENILWORTH PRESBYTERIAN CHURCH	7:30 p.m.
CLAXTON (Washington Road Madison Avenue)	1-5-77	CLAXTON SCHOOL	7:30 p.m.

VICE-MAYOR HORTON - NEWS ARTICLES - DEMOLITION DOWNTOWN - "I FOUND IT" CAMPAIGN

Vice Mayor Horton made the following statement relative to two news articles:

"From time to time we have things that we are proud of in our community and in our news media and from time to time we have things that we are not. I call attention to those of you present two articles in today's papers. One in the afternoon papers - the Times, a picture of the demolition of the downtown park next to the Northwestern Bank. I think this is a very positive news report- something newsworthy and that our entire city can be interested in and hopefully find that this is setting a pace toward getting us into a posture of revitilizing downtown. I'd give this article A+ for positive promotion within the community. But now this morning since I have thought about it. I read an article in the morning Citizen that to me, both shocked and disturbed and disappointed me, because it is completely negative. I say completely, I think by counting the line in this article there are 132 lines of which 5 are positve and the rest are negative. It's the article that says "I Found It" -Campaign Draws Some Criticism. Now I'm sure all of you here have been seeing these commercials and ads on T.V. and in the newspaper about this project of trying to witness to people to give them the opportunity to find what others have found - new life in Jesus Christ and it could be a crusade that could awaken our entire area. There are three counties involved in this and I am quite disappointed that the report of it- the first news report that I have seen has been in this negative and critical vain. If I were to evaluate this article this morning I would have to say that it was negative, uninformed, critical, and irresponsible and contrary to the motto of the Asheville Citizen and the Asheville Times which says - Dedicated to the Upbuilding of Western North Carolina. I think this article has been detrimental in what ever effect it will have on those who read it to the welfare of Western North Carolina. I want to emphasize the uninformed label that I would put to this article because I know something of what has gone into this program. Many hours of training, many hours of self-sacrifice and dedication on the part of many of the leaders of our community. The criticism that was offered in this article slanted and attention was drawn back to some political implications of a few months ago to the man who inspired this type of approach towards spreading the love of God in the hearts of men. To me, this is something that I just could not feel good about today and I feel that the Citizen has been completely off base to present sucha criticsm of something that is so basic and up lifting in our community and it is proving so throughout our nation. I would like to, for what ever it is worth just publicly state my concern and request that the newspaper take the opportunity to provide a sequel to this article giving as much space to the positive and to interviews with as many people who are involved and who can give the positive side of this program as they have done on the negative in this article today. I challenge the Citizen to come with a sequel giving equal balance- equal exposure to the positive side of this Crusade to lead people to a personal relationship with the Lord Jesus Christ and I feel that the newspaper owes it to this community to give as much positive coverage in a news article as they have done negatively here today. Because in my opinion there is no greater need in our community or in our nation than is exemplified here in this effort to present Christ to individuals - one on one - and to help them to find new life - a new relationship with God through Jesus Christ."

BATTERY PARK HOTEL - COUNCILWOMAN SWILLING

Councilwoman Swilling commended Mr. J. E. Johnson, Chief Building Inspector, for his efforts on improvements to the Battery Park Hotel.

Adjournment.

Leroy [illegible]
MAYOR

William S. Wheeler Jr.
CITY CLERK

CITY MANAGER'S REPORT - PEARSON BRIDGE ROAD

The City Manager advised that he had received correspondence from the North Carolina Department of Transportation relative to the Pearson Bridge Road improvements, which stated that since Pearson Bridge Road is part of the Asheville Thoroughfare Plan and has substandard width, improvement of this road merits consideration for future highway construction. However, due to a relatively low traffic volume, the improvement is considered of about moderate priority among statewide project needs.

Councilman Morris moved to request that the City Clerk prepare for Council's consideration in January, a resolution requesting that the North Carolina Department of Transportation give a higher priority to the work on Pearson Bridge Road. This motion was seconded by Councilman Rainey and carried unanimously.

Council requested that the City Manager notify the residents of Richmond Hill Drive of Council's intentions.

EXTENDING COMMUNITY DEVELOPMENT AREA IN WEST ASHEVILLE

Upon inquiry of Councilwoman Swilling, Mr. Michalove, Assistant City Manager, said the Community Development Staff is working on different areas in West Asheville for inclusion in the Community Development area. He said this would come to Council in the total package for third action year projects for the Community Development Areas. He said if it is determined that a public hearing is necessary for an additional area in West Asheville the staff would hold such a public hearing.

CLAIMS - WESTGATE CORPORATION - GORDON'S JEWELERS - HALLMARK CAFETERIA

The City Manager presented claims for damage received from Westgate Corporation, Gordon's Jewelers, and Hallmark Cafeteria.

Mayor Ochsenreiter referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - SUBSTANCE ABUSE AWARENESS MONTH - DECEMBER

Mayor Ochsenreiter read a proclamation proclaiming the month of December "SUBSTANCE ABUSE AWARENESS MONTH".

COUNCILMAN MICHAEL - MOTOR POOL

Councilman Michael requested the City Manager to look into the possiblity of a Motor Pool for City vehicles. He said he felt the City could save gas by forming such a motor pool. He said some of the cars are being used on week-ends and after work. He said anyone using a city car should use a trip sheet showing the mileage for a day or a week, with the keys to such vehicles being turned in daily.

COUNCILMAN MICHAEL - COMPLAINTS OF CITY EMPLOYEES

Councilman Michael requested that the City Manager require the city employees to bring matters before him before bringing such matters to members of Council.

That Section 30-5-6, Commercial Regional District, B. Development Standards be amended as follows:

Use	Lot Area (Sq. Ft.)	Maximum Density Dwelling Units/Acre	Minimum Lot Width (Ft.)	Minimum Yard (Ft.) Front	Side	Rear
*Non-Residential	2,500	-----	25	NA	NA	NA

*Where a lot or plot abuts upon the side or rear of a lot zoned residential, there shall be a side yard or rear yard of not less that eight (8) feet in width open and unoccupied.

Mr. Emrick pointed out that the addition of these permitted uses in the CR district would allow some existing vacant buildings to once again be utilized as well as encouraging new development in the downtown area and the declining tax base would be increased. He said the amendment would be in keeping with the established purpose of the CR District.

Mayor Ochsenreiter closed the public hearing at 7:29 o'clock p. m.

The City Manager read the prepared ordinance amending the Zoning Ordinance as recommended.

Councilman Hoyle moved for the adoption of Ordinance No. 928. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 6-0, Ordinance No. 928 passed on first reading.

ORDINANCE NO. 927 - AN ORDINANCE REQUESTING AND AUTHORIZING CHANGE ORDERS FOR COMMUNITY DEVELOPMENT PUBLIC WORKS PROJECTS AND AMENDING THE COMMUNITY DEVELOPMENT PROJECT BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77

3. Consideration was given to the third reading of Ordinance No. 927, an ordinance requesting and authorizing change orders for Community Development Public Works Projects and amending the Community Development Project Budget of the City of Asheville for fiscal year 1976-77.

Mayor Ochsenreiter noted that the ordinance was previously read on two readings and members of Council has previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there is a specific request to do so.

Upon inquiry of Councilman Michael relative to the necessity of voting on the third reading of the ordinance at this meeting, the Corporation Counsel advised that he had conferred with the City Manager on the matter and in his opinion the ordinance should be acted upon. He said there is a possibility that this contract, at present, is in excess of the amount which was authorized by Council. Therefore, this ordinance would be necessary to take care of that responsibility.

Thursday - December 9, 1976 - 7:00 o'clock p. m.
William Randolph Elementary School Auditorium

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Otis B. Michael, Gene E. Rainey, Corporation Counsel Robert J. Robinson, substituting for William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/ City Clerk William F. Wolcott, Jr.

Absent: None

APPROVAL OF MINUTES

1. Approval of the minutes of the December 2, 1976 meeting.

Upon motion of Councilwoman Swilling, seconded by Vice-Mayor Horton, the minutes of the December 2, 1976 meeting were approved as submitted.

PUBLIC HEARING - WORDING AMENDMENTS TO ZONING ORDINANCE- COMMERCIAL REGIONAL DISTRICT

ORDINANCE NO. 928 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. A public hearing was held relative to wording amendments to Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended providing for additional uses within the Commercial Regional District.

Mayor Ochsenreiter opened the public hearing at 7:24 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, advised that the Planning and Zoning Commission considered recommendations submitted by the staffs of the Division of Planning and the Division of Inspections to amend the CR Commercial Regional District to include additional uses within that district. Therefore, the following amendments were unanimously approved and recommended to City Council:

That Section 30-5-6, Commercial Regional District, be amended to include the following additional uses within this district under A. Uses Permitted.

1. Retail and wholesale trade and service establishments
2. Warehousing*
3. Supply and distribution facilities*
4. Printing and binding
5. Vocational or professional schools
6. Public facilities

* Subject to off-street loading requirements (Section 30-3-11, Item H.)

Mayor Ochsenreiter confirmed that the intent of the motion was for the City Manager to use staff in seeking the information from the Shiloh residents.

Councilman Rainey then moved that Council reconsider the adoption of Ordinance No. 927. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 5-1, Ordinance No. 927 passed on first reading, with Councilwoman Swilling voting "no".

Councilman Morris moved to waive the rules and proceed to the second reading of Ordinance No. 927. This motion was seconded by Councilman Michael, which motion carried unanimously.

On a roll call vote of 5-1, Ordinance No. 927 passed on second reading with Councilwoman Swilling voting "no".

Vice-Mayor Horton moved to waive the rules and proceed to the third and final reading of Ordinance No. 927. This motion was seconded by Councilman Morris, which motion carried, with Councilman Michael voting "no".

On a roll call vote of 4-3, Ordinance No. 927 passed on third and final reading with Councilwoman Swilling, Councilmen Hoyle and Michael voting "no" and Vice-Mayor Horton, Councilmen Rainey and Morris voting "aye" and Mayor Ochsenreiter breaking the tie vote with an "aye" vote.

Complete text of Ordinance No. 927 will be found in Ordinance Book No. _____ at page _____.

ORDINANCE NO. 929 - AN ORDINANCE REQUESTING AND AUTHORIZING ADDITIONAL SUPPORT FOR THE COMMUNITY DEVELOPMENT DEMOLITION PROJECT AND AMENDING THE COMMUNITY DEVELOPMENT PROJECT BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77

4. Consideration was given to an ordinance requesting and authorizing additional support for the Community Development Demolition Project and amending the Community Development Project Budget of the City of Asheville for Fiscal Year 1976-77.

The City Manager read the ordinance.

Ken Michalove, Assistant City Manager, said the additional $50,000 from the Community Development Contingency Fund is to be used for the demolition of substandard buildings in the Community Development Area. He reviewed the number of demolitions since the beginning of the Community Development fundings.

Councilman Morris moved for the adoption of Ordinance No. 929. This motion was seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 929 passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 929. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 929 passed on second reading.

Councilman Michael commented that he had talked with the residents of Shiloh and they were concerned that the work of this contractor is not satisfactory to their community. He said he had also checked the streets and he did not think the work was satisfactory. He said the residents expressed a desire to have a reassessment and have the roads fixed properly. He suggested postponing action on the ordinance until next week until an investigation of the work that has been done is made to see whether it is acceptable to our city engineers as being standard and an investigation as to the work that is proposed to be done.

Vice-Mayor Horton said that in order to provide the funding necessary to discharge the City's obligation to this contractor it appeared to him that Council should take favorable action on this ordinance.

Councilman Morris commented that the City is not allowed to make a contract to do anything unless it believes that sufficient funds are in hand. He said it appeared that the City, at present, is in a position that they are reasonably certain of a deficit position which is contrary to the State laws of North Carolina. Therefore, he felt Council should fund the project.

At the request of Councilwoman Swilling, the City Manager again read the ordinance presented for action on third reading.

Mayor Ochsenreiter called for a roll call vote on the third reading of Ordinance No. 927.

On a roll call vote of 4-2, after deliberations, the ordinance failed on third reading.

Councilman Rainey moved to amend the minutes of the December 2, 1976 meeting on page 198 by adding a notation that the Mayor directed the City Manager to move forward with the investigation of the Shiloh Project, authorizing funds for the employment of outside assistance in the carrying out of the investigation. This motion was seconded by Councilman Morris and carried unanimously.

Councilman Rainey then moved that City Council request that the City Manager provide Council with answers to the following three questions in his investigation:

1) Whether the specifications of the original contract were sufficiently accurate and complete to be let for bids.

2) Whether the decisions made in the field by the City Engineer contributed to the cost overrun.

3) Whether the work done by the contractor was of sufficient quality to be in keeping with the contract.

This motion was seconded by Councilman Hoyle and carried unanimously.

Councilman Michael then moved that the City Manager seek the input of the Shiloh residents as to whether they are satisfied with the way that the work is being done in their neighborhood. This motion was seconded by Councilwoman Swilling and carried unanimously.

RESOLUTION NO. 76-168 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A LEASE AGREEMENT WITH THE OPPORTUNITY CORPORATION OF MADISON-BUNCOMBE COUNTIES, INC. TO PERMIT THE OPPORTUNITY CORPORATION TO SUB-LEASE THE SHILOH SCHOOL

6. Consideration was given to a resolution authorizing the Mayor to sign a lease agreement with the Opportunity Corporation of Madison-Buncombe Counties, Inc. to permit the Opportunity Corporation to sub-lease the Shiloh School.

The City Manager read the resolution.

Ken Michalove, Assistant City Manager, said the Opportunity Corporation of Madison-Buncombe Counties, Inc. had leased the Shiloh School from the Buncombe County Board of Education for several years up to December 2, 1976 and since the City of Asheville has leased the Shiloh School from the Buncombe County Board of Education the Opportunity Corporation desires to sublease the Shiloh School from the City of Asheville under the same terms and conditions as under their previous agreement with the Buncombe County Board of Education.

Upon motion of Councilman Rainey, seconded by Councilman Hoyle, Resolution No. 76-168 was unanimously adopted.

Complete text of Resolution No. 76-168 will be found in Resolution Book No. _____ at page _____.

RESOLUTION NO. 76-169 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE EASEMENT IN FAVOR OF THE CAROLINA POWER AND LIGHT COMPANY

7. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute easement in favor of the Carolina Power and Light Company.

The City Manager read the resolution and explained that the property belongs to the City of Asheville and is located off Gashes Creek Road in the vicinity of the Recreation Park and the easement is for the purpose of updating an existing electric power line.

Upon motion of Councilman Hoyle, seconded by Councilwoman Swilling, Resolution No. 76-169 was unanimously adopted.

Complete text of Resolution No. 76-169 will be found in Resolution Book No. _____ at page _____.

RESOLUTION NO. 76-170 - RESOLUTION AMENDING RESOLUTION NO. 73-44 ESTABLISHING REGULATIONS FOR THE OPERATION OF THE ASHEVILLE CIVIC CENTER

8. Consideration was given to a resolution amending Resolution No. 73-44 establishing regulations for the operation of the Asheville Civic Center.

The City Manager read the resolution and explained that the resolution would give the Civic Center Manager some latitude in determining how much time should be required between similar events seeking bookings at the Civic Center.

Councilman Hoyle moved to suspend the rules and proceed to the third and final reading of Ordinance No. 929. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 929 passed on third and final reading.

Complete text of Ordinance No. 929 will be found in Ordinance Book No. _____ at page _____.

ORDINANCE NO. 930 - ORDINANCE REQUESTING AND AUTHORIZING THE APPROPRIATION OF FUNDS FOR THE CHESTNUT STREET WATER LINE AND THE APPALACHIAN WAY -HUFFMAN ROAD WATER LINE AND AMENDING THE COMMUNITY DEVELOPMENT PROJECT BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77

5. Consideration was given to an ordinance requesting and authorizing the appropriation of funds for the Chestnut Street Water Line and the Appalachian Way-Huffman Road Water Line and amending the Community Development Project Budget of the City of Asheville for fiscal year 1976-77.

The City Manager read the ordinance.

Ken Michalove, Assistant City Manager, explained that the expenditure of the $42,000 from the Community Development Contingency fund is requested in order to qualify for $246,000 in Appalachian Regional Commission funds. He said the money will be used in the construction of a 16-inch water line for the Chestnut Street area and six-inch and eight-inch water lines for Appalachian Way and Huffman Road in West Asheville.

Councilman Rainey returned to his seat at 8:45 p. m.

Vice-Mayor Horton moved for the adoption of Ordinance No. 930. This motion was seconded by Councilman Michael.

On a roll call vote of 6-0, Ordinance No. 930 passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 930. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 930 passed on second reading.

Councilman Hoyle moved to suspend the rules and proceed to the third and final reading of Ordinance No. 930. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 930 passed on third and final reading.

Complete text of Ordinance No. 930 will be found in Ordinance Book No. _____ at page _____.

AMENDMENT TO MINUTES DURING DECEMBER 16, 1976 MEETING

—0

ACTIVITIES AT THE SOUTH ASHEVILLE COMMUNITY CENTER

The South Asheville Community Center is operated by the Greater Buncombe Outreach Project of The Opportunity Corporation of Madison-Buncombe Counties and is located in the Shiloh School Building.

Activities at the center are varied and include an after-school program which is held daily, Monday through Friday, from 3:00 until 6:00 P. M., for children between the ages of 6 and 16.

Other activities offered at the center include basketball, baseball, softball, volleyball, badminton, horseshoes, shuffleboard, ping pong and pool. Weightlifting and slimnastic equipment is also available. Arts and crafts and nutritional classes are available at the center on a regular basis. The gym is open for recreational activities until 8:00 P. M., Monday through Friday; from 2:00 until 8:00 P. M. on Saturday; and from 2:00 until 6:00 P. M. on Sunday. The center also provides a place for community groups, the Center Advisory Group, community social club, and 4-H Club meetings.

Shortly following the closing of school, a Summer Program is held Mondays through Fridays, for an 8-week period for children between the ages of 6 and 16. Children are transported to this center for the Summer Program from various other areas which The Corporation serves and the average enrollment for the Summer Program is 617 children.

Basketball and football leagues are organized in cooperation with the Asheville Department of Parks and Recreation.

The Nutritional Program for Older Adults is also housed in this community center Mondays through Fridays year-round.

Upon motion of Councilwoman Swilling, seconded by Councilman Hoyle, Resolution No. 76-170 was unanimously adopted.

Complete text of Resolution No. 76-170 will be found in Resolution Book No. _____ at page _____.

CLAIM - MAGGIE TOBE

The City Manager presented a claim received from George W. Moore, Attorney representing Maggie Tobe.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

REPORT OF CARROLL STREET ACCESS

In response to Councilman Michael, William F. Wolcott, Jr., Assistant City Manager, said that the properties involved in the Carroll Street Access had been purchased during the past week. However, the Paving Enterprises, Inc. deed restricts possession by the City for 90 days, but he would try to get the process speeded up. He said he hoped to complete the project within the next four months.

STATEMENTS REGARDING NIGHT COUNCIL MEETINGS

Councilwoman Swilling thanked the citizens present for coming to the first night Council meeting.

Councilman Michael commented that he termed the meeting a success, calling the crowd the largest he has seen at any Council meeting since his first.

The City Manager introduced the members of the staff present for the meeting.

Adjournment.

Eugene L. Ochsenreiter
MAYOR

William F. Wolcott
CITY CLERK

Mr. Clark said they desire that a higher priority be given to the installation of a water line in Justice Ridge Road than in Old Farm School Road, a previously approved project in the Water System Improvement Fund. He said the City Engineering Division conducted an engineering study and found that to build a line in Old Farm School Road would serve no existing customers and that reinforcement of the overall system is not justified at this time. Therefore, it is recommended that this line be held in abeyance until some time in the future and that the appropriation be used to pay for the Justice Ridge Road water line. He said the total estimated cost of the Justice Ridge Road project is $34,525 of which $24,430 of this project is eligible as a Water System Improvement Fund expenditure and the County has agreed to contribute an additional sum of $10,095 in order to fully fund the Justice Ridge Road project. He said the balance of the Old Farm School Road appropriation, $15,570, would be transferred to the Water System Improvement Fund Contingency activity.

Councilman Morris moved for the adoption of Ordinance No. 931. This motion was seconded by Councilman Michael.

On a roll call vote of 6-0, Ordinance No. 931 passed on first reading.

Vice-Mayor Horton moved to suspend the rules and proceed to the second reading of Ordinance No. 931. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 931 passed on second reading.

Councilman Michael moved to suspend the rules and proceed to the third and final reading of Ordinance No. 931. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 931 passed on third and final reading.

Complete text of Ordinance No. 931 will be found in Ordinance Book No. 7 at page 76.

ORDINANCE NO. 928 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Wording Amendments to Commercial Regional District)

4. Consideration was given to the second reading of Ordinance No. 928, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended relative to wording amendments to the Commercial Regional District.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 928 passed on second reading.

Thursday - December 16, 1976 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Otis B. Michael, Gene E. Rainey, Corporation Counsel Robert J. Robinson, substituting for William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/ City Clerk William F. Wolcott, Jr.

Absent: None

APPROVAL OF MINUTES

1. Approval of the minutes of the December 9, 1976 meeting.

Vice-Mayor Horton noted that the minutes should include the report given by Lonnie Burton relative to the sub-lease of the Shiloh School regarding the activities of the Opportunity Corporation at the Shiloh School.

Vice-Mayor Horton moved that the minutes of the December 9, 1976 meeting be approved, as amended. This motion was seconded by Councilman Morris and carried unanimously.

PUBLIC HEARING - REZONING PROPERTY ON NORTH LOUISIANA AVENUE- MRS. LOUISE RAY

2. A public hearing was held relative to rezoning property located on North Louisiana Avenue, property owned by Mrs. Louise Ray.

Mayor Ochsenreiter opened the public hearing at 3:08 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said he had received a request from Mr. Jerry Miller, Attorney for Mrs. Louise Ray, that the public hearing be continued until the January 6, 1977 meeting in order to determine a point of law regarding the 20% protest rule.

Councilman Morris moved to continue the public hearing until the January 6, 1977 meeting. This motion was seconded by Councilman Hoyle and carried unanimously.

ORDINANCE NO. 931 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77 (Justice Ridge Road Water Line)

3. Consideration was given to an ordinance amending the operating budget of the City of Asheville for fiscal year 1976-77 appropriating funds for the Justice Ridge Road Water Line Project.

The City Manager read the ordinance.

Charles Clark, Director of Public Safety for Buncombe County, said the County Commissioners have expressed a desire to provide improved service to customers of the water system operated by the City of Asheville abutting on Justice Ridge Road.

The City Manager advised that under the North Carolina General Statutes the Finance Director is responsible for dispersing funds that are appropriated from general funds as is the case with the operation of the Civic Center.

Acting Corporation Counsel Robert J. Robinson suggested that the membership be set at an odd number instead of 10 to forestall the possibility of a 5-5 deadlock vote. He also suggested that clarifying language be used dealing with the section of funds received as gifts.

Councilman Michael also suggested that some of the commission members be chosen from nearby counties, since the Civic Center serves an area much wider than Asheville or Buncombe County alone.

Mayor Ochsenreiter and Councilman Rainey agreed to work out some proposed amendments to the ordinance and bring them back to Council in time for the second reading which will be on January 6, 1977.

Councilman Rainey said he hoped the first order of business for the commission would be to set up defenses against the selling of stolen merchandise at the flea markets and also to investigate the requirements of regular vendors as it pertains to privilege licenses.

Councilman Rainey moved for the adoption of Ordinance No. 933. This motion was seconded by Councilman Michael.

On a roll call vote of 6-0, Ordinance No. 933 passed on first reading.

RESOLUTION NO. 76-171 - RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE TRANSIT AUTHORITY

7. Consideration was given to a resolution appointing member to the Asheville Transit Authority, reappointing Arthur E. Eve, Jr. for a term of five years.

The City Manager read the resolution.

Upon motion of Councilman Hoyle, seconded by Councilman Michael, Resolution No. 76-171 was unanimously adopted.

Complete text of Resolution No. 76-171 will be found in Resolution Book No. 9 at page 176.

RESOLUTION NO. 76-172 - RESOLUTION APPOINTING MEMBER TO THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL (Celeste L. Loftin)

8. Consideration was given to a resolution appointing member to the City of Asheville Board of Alcoholic Control, appointing Mrs. Celeste L. Loftin.

The City Manager read the resolution.

Upon motion of Councilwoman Swilling, seconded by Councilman Hoyle, Resolution No. 76-172 was unanimously adopted.

Complete text of Resolution No. 76-172 will be found in Resolution Book No. 9 at page 177.

ORDINANCE NO. 932 - AN ORDINANCE AUTHORIZING THE INCREASE OF MATCHING FUNDS FOR THE LAND-OF-SKY NUTRITION PROGRAM

5. Consideration was given to an ordinance authorizing the increase of matching funds for the Land-of-Sky Nutrition Program.

The City Manager read the ordinance.

Ken Michalove, Assistant City Manager, said this ordinance would authorize an additional $885.00 in matching funds for the Land-of-Sky Nutrition Program for the elderly. He said this amount will provide an additional 30 meals per day for the remainder of this fiscal year.

Councilwoman Swilling moved for the adoption of Ordinance No. 932. This motion was seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 932 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 932. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 932 passed on its second reading.

Councilman Michael moved to suspend the rules and proceed to the third and final reading of Ordinance No. 932. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 932 passed on its third and final reading.

Complete text of Ordinance No. 932 will be found in Ordinance Book No. 7 at page 78.

ORDINANCE NO. 933 - AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE BODY KNOWN AS THE ASHEVILLE CIVIC CENTER COMMISSION

6. Consideration was given to an ordinance establishing an administrative body known as the Asheville Civic Center Commission.

The Corporation Counsel read the ordinance.

The City Manager advised that this ordinance contains the legal stipulations regarding the commission's duties and responsibilities and its relationship with other segments of city government. It gives the 10-member commission control of the Civic Center Complex and empowers it to determine rates and fees and to promote and schedule events. It stipulates, however, that the City Council must receive copies of all the rules and regulations proposed by the commission and may disapprove them within 30 days.

Councilman Michael suggested that the name of the Commission be changed to either Asheville Area Civic Center Commission or Asheville Regional Civic Center Commission in order to encourage participation by people from throughout Western North Carolina. He further suggested that the last sentence in Section 1 (d) be changed to read "The Finance Director of the City may serve as Treasurer of the funds of the Commission"rather than "he shall serve".

RESOLUTION NO. 76-175 - RESOLUTION APPOINTING MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD (George E. Dawson)

11. Consideration was given to a resolution appointing member to the Metropolitan Sewerage District Board. (George E. Dawson)

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, Resolution No. 76-175 was unanimously adopted.

Complete text of Resolution No. 76-175 will be found in Resolution Book No. 9 at page 180.

REZONING REQUEST - MR. GRAHAM SMITH OF LE CHATEAU MANAGEMENT - ELM STREET

12. Consideration was given to a motion setting a public hearing relative to rezoning property located on Elm Street from R-4 Residential District to CH Commercial Highway, property owned by Mr. Graham Smith of Le Chateau Management.

Vice-Mayor Horton moved to schedule a public hearing on the matter for January 13, 1977. This motion was seconded by Councilwoman Swilling and carried unanimously.

WORDING AMENDMENTS TO ORDINANCE NO. 322, ZONING ORDINANCE - COMMERICAL HIGHWAY DISTRICT

13. Consideration was given to a motion setting a public hearing relative to wording amendments to Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, providing for additional uses in the Commercial Highway District.

Councilman Morris moved to schedule a public hearing on the matter for January 13, 1977. This motion was seconded by Vice-Mayor Horton and carried unanimously.

REZONING REQUEST - CORNER OF ST. DUNSTAN'S ROAD AND McDOWELL STREET - MR. JAMES W. MOORE

14. The City Manager said the Planning and Zoning Commission considered a request from Mr. James W. Moore, Moore Office Building, Inc. to rezone property at the corner of St. Dunstan's Road and McDowell Street from R-3 Residential District to HI Heavy Industrial. He said the Planning and Zoning Commission denied the request, however a request for a public hearing on the matter had been received from Richard A. Wood, Jr., Attorney for Mr. James W. Moore, requesting that the property be rezoned to Office Institutional District as suggested by the Planning and Zoning Staff.

Councilman Michael moved to schedule a public hearing on the matter for January 20, 1977. This motion was seconded by Councilwoman Swilling and carried unanimously.

JANUARY COUNCIL NIGHT MEETING

Mayor Ochsenreiter announced that due to the holidays, the January night Council meeting would be held on January 13, 1977 at 7:30 p. m. in the Council Chambers.

RESOLUTION NO. 76-173 - RESOLUTION APPOINTING CHAIRMAN TO THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL

9. Consideration was given to a resolution appointing Chairman to the City of Asheville Board of Alcoholic Control, appointing Osborne M. Hart as Chairman.

The City Manager read the resolution.

Upon motion of Councilman Michael, seconded by Councilman Rainey, Resolution No. 76-173 was unanimously adopted.

Complete text of Resolution No. 76-173 will be found in Resolution Book No. 9 at page 178.

Mayor Ochsenreiter expressed appreciation to Mr. Fred Pearlman for his faithful and dedicated service as Chairman to the ABC Board for 9 years.

Councilman Michael commented that Mr. Hart will be the only black Chairman of a ABC Board in the State of North Carolina. He said he was sure Mr. Hart would live up to the expectations of the Council.

RESOLUTION NO. 76-174 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A SEWER LINE ACROSS U. S. 74 (SOUTH TUNNEL ROAD) IN ASHEVILLE, NORTH CAROLINA

10. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for a sewer line across U. S. 74 (South Tunnel Road) in Asheville, North Carolina.

The City Manager read the resolution.

The City Manager also read a memorandum from Don Walsh, Administrative Assistant for the Water and Sewer Services, which is as follows:

"It has become necessary to replace an inadequate 4-inch main sewer line on U. S. 74 with an 8-inch sewer line. This is to serve the new Sambo's Restaurant being built across from the Asheville Mall on the K-Mart property. This 8-inch main will serve other businesses now being serviced by the existing 4-inch main running under Tunnel Road. This will also eliminate a constant source of trouble for the City maintaining the 4-inch main sewer line and a manhole that is in bad repair.

The estimated cost of building this sewer main is $1,905.00 this includes 85 feet of new sewer main and two new manholes. Sambo's Incorporated has agreed to participate in half of the cost of building this sewer main. This represents $952.50 payment on their part."

Councilman Morris noted that U. S. 74 is on South Tunnel Road instead of Tunnel Road. This wording in the resolution was changed to reflect this change.

Upon motion of Councilman Morris, seconded by Councilwoman Swilling, Resolution No. 76-174 was unanimously adopted,

Complete text of Resolution No. 76-174 will be found in Resolution Book No. 9 at page 179.

The Kenilworth Residents Association has frequently requested additional playground facilities for the younger children but there has been no land available for development. We now feel that some of our needs can be met by further developing the playground at Newton School.

We have in conjunction with the Newton PTA, adopted a playground inprovement program to which we have devoted our time and money. The playground improvement program will provide an area for imaginative play and development of skills necessary for group sports when the children are older as well as provide a recreational alternative for children that are not interested in group sports.

Approximately $4,200 has been expended on the project to date including materials, labor, equipment and services, both donated and purchased.

We are hereby requesting financial assistance from the City in the amount of $5,000 for completing the project. If approved, the funds will be used for the purchase of materials, the rental of equipment and the hiring of some specialized labor for completion of the plan. It is anticipated that the bulk of the labor required for completion of the project would come from parent volunteers from the Kenilworth Residents Association and the Newton P. T. A. Detailed plans of the improvement program are available upon request.

We hope to develop a playground that will serve as a model for active citizen participation and involvement with City government support.

Your consideration and approval of support to this program is hereby requested.

Very truly yours,

Marvin D. Chambers

Marvin D. Chambers
President
Kenilworth Residents Association

MDC/p

cc: W. P. Griffin, Superintendent City Schools
Ray L. Kisiah, Director Parks and Recreation Department
Bill Pate, Principal Newton Elementary School
Mr. & Mrs. Harry A. Woggon, Chairpersons Newton PTA

Council requested that the City Manager determine if Community Development funds could be used for this project.

Councilman Michael requested that the City Manager instruct Ray Kisiah, Parks and Recreation Director, to work with Mr. Chambers and the Newton PTA to come up with a recommendation for Council on the project and to determine the exact amount of money needed to complete the project.

COUNCIL MEETING - DECEMBER 23, 1976 AND DECEMBER 30, 1976 - CANCELLED

Mayor Ochsenreiter announced that due to the Christmas and New Year's Holidays there would be no meeting of the City Council on December 23, 1976 or December 30, 1976.

COUNCIL RECESS

Mayor Ochsenreiter recessed the Council meeting at 4:05 p. m.

Council reconvened the meeting at 4:23 p. m.

VIRGIL McCONNELL - SHILOH AREA - COST OVERRUN ON PROJECT

Virgil McConnel, of the Shiloh Area, asked what progress had been made into the investigation of the cost overrun in the Shiloh-Oakley Public Works Project and if the people in the Shiloh area would have to wait until the investigation is completed before any more work would be done in the area.

The City Manager advised that A. M. Pullen Company had been employed to do the audit work as it relates to the cost overruns in the Shiloh-Oakley Public Works Projects and they were given authority to employ an engineer, if necessary, to answer the questions that were raised by Council and some of the citizens in the area relative to the engineering matter in the project. He said this investigation is underway and will be completed as soon as possible. He said there would be no hold up on the work during the investigation, except from weather conditions.

MARVIN CHAMBERS - KENILWORTH PLAYGROUND IMPROVEMENT PROGRAM - REQUEST FOR ASSISTANCE

Mr. Marvin Chambers, President of the Kenilworth Residents Association read the following letter:

2 Lakewood Drive
Asheville, N. C. 28803
December 13, 1976

Honarable Mayor and
Members of City Council
P. O. Box 7148
Asheville, N. C. 28807

Subject: Kenilworth Playground Improvement Program
Request for Assistance

Gentlemen and Madam:

The Newton Elementary School has been, is, and will continue to be a focal point for education, recreation and socialization in the Kenilworth Neighborhood. The present facilities provide classrooms, and auditorium and space for activities such as basketball, volleyball, and other organized sports for use by the older neighborhood children and adults, but until now only swings were available for the younger neighborhood children.

Thursday - January 6, 1977 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Otis B. Michael, Gene E. Rainey, Corporation Counsel Robert J. Robinson, substituting for William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilwoman JoAnn M. Swilling

APPROVAL OF MINUTES

1. Approval of the minutes of the December 16, 1976 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, the minutes of the December 16, 1976 meeting were approved as submitted.

PRESENTATION RELATIVE TO THOMAS WOLFE MARBLE ANGEL

Samuel E. Sanders presented an idea of the City erecting a marble angel in Pritchard Park in honor of Thomas Wolfe. He said the one proposed to be erected is a six foot high angel of Italian carrera marble mounted on a four foot high base of Georgia marble. He said the total cost of the angel would be $6,000.

Mayor Ochsenreiter told Mr. Sanders that he would be back in touch with him regarding this matter.

BOXING AND WRESTLING COMMISSION TAX PRESENTED TO COUNCIL

Dr. Leon H. Feldman, Chairman of the Boxing and Wrestling Commission for the City of Asheville presented Council with an $8,500 check representing some of the five per cent tax collected from boxing and wrestling promoters in the Asheville Civic Center. He said this would make a total of $16,000 that has been turned over to the City by the Commission during the past year.

CONTINUATION OF PUBLIC HEARING - REZONING - NORTH LOUISIANA AVENUE - MRS. LOUSIE RAY

2. Verl Emrick, Planning Director, said Jerry Miller, Mrs. Louise Ray's attorney, has asked that Council again continue the public hearing until January 27, 1977. He said all interested parties in opposition had been notified of the continuation of the public hearing.

Councilman Morris moved to continue the public hearing until January 27, 1977. This motion was seconded by Vice-Mayor Horton and carried unanimously.

ORDINANCE NO. 928 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE"as amended. (Additional uses within Commercial Regional District)

3. Consideration was given to the third and final reading of Ordinance No. 928, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended providing additional uses within Commercial Regional District.

COMMUNITY DEVELOPMENT PUBLIC HEARINGS

In response to Councilwoman Swilling, Logan Delany, Community Development Coordinator, said the progress of the Community Development meetings have been excellent. He said the input from the residents had been successful and many requests for funding had been received.

Adjournment.

Eugene S. Abramowski
MAYOR

Norman I. Nelson
CITY CLERK

Councilman Michael returned to the meeting at 3:31 p. m.

Mike Smith, Personnel Director, said that the new pension plan adopted for general employees on January 1, 1976 did not include benefits for the earlier retirees covered under the old 1964 plan. He said this amendment to the ordinance will increase benefits for employees who retired before January 1, 1976. He said the retired city employees covered under the plan will receive an increase of 1/4 per cent for each calendar month since their retirement payments began. He said this formula was the most equitable and also the most affordable one. The employees who will benefit the most are those who have been retired the longest and whose benefits have been eroded the most by inflation.

Vice-Mayor Horton moved for the adoption of the ordinance. This motion was seconded by Councilman Hoyle.

On a roll call vote of 5-0, Ordinance No. 934 passed on its first reading.

ORDINANCE NO. 935 - ORDINANCE TRANSFERRING AN UNSPENT BALANCE FROM THE COMMUNITY DEVELOPMENT TAFT AVENUE WATER LINE PROJECT TO CONTINGENCY I; RESCINDING A SECTION OF ORDINANCE NO. 916 APPROVING AN APPROPRIATION FOR A BIKEWAY PROGRAM TRANSFERRING THE UNSPENT BALANCE TO CONTINGENCY II AND AMENDING THE COMMUNITY DEVELOPMENT PROJECT BUDGETS OF THE CITY OF ASHEVILLE FOR FISCAL YEARS 1975-76 AND 1976-77

7. Consideration was given to an ordinance transferring an unspent balance from the Community Development Taft Avenue Water Line Project to Contingency I; rescinding a section of Ordinance No. 916 approving an appropriation for a bikeway program transferring the unspent balance to Contingency II and amending the Community Development Project Budgets of the City of Asheville for fiscal years 1975-76 and 1976-77.

The City Manager read the ordinance and explained that the unspent balance of $17,067.42 in the Taft Avenue Water Line Project would be reappropriated into the Contingency Fund as well as a $22,850 appropriation which was to have provided matching funds for a bikeway project that failed to gain federal government approval would also be reappropriated into the Contingency Fund.

Referring to questions from Councilman Michael relative to the Shiloh Area, Logan Delany, Community Development Coordinator said he would be meeting with the contractors on Monday to arrange for work on any problems that can be solved in the bad weather.

The City Manager said he would report some time next week regarding a tentative completion date for the investigation into the cost overruns on the project.

Councilman Michael moved for the adoption of Ordinance No. 935. This motion was seconded by Councilman Morris.

On a roll call vote of 5-0, Ordinance No. 935 passed on its first reading.

Councilman Michael moved to suspend the rules and proceed to the second reading of Ordinance No. 935. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Mayor Ochsenreiter stated that the ordinance was previously read on two readings and members of Council had been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 928 passed on its third and final reading.

Complete text of Ordinance No. 928 will be found in Ordinance Book No. 7 at page 71.

ORDINANCE NO. 933 - AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE BODY KNOWN AS THE ASHEVILLE CIVIC CENTER COMMISSION

5. Consideration was given to the second reading of Ordinance No. 933, an ordinance establishing an administrative body known as the Asheville Civic Center Commission.

The City Manager said a committee, made up of several members of Council and the Corporation Counsel, have since the first reading of the ordinance, made several amendments or changes to the ordinance.

The Corporation Counsel then read the ordinance in its entirety incorporating the amendments recommended by the committee.

Councilman Michael was excused from the meeting at 3:25 p. m.

Councilman Rainey pointed out that the basic changes included the name change by adding the word "AREA" to make it the Asheville Area Civic Center Commission and the commission would have nine (9) members rather than ten (10). Several sections were also changed for clarifying language, however, these did not effect the basic intent of the ordinance.

Vice-Mayor Horton commented that Council would have the privilege of selecting members of the Commission from outlying areas and not just residents of the City of Asheville.

Councilman Rainey moved to amend the ordinance to include the amendments as recommended by the Committee and read by the Corporation Counsel. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 933, as amended passed on its second reading.

ORDINANCE NO. 934 - ORDINANCE AMENDING ORDINANCE NO. 861, KNOWN AS "AN ORDINANCE ESTABLISHING THE ASHEVILLE GENERAL EMPLOYEES' RETIREMENT PLAN AND TRUST".

6. Consideration was given to an ordinance amending Ordinance No. 861, known as "AN ORDINANCE ESTABLISHING THE ASHEVILLE GENERAL EMPLOYEES' RETIREMENT PLAN AND TRUST".

The City Manager read the ordinance.

The City Manager read the resolution and a memorandum from Don Walsh, Administrative Assistant of Water and Sewer Services which stated that the 8-inch water line to be installed on Justice Ridge Road is to upgrade an existing 2-inch water line which has become inadequate and has caused a critical water shortage for the customers along Justice Ridge Road. This water line will be financed from the WSIF fund.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Horton, Resolution No. 77-2 was unanimously adopted.

Complete text of Resolution No. 77-2 will be found in Resolution Book No. 9 at page 182.

RESOLUTION NO. 77-3 - RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING, AND RATIFYING THE EXECUTION OF GRANT AGREEMENT FOR PROJECT NO. A-37-0005-01 BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF ASHEVILLE

11. Consideration was given to a resolution authorizing, adopting, approving, accepting, and ratifying the execution of Grant Agreement for Project No. A-37-0005-01 between the United States of America and the City of Asheville.

The City Manager read the resolution and explained that this resolution would accept a grant of $58,180.00 from the federal government for the preparation of an Airport Master Plan to include airport requirements, environmental study, airport plans, financial plans and other related work.

Upon motion of Councilman Michael, seconded by Councilman Rainey, Resolution No. 77-3 was unanimously adopted.

Complete text of Resolution No. 77-3 will be found in Resolution Book No. 9 at page 183.

RESOLUTION NO. 77-4 - RESOLUTION AMENDING RESOLUTION NO. 75-146 DESIGNATING BANKING DEPOSITORIES FOR CITY FUNDS

12. Consideration was given to a resolution amending Resolution No. 75-146 designating banking depositories for city funds.

The City Manager read the resolution and explained that this resolution adds to an existing resolution the savings and loan associations as depositories for city funds.

Upon motion of Councilman Morris, seconded by Vice-Mayor Horton, Resolution No. 77-4 was unanimously adopted.

Complete text of Resolution No. 77-4 will be found in Resolution Book No. 9 at page 184.

BIDS - STUMP CUTTER FOR PARKS AND RECREATION DEPARTMENT

13. Consideration was given to bids received December 29, 1976 for one (1) stump cutter for the Parks and Recreation Department.

On a roll call vote of 5-0, Ordinance No. 935 passed on its second reading.

Councilman Michael again moved to suspend the rules and proceed to the third reading of Ordinance No. 935. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 935 passed on its third and final reading.

Complete text of Ordinance No. 935 will be found in Ordinance Book No. 7 at page 87.

FINAL SUBDIVISION PLAT FOR THE FOREST, LOCATED IN BEAVERDAM

8. Verl Emrick, Planning Director, said the final plat is for Section 1 of The Forest Subdivision, located off Pinecroft Road in the Beaverdam section. He presented the detailed plat of the subdivision and said the plat meets all requirements of the subdivision ordinance. He said the Planning and Zoning Commission approved the preliminary plat on April 7, 1976 and the developer has complied with all the recommendations and is recommended for final approval, by Council, for recordation. He said Council would be approving the subdivision plat under the jurisdiction of Ordinance 424 adopted in 1960.

Councilman Morris moved for the approval of the final plan of the subdivision for The Forest. This motion was seconded by Vice-Mayor Horton and carried unanimously.

RESOLUTION NO. 77-1 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE CITY OF HENDERSONVILLE RELATIVE TO THE FLETCHER WATER SYSTEM

9. Consideration was given to a resolution authorizing the Mayor to execute an agreement with the City of Hendersonville relative to the Fletcher Water System.

The City Manager read the resolution and explained that when the former Asheville-Hendersonville Airport was turned into an industrial park several years ago Asheville took over the Fletcher Water System and Hendersonville agreed to provide water to the area within five years and to resume operation of the Fletcher system after the new lines were in. He said this has been done. He said Hendersonville will pay a total of $95,000 for the system, with $15,000 to be paid upon execution of the agreement, $40,000 on or before April 15, 1977 and the remaining $40,000 on or before July 15, 1977. Hendersonville will also be required to replace all the water meters with meters of its own, returning Asheville's meters within 60 days after the effective date of the agreement.

Upon motion of Councilman Rainey, seconded by Councilman Michael, Resolution No. 77-1 was unanimously adopted.

Complete text of Resolution No. 77-1 will be found in Resolution Book No. 9 at page 181.

RESOLUTION NO. 77-2 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR A WATER LINE ALONG NORTH CAROLINA 1208 (JUSTICE RIDGE ROAD) FOR A DISTANCE OF APPROXIMATELY 4150 FEET

10. Consideration was given to a resolution authorizing the Mayor to execute right-of-way encroachment agreement with the North Carolina State Board of Transportation for a water line along North Carolina 1208 (Justice Ridge Road) for a distance of approximately 4150 feet.

CITY OF ASHEVILLE

ASHEVILLE, NORTH CAROLINA

OFFICE OF
CITY MANAGER

January 6, 1977

Honorable Eugene C. Ochsenreiter, Jr.,
Mayor and Members of the City Council
City of Asheville
Asheville, North Carolina 28807

Dear Councilpersons:

In March of 1969 I came to Asheville in the employment of the City, and my wife, with our two daughters, arrived in June following the end of the school year.

A church with a strong foundation of faith, friendly concerned people, pleasant working relationships, and the joy of four season country have provided the means for many memorable occasions.

I now have the opportunity to return to Eastern North Carolina where my wife and I will be closer to our families. In addition the position is in finance, which is the field that has occupied most of my working years. Prayerful consideration and family discussions have eased the burden of this difficult decision.

I have accepted the position of Director of Finance with the City of Rocky Mount, North Carolina effective February 7, 1977, and I respectfully request that you accept my resignation as City Manager of the City of Asheville effective February 4, 1977.

There will always be fond memories of Asheville and the many wonderful people that make it such a fine place to live.

Sincerely,

Ernest J. Ward
City Manager

EJW/msm

ALL ASHEVILLE LIVING

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Vermeer Carolina Sales and Service in the amount of $8,530.00.

Councilman Hoyle moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Vermeer Carolina Sales and Service in the amount of $8,530.00. This motion was seconded by Councilman Rainey and carried unanimously.

Bid Summary

Bidder	Bid
Vause Equipment Company	$8,598.00
Vermeer Carolina Sales and Service	8,530.00
Vermeer Southeast Sales and Service	Failed to include Bid Deposit Bid Disqualified

BIDS - DIESEL POWERED CRAWLER TRACTOR/LOADER WITH MULTIPURPOSE BUCKET

15. Consideration was given to bids received December 29, 1976 for one (1) Diesel Powered Crawler Tractor/Loader with Multipurpose bucket.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Arden Equipment Company, Inc. in the amount of $51,957.00.

Vice-Mayor Horton moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Arden Equipment Company, Inc. in the amount of $51,957.00. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

Bidder	Bid
Arden Equipment Company	$51,957.00
Carolina Tractor and Equipment	No Bid
Western Carolina Tractor Company	52,253.00
Liebherr-America, Inc.	No Bid
Mitchell Distributing Company	No Bid

CLAIMS - GLEN A. BELL - REVA JOHNSON - LOUISE B. BIRCH

The City Manager presented claims received from Mr. and Mrs. Glen A. Bell, Mrs. Reva Johnson and Louise B. Birch.

Mayor Ochsenreiter referred the claims to the Corporation Counsel for investigation and recommendation.

RESIGNATION OF CITY MANAGER ERNEST J. WARD

City Manager Ernest J. Ward read the following letter of resignation to members of Council:

This is to answer Vice-Mayor's Horton's inquiry as to procedures followed by the Board of Tax Supervision for adjusting assessed valuations of properties enhanced by Council's closing of streets and rezonings.

I contacted Mr. Edward McElreath, Supervisor for the Board, who stated that he felt that most street closings were now being picked up by his office, but he was not positive as to the zoning changes. However, it is now agreed that all resolutions on street closings and all amendments to the zoning ordinance will be forwarded by the City Clerk to Mr. McElreath so that each will be given proper consideration.

NIGHT COUNCIL MEETING - JANUARY 13, 1977

Mayor Ochsenreiter announced that the January 13, 1977 Council meeting would be held at 7:30 p. m. in the City Hall Council Chambers.

Adjournment.

Eugene S. Ochsenreiter
MAYOR

William D. McElreath
CITY CLERK

Mayor Ochsenreiter said he knew the City of Asheville would suffer a loss due to the City Manager's decision. He said his efforts have been very meaningful to the City of Asheville and it would certainly be a difficult task to find a replacement with his total capabilities.

Councilman Michael thanked the City Manager for all he had done for the City of Asheville. He said he knew the City Manager had a "thankless" job and Council had been neophytes and hard to deal with. He said he appreciated everything the City Manager had done and he would hate to lose him as City Manager.

Councilman Rainey said he had grown to admire the sincerity and hard-working attitude that the City Manager has had over the past year. He said he had found that on occasions when there had been disagreements the City Manager had been one to keep his cool. He said he had been willing to investigate any area of concern and had done it quickly. He said he personally regretted that the City Manager will be leaving but wished him well in his new job.

Vice-Mayor Horton said serving with the City Manager and getting to know him as a person and to appreciate him very greatly in his position of responsibility had been one of the joys of serving on the City Council. He said it was with sincere regret that the City of Asheville must terminate this relationship. He wished him the very best and included the best to his family as he makes his move.

Councilman Morris said he was not happy with the City Manager's decision.

Councilman Hoyle said the City of Asheville could not lose because they had once had Ernest Ward as a City Manager. He said he was one of the guys many years ago that went to bat for Ernest Ward as the City Manager of the City of Asheville. He said it would hurt to lose him but told the City Manager to go wherever he went with God's people.

E. R. McCarthy said the he felt that Mr. Ward had tried to work with the people and the government of Asheville instead of trying to run them.

STREET CLOSINGS AND REZONING REPORTS TO THE BOARD OF TAX SUPERVISION

Vice-Mayor Horton requested that the following memorandum be included in the minutes:

December 9, 1976

MEMORANDUM TO: Members of the Asheville City Council

FROM: William F. Wolcott, Jr. - City Clerk

SUBJECT: Reporting of Street Closings and Zoning Changes to the Board of Tax Supervision

PUBLIC HEARING - REZONING - ELM STREET - MR. GRAHAM SMITH - LE CHATEAU MANAGEMENT

ORDINANCE NO. 936 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. A public hearing was held relative to rezoning property on Elm Street from R-4 Residential District to CH Commercial Highway District, request submitted by Mr. Graham Smith, Le Chateau Management.

Mayor Ochsenreiter opened the public hearing at 7:45 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, on December 8, 1976, recommended approval of the petition submitted by Mr. Graham Smith of Le Chateau Management for the rezoning of Lots 156-161 found on Sheet 2 of Ward 2 from R-4 Residential to CH, property located on Elm Street. He said during the meeting of the Planning and Zoning a problem of access was discussed, however the Commission felt that the problem of poor access could be overcome by the developer. He reviewed, by the use of a map, the location of the proposed rezoning. He said no objections to the rezoning had been received.

Mr. Graham Smith of Le Chateau Management told Council that a modern, semi-luxury steakhouse with professional landscaping is proposed for the location. He said the building will be an asset to downtown Asheville and will enhance the surrounding property. Being property fronting the expressway, the rezoning should correspond with other development in downtown Asheville.

Mayor Ochsenreiter commented that sign regulations for the proposed restaurant had been reviewed and approved under the regulations of the proposed new sign ordinance.

Mayor Ochsenreiter closed the public hearing at 7:54 o'clock p. m.

The City Manager read the ordinance rezoning the property as petitioned.

Councilman Hoyle moved for the adoption of Ordinance No. 936. This motion was seconded by Councilman Rainey.

On a roll call vote of 5-0, Ordinance No. 936 passed on first reading.

PUBLIC HEARING - AMENDMENT TO ORDINANCE NO. 322 - ALLOWING VETERINARY HOSPITALS AND CLINICS AS ALLOWABLE USES IN COMMERCIAL HIGHWAY DISTRICT

3. A public hearing was held relative to an amendment to Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, including veterinary hospitals and clinics as allowable uses in the Commercial Highway District.

Mayor Ochsenreiter opened the public hearing at 7:55 o'clock p.m.

Thursday - January 13, 1977 - 7:30 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilmen J. W. Hoyle, Otis B. Michael, Gene E. Rainey, Councilwoman JoAnn M. Swilling, Corporation Counsel Robert J. Robinson, substituting for William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Ralph D. Morris, Jr.

APPROVAL OF MINUTES

1. Approval of the minutes of the January 6, 1977 meeting.

Upon motion of Councilwoman Swilling, seconded by Councilman Hoyle, the minutes of the January 6, 1977 meeting were approved as submitted.

SPIVEY MOUNTAIN ROAD - WATER PROBLEMS - REPORT

Since there were several residents attending the meeting relative to water problems in the Spivey Mountain Road area, Mayor Ochsenreiter asked for a progress report on the problems.

Mr. Bob Brown, Water and Sewer Maintenance Superintendent, told Council that at this time the problem in the Spivey Mountain-Happy Valley Road-Johnson School Road had not been determined. He said these customers have been on low water pressure and some have been out of water since the first part of the week. He said they are still working on isolating the problem. He said plans are to put in line valves, take pressures, and determine whether there is a frozen water problem or a broken water line that has not surfaced because of the snow and ice. He said Jerry VeHaun, Civil Defense Coordinator, is, at this time, overseeing a water hauling operation to the residents of the area in an attempt to give temporary relief. He said the lines in the area are very small and old and there is a definite need for larger lines in the area.

Mrs. Morrell said she had lived on Spivey Mountain for three years and has had low water pressure ever since she moved there. She said she had been out of water since Monday. She appealed to Council for positive improvements such as better lines.

Mayor Ochsenreiter instructed the City Manager to make a thorough study of the problems and determine what capital would be necessary to make improvements to the lines.

Mayor Ochsenreiter told Mrs. Morrell that she would be informed of any progress made on improvements to the Spivey Mountain area.

Mr. Brown said crews were also working on Cherokee Road, where five houses are out of water. He said the water main coming off the top of Sunset is possibly frozen where it crosses over a culvert. He said the thawing crew is now working at the site.

ORDINANCE NO. 938 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77 (DEAVERVIEW ROAD CONNECTOR)

6. Consideration was given to an ordinance amending the operating budget of the City of Asheville for fiscal year 1976-77 relative to the Deaverview Road Connector.

The City Manager read the ordinance and explained that a Water System Improvement Fund Activity, known as the Deaverview Road Connector had been proposed in previous fiscal year budgets for a appropriation of $5,000, however engineering designs have been undertaken and cost estimates based upon actual design drawings indicate the total cost of the said Deaverview Road Connector will be approximately $17,000. The Sardis Road Water Line has been completed and there remains in this Activity a balance of $13,451.44. This ordinance, if adopted, would amend the budget to close out the Sardis Road Water Line by transferring $12,000 to the Deaverview Road Connector Activity and tansfer the balance, $1,451.44 to the Water System Improvement Fund Contingency Activity.

Councilwoman Swilling moved for the adoption of Ordinance No. 938. This motion was seconded by Councilman Hoyle.

On a roll call vote of 5-0, Ordinance No. 938 passed on first reading.

Vice-Mayor Horton moved to suspend the rules and proceed to the second reading of Ordinance No. 938. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 938 passed on its second reading.

Vice-Mayor Horton again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 938. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 938 passed on its third and final reading.

Complete text of Ordinance No. 938 will be found in Ordinance Book No. 7 at page 91.

RESOLUTION NO. 77-5 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH 30 CRESCENT STREET, 114 MILLBROOK ROAD, 37 RAVENSCROFT DRIVE AND 7 TOXAWAY STREET

7. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish 30 Crescent Street, 114 Millbrook Road, 37 Ravenscroft Drive and 7 Toxaway Street.

The City Manager read the resolution.

Councilman Hoyle moved for the adoption of the resolution setting the public hearing date for February 10, 1977. This motion was seconded by Councilman Rainey and carried unanimously.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said upon a request received from Dr. David F. Thompson, D.V.M., of Annapolis, Maryland, the Planning and Zoning Commission recommended approval of the wording change which would allow veterinary hospitals and clinics as a conditional use in the Commercial Highway District. This would permit this type of use, but guarantee control through the Board of Adjustments. He reviewed the various locations which would be affected by this change.

After discussion, Mayor Ochsenreiter closed the public hearing at 8:07 o'clock p. m.

The City Manager read the ordinance providing for the wording change as recommended by the Planning and Zoning Commission.

Vice-Mayor Horton moved for the adoption of Ordinance No.937. This motion was seconded by Councilwoman Swilling.

On a roll call vote of 5-0, Ordinance No. 937 passed on first reading.

ORDINANCE NO. 933 - AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE BODY KNOWN AS THE ASHEVILLE AREA CIVIC CENTER COMMISSION, AS AMENDED

4. Consideration was given to the third and final reading of Ordinance No. 933, an ordinance establishing an administrative body known as the Asheville Area Civic Center Commission, as amended.

Mayor Ochsenreiter stated that this ordinance has been read previously on two readings and members of Council were furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 933 passed on its third and final reading.

Complete text of Ordinance No. 933 will be found in Ordinance Book No. 7 at page 80.

Mayor Ochsenreiter commented that in the near future the nine (9) members to the Commission would be appointed.

ORDINANCE NO. 934 - AN ORDINANCE AMENDING ORDINANCE NO. 861, KNOWN AS "AN ORDINANCE ESTABLISHING THE ASHEVILLE GENERAL EMPLOYEES' RETIREMENT PLAN AND TRUST"

5. Consideration was given to the second reading of Ordinance No. 934, an ordinance amending Ordinance No. 861, known as "AN ORDINANCE ESTABLISHING THE ASHEVILLE GENERAL EMPLOYEES' RETIREMENT PLAN AND TRUST".

Mayor Ochsenreiter stated that this ordinance has been read previously on first reading and members of Council were furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 934 passed on its second reading.

PRESENTATION - ARROWHEAD APARTMENTS

Verl Emrick, Planning Director, said the Arrowhead Apartment project is proposed by Alco Properties, Inc. The proposed project is to be located next to the Oak Knoll Jaycees Project on Wood Avenue in Southeast Asheville. He said this Section 8 Housing Project, proposed to contain 150 units, 100 of which will be for elderly, 24-2 bedroom units, 10- 3 bedroom units, and 16-1 bedroom units for occupants other than elderly, was moved from the State Street-Michigan Avenue area after its disapproval. He said the Planning Division reviewed the preliminary site plan and in checking the surrounding site has found that water is available given the assurance by the developer that he will install a 6" main on Glendale Avenue to the property. The sanitary sewer service can be provided from a 10" line near the Southern Railroad. The Asheville Transit Authority, which now serves the Oak Knoll Project, has given assurance that this area could also be served. The area is in close proximity to shopping centers. He said the zoning permits this type project with the maximum density of 16 units per acre. This project does meet these density requirements.

Mr. Emrick said the allocation of these units will not come from any subsequent years allocation of Section 8 units by HUD. They are already committed from prior fiscal years commitment that was obtained for the West Asheville site.

Larry Holt, of the Asheville Housing Authority said the only concern of the Authority is the impaction of low income families in the area. He said there are 180 existing units in the area and 50 units in the East View Homes. This additional 150 units would bring the total to 380 for the area, which would not be impacting the community.

Ridgley Robinson, architect for the project, said the project would be harmonious with the community and the site is ideal for luxury housing. He said it would only be 2 minutes from shopping and entertainment.

Cecilia Rhodes, representative of the Oakley PTA, spoke in opposition to another housing project in the community citing the overcrowding of the school as a problem. She said she did not feel it was right to concentrate low income families in one community. She said it would put strains on the total concept of the community.

Ray Barr, representative of the Oakley's Mens Club spoke in opposition to another housing project in the Oakley community due to the overcrowded conditions in sponsoring recreational activities for the youth in the area. He said an additional housing project would make the situation worse. He also commented that this project would overtax the community's physical facilities and capabilities.

Lorraine Conner, an Oakley resident, also spoke in opposition to another housing project in the area due to the problems now encountered from the existing Oak Knoll Project.

Bob Anderson, an Oakley resident, spoke in opposition to the housing project due to traffic congestion.

Mrs. Hilton, from Sayles-Biltmore Bleacheries, spoke in opposition to the housing project being built in the community.

Complete text of Resolution No. 77-5 will be found in Resolution Book No. 9 at page 185.

ORDINANCE NO. 939 - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, CHAPTER 28 - TRAFFIC, SPECIFICALLY SECTION 28-96 (PASSENGER ZONES AND LOADING ZONES) AND SECTION 28-107 (IMPOUNDMENT OF PARKED VEHICLES).

8. Consideration was given to an ordinance amending the Code of Ordinances of the City of Asheville, Chapter 28 - Traffic, specifically Section 28-96 (passenger zones and loading zones) and Section 28-107 (impoundment of parked vehicles).

The City Manager read the ordinance.

Councilman Michael asked that it be made clear in the ordinance that the owner be notified of the location of where his vehicle will be stored.

Councilman Rainey moved that the ordinance be amended to amend sub-section (f) to read as follows: (F) Vehicle parked in violation of a city ordinance or state statute except for those vehicles that are parked in an overtime parking space.

Drew Walker, Asheville Police Legal Advisor, said this section was put in to allow for unforeseen incidents, such as someone with many unpaid parking violations.

Mayor Ochsenreiter suggested that before the second reading of the ordinance Mr. Walker and the Corporation Counsel work on an ordinance which would be satisfactory to members of Council.

Councilwoman Swilling moved for the adoption of Ordinance No. 939. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 4-1, Ordinance No. 939 passed on first reading, with Councilman Michael voting "no".

RESOLUTION NO. 77-6 - RESOLUTION AUTHORIZING THE ADVERTISEMENT OF A LEASE-PURCHASE AGREEMENT AUTHORIZING THE CITY OF ASHEVILLE TO SELL DISPOSAL PARCEL 1 IN THE CIVIC REDEVELOPMENT AREA (N. C. R-13) TO ALLEN CENTER

9. Consideration was given to a resolution authorizing the advertisement of a lease-purchase agreement authorizing the City of Asheville to sell disposal parcel 1 in the Civic Redevelopment Area (N. C. R-13) to Allen Center.

The City Manager read the resolution and explained that Disposal Parcel 1 was originally intended for purchase by the Allen Center but they were unable to exercise their option at the time the Housing Authority was in the process of closing out the Civic Redevelopment Project and this resolution would authorize a lease purchase agreement with the Allen Center.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 77-6 was unanimously adopted.

Complete text of Resolution No. 77-6 will be found in Resolution Book No. 9 at page 187.

Councilman Michael said he felt Council should refuse all housing projects for the time being regardless of the money and take another look as to why it is necessary for the City to have 100 or 150 units rather than having 1 or 2 units in different neighborhoods. He said the communities are turning into Housing Projects.

Councilman Rainey moved that a copy of the minutes of the meeting relative to the Arrowhead Apartment Project be forwarded to the HUD officials. This motion was seconded by Councilman Michael and carried unanimously.

PETITION - TRAFFIC PROBLEMS - BEAUCATCHER MOUNTAIN VIA COLLEGE STREET

The City Manager read the following petition:

TO WHOM IT MAY CONCERN:

We are concerned about the increase in thru traffic traveling back and forth over Beaucatcher Mountain via College Street. The increase in traffic seems to be caused by the engineering and construction work associated with the cut through Beaucatcher Mountain and the traffic congestion at the tunnel, also excessive speeding primarily between the hours of 7:15 A.M. to 8:30 A.M., 11:30 A.M. to 1:00 P.M., and 4:30 P.M. to 6:00 P.M.

Since these traffic problems will be with us for some time, at least until the open cut is complete, we would appreciate appropriate City and State Departments working out some practical solutions. In particular, we would like the following items given consideration, especially since we have experienced some hazardous experiences during the last two snows:

1) Sanding Mountain and College Streets by 6:30 A.M. in times of snow and ice conditions. Before College Street was closed leading to Town Mountain Road there was not as steep an incline leading to the the Expressway or to the main traffic arteries. However, since College Street is closed the only access to main traffic arteries is on Mountain Street. This Street is very narrow, it is used for school pickups, and is the main access to Lucy Herring School facilities. Another reason that we are making special emphasis about early sanding is that in previous years sanding has been done too late in the day or not at all.

2) Mountain Street should be widened and the curbs broadened at the intersection of College Street.

3) Speed limit signs posted or erected.

Any other traffic changes that could be implemented to help alleviate this congestion would certainly be appreciated.

Very truly yours,

Mr & Mrs Jerry M. Thomas
457 College St.

Mr. & Mrs. Ralph B. Brown, Jr.
478 College Street

Kirby A. McGee
444 East College St

Mr. & Mrs. H. E. Cooper
485 College Street

Mr. & Mrs. R. B. Brown Jr.
55 Northwood Rd.

[illegible]
474 College St.

Verl Emrick said the purpose of the presentation is to respond as the Council has with every other Section 8 Housing to HUD officials. They have notified the City that this project has been accepted for review and this is Council's chance to comment on it. Even with this comment, should this project be approved by HUD it will still have to go through a group development review. He said the Planning Staff, needs direction from Council as to how to respond to the HUD officials relative to the project.

Ridgley Robinson commented that the 100 units designed for the elderly in the proposed project would definitely be filled with elderly people. He said in his opinion 40 to 45 children would be added to the community by this project.

Councilman Michael said that HUD officials, as with the Oteen VA Hospital site and the Battery Park Hotel site, approved what they wanted to without considering Council's comments. He said he did not feel he should tell HUD what to do when they are going to approve what they want to.

Councilman Rainey agreed with Councilman Michael's comments. He said Council should be concerned with the immediate problems in the Oakley community without additional public housing.

Councilman Hoyle asked Ridgley Robinson if the developer would amend his proposal to make a complete elderly housing project.

Upon inquiry of Councilwoman Swilling, Mr. Robinson said HUD's approval of the project is contingent upon local approval.

Mr. Robinson said the developer investigated all aspects of the site which met all the requirements. He said he did not feel an existing housing project should be a detriment to another project. He said all locations proposed for multi-family dwellings receive some opposition.

Councilwoman Swilling said she felt the developers should have chosen a site that was not in close proximity to an existing housing project.

Councilman Michael commented that further input from more people in the neighborhood should be obtained such as from the schools, churches, etc.

Mr. Robinson said the proposal to add these units is in complete keeping with the City of Asheville adopted Housing Assistance Plan.

Vice-Mayor Horton said this proposal seems to have the same character of problems as previously proposed in the West Asheville area.

Mrs. Rhodes also spoke of the crime that has increased in the Oakley community since Oak Knoll Project was put in. She said if the federal government could afford to put in these units they could afford to pay for the control of the overcrowding situation such as schools, recreation, etc.

Mr. Robinson said he would relay the message of the desire for a complete elderly housing project to the proposed developers.

Mr. John Fuller, also spoke in opposition to the proposed project. He said these projects turn the community into ghetto's. He suggested redeveloping existing vacant houses in the City of Asheville.

Thursday - January 20, 1977 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilmen J. W. Hoyle, Otis B. Michael, Gene E. Rainey, Councilwoman JoAnn M. Swilling, Corporation Counsel William C. Moore, Assistant City Manager William F. Wolcott, Jr., Acting City Clerk Carol Hensley

Absent: Councilman Ralph D. Morris, Jr.

APPROVAL OF MINUTES

1. Approval of the minutes of the January 13, 1977 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, the minutes of the January 13, 1977 meeting were approved as submitted.

PUBLIC HEARING - REZONING CORNER OF ST. DUNSTAN'S ROAD AND McDOWELL STREET - R-3 RESIDENTIAL TO OFFICE INSTITUTIONAL - MOORE OFFICE BUILDING, INC.

ORDINANCE NO. 940 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. A public hearing was held relative to rezoning property at the corner of St. Dunstan's Road and McDowell Street from R-3 Residential District to Office Institutional District, property owned by James W. Moore, Moore Office Building, Inc.

Mayor Ochsenreiter opened the public hearing at 3:05 o'clock p. m.

The Assistant City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, on December 8, 1976 voted to recommend denial of the petition for rezoning due to traffic problems at McDowell Street and St. Dunstan's Road relative to the volume of traffic passing this intersection and also the speed of vehicles coming off the viaduct, traveling north. Also, at present the streets provide a natural boundary between the residential zone and that of either the Office Institutional or Heavy Industrial and rezoning could be detrimental to the residential area.

Mr. Emrick said due to written objections from adjoining property owners, constituting 20 per cent of the area, a 3/4 favorable vote of all members of Council would be necessary to rezone the property as petitioned.

He said since the Planning and Zoning hearing the Tax Office had obliterated Lots 220, 96, 97, 98, 99 and 100 and the rezoning would be for a portion of Lot 5, excluding those tax lots formerly identified as 94 and 95. He said Mr. Moore was not requesting the rezoning of Lots 94 and 95 to assure the adjoining property owners of a buffer between the proposed business and the residential area.

Richard Wood, attorney representing Mr. James W. Moore, said Mr. Moore had purchased the property in July, 1973 and at that time it was his understanding that the property was zoned Commercial. He said Mr. Moore now has the Arco Blue Printing Company on Biltmore Avenue and is forced to move to another location.

COUNCILMAN MICHAEL - REPORT OF FAA MEETING

Councilman Michael said he had attended a meeting with FAA and the Airport Director and within the next two weeks general aviation aircraft will be allowed to depart and take on passengers at the air terminal. This will help in several ways, it will help in the restaurant and the car rental services as well as the gift shop and hopefully the airport revenues.

Adjournment.

Eugene S. Clarke Jr.
MAYOR

William O. Nesbitt
CITY CLERK

ORDINANCE NO. 936 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

3. Consideration was given to the second reading of Ordinance No. 936, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, rezoning property on Elm Street from R-4 Residential District to CH Commercial Highway District.

Mayor Ochsenreiter stated that the ordinance was previously read on first reading and members of Council have been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 936 passed on second reading.

ORDINANCE NO. 937 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

4. Consideration was given to the second reading of Ordinance No. 937, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, allowing for veterinary hospitals and clinics as conditional uses in the Commercial Highway District.

Mayor Ochsenreiter stated that the ordinance was previously read on first reading and members of Council have been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 937 passed on second reading.

ORDINANCE NO. 934, AN ORDINANCE AMENDING ORDINANCE NO. 861, KNOWN AS "AN ORDINANCE ESTABLISHING THE ASHEVILLE GENERAL EMPLOYEES' RETIREMENT PLAN AND TRUST"

5. Consideration was given to the third and final reading of Ordinance No. 934, an ordinance amending Ordinance No. 861, known as "AN ORDINANCE ESTABLISHING THE ASHEVILLE GENERAL EMPLOYEES' RETIREMENT PLAN AND TRUST".

Mayor Ochsenreiter stated that the ordinance was previously read on first and second readings and members of Council have been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 934 passed on third and final reading.

Complete text of Ordinance No. 934 will be found in Ordinance Book No. 7 at page 85.

He said he purchased the property on McDowell Street dus to the close proximity of the present location. He said Arco Blue Printers have an average of 30 customers per day and he did not feel that this was a substantial increase in traffic in the area. He said in his opinion the property does not lend itself to a residential area. He said it was felt that the premature grading of the area concerned the adjoining property owners, however since that time Mr. Moore had met with the property owners in an effort to avoid further annoyance.

Roger Lyda, architect, reviewed the details of the proposed business by the use of a scale model of the property. He said a heavy buffer zone would be placed between the residential area and the business. He answered general architectural questions from members of Council.

Council's principal reservation concerning the proposed rezoning was the problem of traffic flow on McDowell Street in particular, the lack of a traffic light along that stretch of McDowell between Doctor's Drive and the viaduct.

Councilman Michael said the Department of Transportation said there wasn't enough traffic on McDowell to warrant a traffic light.

Concern was expressed that construction of the proposed office building would worsen the problem.

It was the consensus of Council for staff, along with the developer, to work with the Department of Transportation to work out a definite solution to the traffic problem.

Mr. Albert Awald, of 172 St. Dunstan's Road, who had objected to the rezoning, said he would withdraw his opposition if Mr. Moore would build the building like he proposed with a heavy buffer zone for the residential area.

Mr. Jack L. Ingle, of 25 St. Dunstan's Circle, also had opposed the rezoning but said he would withdraw his opposition if Mr. Moore would make the heavy buffer zone a first priority on the project.

Mr. Moore assured Mr. Ingle that the buffering would be a first priority.

Mayor Ochsenreiter closed the public hearing at 3:50 o'clock p. m.

The Assistant City Manager read a prepared ordinance rezoning the property as petitioned.

Councilman Rainey moved for the adoption of Ordinance No. 940. This motion was seconded by Councilman Hoyle.

Vice-Mayor Horton suggested that the Planning Staff have a traffic engineering study made to determine a definite solution to the traffic problem.

Mr. Emrick said such a report should be available within two weeks prior to the third reading of the ordinance.

On a roll call vote of 6-0, Ordinance No. 940 passed on first reading.

Upon motion of Councilman Hoyle, seconded by Councilwoman Swilling, Resolution No. 77-7 was unanimously adopted.

Complete text of Resolution No. 77-7 will be found in Resolution Book No. 9 at page 88.

RESOLUTION NO. 77-8 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE THREE SEPARATE RIGHT-OF-WAY AGREEMENTS WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF A 12-INCH WATER LINE ON HAYWOOD ROAD AT COVINGTON STREET AND THE CROSSING OF SAND HILL ROAD AT SHELBURNE ROAD. ALSO FOR AN 8-INCH WATER LINE TO BE INSTALLED ON U. S. 19-23 (PATTON AVENUE) IN THE VICINITY OF DEAVERVIEW ROAD

8. Consideration was given to a resolution authorizing the Mayor to execute three separate right-of-way agreements with the North Carolina Department of Transportation for the installation of a 12-inch water line on Haywood Road at Covington Street and the crossing of Sand Hill Road at Shelburne Road. Also for an 8-inch water line to be installed on U. S. 19-23 (Patton Avenue) in the vicinity of Deaverview Road.

The Assistant City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilman Michael, Resolution No. 77-8 was unanimously adopted.

Complete text of Resolution No. 77-8 will be found in Resolution Book No. 9 at page 89.

RESOLUTION NO. 77-9 - RESOLUTION OF INTENT TO CLOSE LAUREL STREET AND PORTIONS OF McLEAN STREET AND OAK STREET AND CALLING A PUBLIC HEARING ON THE QUESTION

9. Consideration was given to a resolution of intent to close Laurel Street and portions of McLean Street and Oak Street and calling a public hearing on the question.

Verl Emrick, Planning Director, said the petitioner, Thomwins, Inc., is requesting this action in order to develop a twelve (12) lot subdivision near these streets. He said the staff reviewed the plans for this subdivision, and determined that the plat will not be subject to the normal review and approval process. Although the subdivision approval process is not required in this case the owners have submitted the plans for our recommendations and the review indicates that the plat complies with Ordinance No. 424, Subdivision Regulations. The streets have not been developed or accepted by the City of Asheville therefore, it is the staff's recommendation that a public hearing be set and action be taken to close these streets . He said it would not affect the Powell Bill funds and the property owners will not be deprived of access and the closing would be in the best interest of both the City and the Developer.

The Assistant City Manager read the petition and resolution scheduling the public hearing for February 24, 1977.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton , Resolution No. 77-9 was unanimously adopted.

Complete text of Resolution No. 77-9 will be found in Resolution Book No. 9 at page 90.

ORDINANCE NO. 939 - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, CHAPTER 28 - TRAFFIC, SPECIFICALLY SECTION 28-96 (PASSENGER ZONES AND LOADING ZONES) AND SECTION 28-107 (IMPOUNDMENT OF PARKED VEHICLES).

6. Consideration was given to the second reading of Ordinance No. 939, an ordinance amending the Code of Ordinances of the City of Asheville, Chapter 28-Traffic, specifically Section 28-96 (passenger zones and loading zones) and Section 28-107 (impoundment of parked vehicles).

The Assistant City Manager said since the first reading several amendments have been made to the ordinance in order to comply with several members of Council's requests. He read the ordinance, with the amendments which included sub-section (F) of Section 28-107 "List of Categories" to read: "Vehicle parked in violation of a state statute or a city ordinance, except the city ordinance against overtime parking"; the second sentence of the second paragraph in Section 28-107 was inserted to read: "It shall be the duty of the Police Department to notify the owner of the vehicle or, if the owner is incapable of understanding notifications, to notify a responsible respresentative of impoundment"; Section 28-96 was amended to give the City Manager the authority to determine, designate and locate passenger zones, loading zones and tow-away zones on the highways, streets, and roadways within the City rather than the Chief of Police.

Vice-Mayor Horton moved to amend the ordinance as read by the Assistant City Manager except to change the second sentence in the second paragraph to read: "It shall be the duty of the Police Department to notify the owner of the vehicle or, if the owner is incapable of understanding said notice, to notify a responsible representative of the owner."

Mr. E. R. McCarthy said trailers and other vehicles should be included in the proposed ordinance. He questioned whether there would be abuse or favoritism shown if Council did not regulate a wrecker fee and storage fee. He also questioned whether the wrecker companies would have insurance to cover the vehicles being towed.

Mr. Drew Walker, Asheville Police Legal Advisor, said he was contacting other cities to see how they were regulating wrecker and storage fees and other aspects of the subject and a proposal should be forthcoming on the matter.

On a roll call vote of 5-0, Ordinance No. 939, as amended, passed on second reading.

RESOLUTION NO. 77-7 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE NORTH CAROLINA BOARD OF TRANSPORTATION AND THE CITY OF ASHEVILLE RELATIVE TO REIMBURSABLE WORK AT THE INTERSECTION OF US 19-23 AND HAZEL MILL ROAD

7. Consideration was given to a resolution authorizing the Mayor to execute an agreement between the North Carolina Board of Transportation and the City of Asheville relative to reimbursable work at the intersection of U. S. 19-23 and Hazel Mill Road.

The Asst. City Manager read the resolution and explained that Council had previously authorized this work and the North Carolina Board of Transportation would relocate and reconstruct the intersection of U. S. 19-23 and Hazel Mill Road. He said the estimated cost for the performance of the work is $3,000.00.

inadequate fire hydrants such as the north end of town, West Asheville, Haw Creek, and Oakley and some in the Town Mountain area on the east side of town. He said these inadequacies have been discussed with the Water and Sewer Director and should be corrected as money permits. He said the Fire Department is well aware of which areas are inadequately supplied with hydrants. When called to fight a fire in one of these areas, the tanker and the pumpers are dispatched to ensure an adequate supply of water. The three pumpers have a capacity of 500 gallons each, while the tankers hold 1,250 gallons.

Chief Ball said the AIA recommends spacing of fire hydrants at 800 to 1,000 feet from each house. He estimated that 15 per cent of the houses within the City Limits are located too far from the nearest fire hydrant.

In 1976, because of construction being done in various water lines, only a spot check was done. Of the approximately 500 hydrants checked, 100 were replaced and 200 or more were repaired.

Chief Ball explained that some of the old hydrants can not be repaired because replacement parts are not available. These are being replaced as money permits.

Councilman Michael complained that the same fire hydrants have been inspected year after year and have been found defective and there's just a report made and nothing is done about it. He said more and more money for water improvements outside the City Limits is being spent, while inside the city limits 15 per cent of the houses still have no fire hydrants. He said Council has the duty to provide adequate fire protection, not to 85 per cent of the people of Asheville, but to 100 per cent. He requested the City Manager to furnish Council with a report showing how the City will reduce the 15 per cent inadequacy to zero. He said perhaps the Council's committee, of which he is a member, needs to look at increasing water rates to furnish adequate fire protection.

REPORT ON WORK CONDITIONS IN COLD WEATHER

W. Michael Smith, Director of Central Services, said the recent cold weather and recent snows has significantly affected the City's operation in almost every area. He said one of the major areas affected is of the number of injuries of those working in the cold weather with snow and ice conditions. He said in the period from December 15 to January 19 there has been a total of nine compensable lost-time injuries, of these three were major injuries consisting of a broken wrist, a broken hand and a double fracture with dislocation.

Mr. Smith commended all the department and division heads and the Safety Officer for their emphasis on safety adding that the City was lucky to get by with only nine injuries.

He said another point was the number of calls for service that had been received. During the period December 1, 1975 to January 30, 1976 a total of 2,325 calls for service was received and in the period of only four weeks between December 19, 1976 and January 19, 1977 more than 4,000 calls were received by the Service and Information Division. This does not include calls directly to the Water Department, Mayor's Office or the City Manager's Office.

EFFECTIVE DATE OF ORDINANCE NO. 934-AN ORDINANCE AMENDING ORDINANCE NO. 861, KNOWN AS "AN ORDINANCE ESTABLISHING THE ASHEVILLE GENERAL EMPLOYEES' RETIREMENT PLAN AND TRUST"

Vice-Mayor Horton noted, for clarification, that Ordinace No. 934 became effective as of January 1, 1977.

RESOLUTION NO. 77-10 - RESOLUTION APPOINTING MEMBERS TO THE BOARD OF DIRECTORS OF THE ASHEVILLE-BUNCOMBE COMMUNITY RELATIONS COUNCIL (Libby Henry and Joe Trulove)

Consideration was given to a resolution appointing Libby Henry and Joseph Trulove as members of the Board of Directors of the Asheville-Buncombe Community Relations Council.

The Assistant City Manager read the resolution.

Upon motion of Councilman Rainey, seconded by Councilman Michael, Resolution No. 77-10 was unanimously adopted.

Complete text of Resolution No. 77-10 will be found in Resolution Book No. 9 at page 92.

ADVERTISING OF AIRPORT LEASES - HERTZ, AVIS, NATIONAL RENTAL CARS, GIFT SHOP AND LIMOUSINE SERVICE

Corporation Counsel William C. Moore advised Council that the leases for the Hertz Corporation, Avis Rent A Car System, Inc. and National Car Rental of Asheville, Inc., gift shop, and limousine service have been negotiated and agreed upon and it would be necessary for Council to authorize the advertisement of such leases.

Vice-Mayor Horton moved to authorize the City Clerk to advertise the leases of Hertz Corporation, Avis Rent A Car System, Inc. and National Car Rental of Asheville, Inc., gift shop and limousine service for the Asheville Airport. This motion was seconded by Councilman Hoyle and carried unanimously.

ELECTRIC POWER SHORTAGE

Mayor Ochsenreiter announced that he had been in contact with Mr. Dyson of the Carolina Power and Light Company regarding the electric power shortage. He said service would not be cut back if customers would conserve during the cold weather.

REPORT BY FIRE CHIEF - FIRE HYDRANTS

Chief Ball reported that the American Insurance Association requires that the Fire Department inspect each fire hydrant in the City Limits annually. He said in 1975, 1,527 fire hydrants were inspected, and seven per cent (7%) were found to be in need of repair. He said the Fire Department reports each inadequate hydrant to the Water Department. He said in 1975 the Water Department did repair the 7 per cent except for the ones that indicated low pressure. He said all of the fire hydrants in the City are color-coded on top to indicate how many gallons they can supply per minutes. A red capped hydrant indicates a capacity of approximately 500 gallons per minute while orange means 750 gallons and green means 1,000 gallons. He said there are certain areas in the City that have

POLICE DEPARTMENT

ASHEVILLE

NORTH CAROLINA

JOSEPH C. HALL
CHIEF OF POLICE

January 18, 1977

Ernest J. Hard, Jr.
City Manager
Asheville, North Carolina 28807

Dear Mr. Hard:

As you know, I recently sustained a heart attack at the Police Department and was hospitalized for several days. I have not, at this point, returned to duty.

My doctors have advised me that I am not physically able to resume my duties, therefore this is to request that I be placed on disability retirment, effective February 1, 1977.

The doctors decision has not been easy to accept, but I feel that I must abide by their instructions.

It has been an honor and a privilege to serve the citizens of this community and I assure you of my continued support.

Sincerely,

Joseph C. Hall

ALL-ASHEVILLE LIVING

Mr. Smith said another major problem is the tremendous amount of overtime for weather-related work. He said during the five week period of December 4, 1976 and January 7, 1977 seven per cent of the payroll was for overtime. During the last week overtime accounted for 19.2 per cent of the City payroll. In some departments such as the Street Department and the Water Department overtime is running as high as 40 to 50 per cent of the payroll. He said, normally, overtime is held below 3 per cent.

Assistant City Manager William F. Wolcott, Jr., said street crews and water department personnel have been working almost around the clock but if the cold weather continues something will have to worked out about cutting down the overtime.

Councilman Rainey commented that Providence Road and Garden Road still had not been sanded five or six days after the snow. He said some kind of contingency plan should be made for this type of weather.

DAVID JOHNSON - 9 WEAVER STREET - WATER BILL

Mr. David Johnson, of 9 Weaver Street, complained of an extremely high water bill which he could not pay due to a limited income. He said the Water Department had notified him that they were going to disconnect his water.

Mayor Ochsenreiter requested that Mr. Johnson meet with the Assistant City Manager after the meeting to solve his problem.

CURVE AT N. C. 694 - TOWN MOUNTAIN ROAD - REQUEST OF COUNCILMAN MICHAEL

Councilman Michael requested that the City Manager request the Department of Transportation to eliminate the curve at the bottom of N. C. 694 that was altered to make the open cut.

REQUEST OF COUNCILMAN RAINEY - AUTOMOBILE SPARE PARTS

Councilman Rainey requested a report of the amount of money spent on automobile spare parts and where they are purchased.

APPOINTMENTS TO BOARD OF TAX SUPERVISION - MR. JOHN B. FISHER AND MR. TRAYNHAM HOUSTON

Mayor Ochsenreiter announced that he and Curtis Ratcliff, Chairman of the Buncombe County Board of Commissioners were jointly appointing Mr. John B. Fisher, 24 Woodgate Drive and Mr. Traynham Houston, 133 Red Oak Road, to serve on the Buncombe County Board of Tax Supervision.

Mayor Ochsenreiter instructed the City Clerk to include the appointment in the minutes and to advise the Tax Supervisor of this appointment.

RESIGNATION OF CHIEF J. C. HALL AS CHIEF OF POLICE

The Assistant City Manager read the following letters relative to the resignation of Chief J. C. Hall as Chief of Police:

Vice-Mayor Horton expressed his personal appreciation to Chief Hall and suggested that a proper resolution of appreciation be prepared.

Adjournment.

Eugene D. Siegenthaler Jr.
MAYOR

Norman D. Delcatto
CITY CLERK

CITY OF ASHEVILLE

ASHEVILLE, NORTH CAROLINA

January 20, 1977

OFFICE OF
CITY MANAGER

Honorable Eugene C. Ochsenreiter and
Members of the Asheville City Council
City Hall
Asheville, North Carolina

Dear Councilpersons:

The Charter of the City of Asheville provides that the City Manager shall inform the Council of any change in the status of an appointment made by the Manager in the Administrative Service. Chief of Police Joseph C. Hall has informed me, by letter dated January 18, 1977, a copy of which is attached, that his doctors have advised him that he is not physically able to resume his duties and is requesting that he be placed on disability retirement effective February 1, 1977.

Chief Hall will be placed on disability retirement February 1, 1977 in accordance with the Policemen and Firemen Pension Fund.

Assistant Chief of Police Joseph Trulove has been named Acting Chief of Police until such time as Chief Hall's successor is appointed.

I am instructing Personnel Director, Michael Smith, to begin accepting applications for Chief of Police so that they will be available for review for the next City Manager.

Joseph C. Hall has been employed by the City of Asheville since 1946. He was named Assistant Chief in 1954 and was appointed Chief in 1967. The City of Asheville can be proud of this service and performance rendered by Chief Hall. His knowledge and ability as a law enforcement official has been recognized by state and federal agencies. Chief Hall is a loyal and dedicated servant to the citizens of Asheville and it has been a privilege for me to work with him.

Very truly yours,

Ernest J. Ward
City Manager

EJW/cah

ALL ASHEVILLE LIVING

He said during the Planning and Zoning meeting four letters in opposition from nearby property owners were presented and as a result the twenty percent (20%) protest rule applied which required a favorable vote of three-fourths of all members of City Council to approve the zoning change. However, since that time one of the adjoining property owners, Mr. Wallace Hensley, who had opposed the rezoning withdrew his opposition on January 26, 1977. Therefore, the twenty percent protest rule no longer applies to this particular rezoning. Consequently, only a simple majority is required to approve this request.

Mr. Jerry Miller, attorney representing Mrs. Louise Ray, said Mrs. Ray was requesting the rezoning in order to allow for a dress outlet shop or a repair shop in the basement of her house. Responding to the objections of the Planning and Zoning Commission, he said the Commission acted upon the matter under the impression that the twenty percent protest rule applied. He said the increased curb cuts was regulated by the State Highway Commission and there would be no difference in residential or commercial curb cuts. He said the area has already developed into a commercial area therefore, the intrusion into an existing residential neighborhood would not be a realistic objection. He requested Council's favorable recommendation.

After discussion, Mayor Ochsenreiter closed the public hearing at 3:18 o'clock p. m.

The City Manager read the ordinance rezoning the property as petitioned.

Councilman Hoyle moved for the adoption of Ordinance No. 941. This motion was seconded by Councilwoman Swilling.

On a roll call vote of 4-0, Ordinance No. 941 passed on first reading.

Councilman Morris said he would like to see pictures of house and what lies on both sides of the house before the second reading of the ordinance.

ORDINANCE NO. 940 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Property Corner of St. Dunstan's Road and McDowell Street)

4. Consideration was given to the second reading of Ordinance No. 940, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, property at the Corner of St. Dunstan's Road and McDowell Street.

Mayor Ochsenreiter stated that the ordinance was previously read on first reading and members of Council have been furnished with copies of the ordinance and it would not be re-read in its entirety unless there is a specific request to do so.

Bob McDonald, of the Planning Division, said as a result of two opposing property owners withdrawing their protests and a decision by the N. C. Supreme Court relating to this particular point of law, the protest rule no longer applies to this rezoning. Only a simple majority vote will be required to approve the request.

On a roll call vote of 4-0, Ordinance No. 940 passed on second reading.

Vice-Mayor Horton said he would still like a report on the status of the traffic problems on McDowell Street before the third reading of the ordinance.

Thursday - January 27, 1977 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilmen J. W. Hoyle, Ralph D. Morris, Jr. Councilwoman JoAnn M. Swilling, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilmen Gene E. Rainey and Otis B. Michael

APPROVAL OF MINUTES

1. Approval of the minutes of the January 20, 1977 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, the minutes of the January 20, 1977 meeting were approved as submitted.

RESOLUTION NO. 77-11 - RESOLUTION OF APPRECIATION TO CHIEF OF POLICE JOSEPH C. HALL

2. Consideration was given to a resolution of appreciation to Chief of Police Joseph C. Hall.

Mayor Ochsenreiter read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, Resolution No. 77-11 was unanimously adopted.

Complete text of Resolution No. 77-11 will be found in Resolution Book No. 9 at page 93.

CONTINUATION OF PUBLIC HEARING - REZONING - NORTH LOUISIANA AVENUE - MRS. LOUISE RAY

3. Continuation of a public hearing relative to rezoning property on North Louisiana Avenue from R-5 Residential District to CH Commercial Highway District, property owned by Mrs. Louise Ray.

Bob McDonald, of the Planning Division, stated that this public hearing was being continued from the January 6, 1977 meeting at the request of Mr. Jerry Miller, attorney for Mrs. Louise Ray.

Mr. McDonald said, on November 3, 1976, the Planning and Zoning Commission recommended denial of the rezoning petition for the following reasons:

1. Change in zoning could potentially increase traffic and provide for additional curb cuts in an area with existing dangerous traffic conditions.

2. The change would provide for further commercial intrusion into a residential area.

3. The Commercial Highway District provides for a variety of commercial and business activities; some of which if established, could adversely affect the nearby residential neighborhood.

ORDINANCE NO. 939 - AN ORDINANCE AMENIDNG THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, CHAPTER 28- TRAFFIC, SPECIFICALLY SECTION 28-96 (PASSENGER ZONES AND LOADING ZONES) AND SECTION 28-107 (IMPOUNDMENT OF PARKED VEHICLES)

7. Consideration was given to the third and final reading of Ordinance No. 939, an ordinance amending the Code of Ordinances of the City of Asheville, Chapter 28 - Traffic, specifically Section 28-96 (passenger zones and loading zones) and Section 28-107 (impoundment of parked vehicles).

Mayor Ochsenreiter stated that the ordinance was previously read on first and second readings and members of Council have been furnished with copies of the ordinance and it would not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 939 passed on its third and final reading.

Complete text of Ordinance No. 939 will be found in Ordinance Book No. 7 at page 92.

REPORT FROM COUNCIL COMMITTEE - PROPOSED PROJECTS FOR THE COMMUNITY DEVELOPMENT THIRD YEAR

8. Logan Delany, Community Development Coordinator, said the committee appointed by the Mayor, consisting of Vice-Mayor Horton, Councilman Michael, and Councilwoman Swilling, reviewed the suggestions made by the Community Development residents and Community Development staff for the Third Year Funding. He said they reviewed some 75 recommendations from citizens and 40 from the Community Development staff. These recommendations amounted to in excess of $5,000,000 and the funding, this year, for the Community Development Program is $2,822,000. He presented members of Council with the list of recommendations from the committee. He said it would be his recommendation that Council review these suggestions and act upon them at the regular meeting on February 3, 1977.

Councilwoman Swilling expressed appreciation to Logan Delany and the Community Development staff that worked on these recommendations. She said the recommendations were taken from citizens request. She said it would have been more helpful if more citizen input had been offered.

Councilman Hoyle commented that he was glad the recommendations favored the Central Business District.

RESOLUTION NO. 77-12 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH LAND-OF-SKY REGIONAL COUNCIL FOR SERVICES TO BE PROVIDED UNDER THE NUTRITION PROGRAM FOR OLDER ADULTS

9. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with Land-of-Sky Regional Council for services to be provided under the Nutrition Program for Older Adults.

The Assistant City Manager read the resolution and explained that this is a continuation of a program that the City has sponsored for sometime and provides for 251 meals in the City of Asheville, predominently at the Senior Opportunity Center.

Upon motion of Councilwoman Swilling, seconded by Councilman Hoyle, Resolution No. 77-12 was unanimously adopted.

ORDINANCE NO. 936 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Property on Elm Street)

5. Consideration was given to the third reading of Ordinance No. 936, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, property on Elm Street.

Mayor Ochsenreiter stated that the ordinance was previously read on first and second readings and members of Council have been furnished with copies of the ordinance and it would not be re-read in its entirety unless there is a specific request to do so.

Mr. Carl McIntosh said his aunt, Mrs. Ida Martin, owns property at 164 S. Liberty Street which adjoins the property proposed to be rezoned. He said he was speaking on behalf of his aunt in opposition to the rezoning. He said if the ordinance is adopted the property value will be reduced and this property is her life's earnings. He said once approved the restaurant could change hands and all control would be lost as to the type of occupancy for the property in the future. He said Mrs. Martin's bedroom window faces the proposed restaurant and she felt the noise would disturb her.

Bob McDonald, of the Planning Division, said the developer would bring a site plan in when he applied for a building permit and an adequate buffer zone between the residential property and the restaurant could be required.

The developer commented that his firm employs professional landscapers and assured Council this would be done professionally.

Councilman Morris moved to table the ordinance for one week until Council members had an opportunity to make an on-site inspection of the property. This motion was seconded by Vice-Mayor Horton and carried unanimously.

ORDINANCE NO. 937 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Allowing for veterinary hospitals and clinics as conditional uses in the Commercial Highway District).

6. Consideration was given to the third and final reading of Ordinance No. 937, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended allowing for veterinary hospitals and clinics as conditional uses in the Commercial Highway District.

Mayor Ochsenreiter stated that the ordinance was previously read on two readings and members of Council have been furnished copies of the ordinance and it would not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 937 passed on its third and final reading.

Complete text of Ordinance No. 937 will be found in Ordinance Book No. 7 at page 89.

AMERICAN FLAG - USS ASHEVILLE

Mayor Ochsenreiter announced that the City of Asheville has received an American Flag which was flown over the USS Asheville. He said the USS Asheville is to be decommissioned on January 31, 1977. He said the City of Asheville should be proud of this historical preservation.

COUNCIL MEETING - FEBRUARY 3, 1977 - NIGHT MEETING

Mayor Ochsenreiter announced that the February 3, 1977 Council meeting will be held at 7:30 o'clock p. m. in the Council Chambers.

Adjournment.

William E. Ochsenreiter by Eugene S. Ochsenreiter Jr.

MAYOR CITY CLERK

Complete text of Resolution No. 77-12 will be found in Resolution Book No. 9 at page 94.

BIDS - COIN-OPERATED METAL LOCKERS FOR THE LIVINGSTON STREET CENTER

10. Consideration was given to bids received January 17, 1977 for coin-operated metal lockers for the Livingston Street Center.

The Assistant City Manager read a memorandum from the Purchasing Agent which recommended the fully responsive low bid submitted by American Locker Security Systems, Inc. in the amount of $5,869.98.

Vice-Mayor Horton moved to accept the recommendation of the Purchasing Agent and award the bid to American Locker Security Systems, Inc. in the amount of $5,869.98. This motion was seconded by Councilman Morris and carried unanimously.

Bid Summary

Bidder	Bid
American Locker Company	$5,869.98
Tiffin Metal Products	6,475.55

RESOLUTION NO. 77-13 - RESOLUTION OF INTENT TO CLOSE A PORTION OF CLUB VIEW ROAD AND CALLING A PUBLIC HEARING ON THE QUESTION

11. Consideration was given to a resolution of intent to close a portion of Club View Road and calling a public hearing on the question.

The Assistant City Manager read the petition and the resolution scheduling the public hearing for March 10, 1977.

Upon motion of Councilwoman Swilling, seconded by Vice-Mayor Horton, Resolution No. 77-13 was unanimously adopted.

Complete text of Resolution No. 77-13 will be found in Resolution Book No. 9 at page 95.

CLAIMS - SAMUEL M. CAMP - MR. AND MRS. LLOYD LYNCH

The Assistant City Manager presented claims received from Samuel M. Camp and Mr. and Mrs. Lloyd Lynch.

Mayor Ochsenreiter referred the claims to the Corporation Counsel for investigation and recommendation.

QUALITY FORWARD - INTEREST IN DOWNTOWN

Mr. Bob Buckholtz with "Quality Forward" told Council that they would be willing to work with Council on the Downtown improvements. He said Quality Forward has a Downtown Development Division and perhaps a meeting together would help.

Mayor Ochsenreiter stated that the ordinance was previously read on first and second readings and members of Council have been furnished copies of the ordinance and it would not be re-read in its entirety unless there is a specific request to do so.

The City Manager read a letter from Mr. R. E. Edmonds, Area Traffic Engineer with the Department of Transportation, advising that a traffic light at the intersection of U. S. 25 (McDowell Street) and Doctor's Drive would be installed. He said this should solve the problem with traffic in this area.

On a roll call vote of 6-0, Ordinance No. 940 passed on third and final reading.

Complete text of Ordinance No. 940 will be found in Ordinance Book No. 7 at page 94.

ORDINANCE NO. 936 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Property on Elm Street)

4. Consideration was given to the third reading of Ordinance No. 936, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, rezoning property on Elm Street.

Mayor Ochsenreiter stated that the ordinance was previously read on first and second readings and postponed on third reading during the meeting of January 27, 1977 in order for Council members to make an on-site inspection of the property. He said members of Council have been furnished copies of the ordinance and it would not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 936 passed on third and final reading.

Complete text of Ordinance No. 936 will be found in Ordinance Book No. 7 at page 89.

RESOLUTION NO. 77-14 - RESOLUTION OF APPRECIATION TO ERNEST J. WARD, JR.

5. Mayor Ochsenreiter read a resolution of appreciation to Ernest J. Ward, Jr.

Upon motion of Councilman Morris, seconded by Vice-Mayor Horton, Resolution No. 77-14 was unanimously adopted.

Complete text of Resolution No. 77-14 will be found in Resolution Book No. 9 at page 197.

The resolution reads as follows:

Thursday - February 3, 1977 - 7:30 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilmen J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Ralph D. Morris, Jr. Councilwoman JoAnn M. Swilling, Corporation Counsel Willian C. Moore, City Manager Ernest J. Ward, Acting City Manager Kenneth M. Michalove, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

APPROVAL OF MINUTES

1. Approval of the minutes of the January 27, 1977 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, the minutes of the January 27, 1977 meeting were approved as submitted.

ORDINANCE NO. 941 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Property on North Louisiana Avenue owned by Mrs. Louise Ray)

2. Consideration was given to the second reading of Ordinance No. 941, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, property on North Louisiana Avenue owned by Mrs. Louise Ray.

Mayor Ochsenreiter stated that the ordinance was previously read on first reading and members of Council were previously furnished with copies of the ordinance and it would not be re-read in its entirety unless there is a specific request to do so.

For the benefit of Councilman Rainey, who was absent during the January 27, 1977 meeting, Mr. Emrick, Planning Director, and Jerry Miller, Attorney for Mrs. Louise Ray, reviewed the comments made during the January 27, 1977 meeting.

After discussion, Mayor Ochsenreiter requested the City Clerk to call the roll on the second reading of the ordinance.

On a roll call vote of 6-0, Ordinance No. 941 passed on second reading.

ORDINANCE NO. 940 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Corner of St. Dunstan's Road and McDowell Street)

3. Consideration was given to the third reading of Ordinance No. 940, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, rezoning property at the corner of St. Dunstan's Road and McDowell Street.

OATH OF OFFICE FOR ACTING CITY MANAGER - KENNETH M. MICHALOVE

6. Mayor Ochsenreiter then administered the oath of office for Acting City Manager to Kenneth M. Michalove.

COUNCIL RECESS - FIVE MINUTES

Mayor Ochsenreiter called for a five-minute recess of Council.

RESOLUTION NO. 77-15 - RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT - 1977-78

7. Consideration was given to a resolution authorizing the submission of an application for Community Development Block Grant Funds from the Department of Housing and Urban Development - 1977-78.

The City Manager read the resolution and explained that this is the Third year for the City to participate in the Community Development Block Grant funds. He said many public hearings were held to obtain citizen recommendations on the appropriations. Also a committeee appointed by the Mayor, consisting of Vice-Mayor Horton, Councilman Michael, and Councilwoman Swilling reviewed the many recommendations and presented the following recommended appropriations, known as Attachment A in Resolution No. 77-15:

COMMUNITY DEVELOPMENT III
CITY COUNCIL COMMITTEE RECOMMENDATIONS

1977/78 Grant	2,822,000
20% for Urban Renewal Deficit	564,400
Balance to be Appropriated	2,257,600

Recommended Appropriations:

Citizen Participation	41,000	*S-38
Planning	25,000	S-8
Central Business District	85,000	S-34
CD Senior Citizen Services	100,000	S-14
Meals-on-Wheels	26,000	S-7
Buncombe County Child Development	42,500	S-9
Park Improvements - O.S. 1014	200,000	S-12
Nasty Branch Park - Phase II	100,000	S-16
Nasty Branch Drainage	50,000	Council Comm.
Mountainside Park - Phase I	25,000	S-37
W. Asheville Park - YMCA	200,000	S-13
Rehabilitation Grant Program	100,000	S-28
Rehabilitation Grant Administration	100,000	S-5, S-30
Neighborhood Improvement Program	50,000	S-2
Demolition and Code Enforcement	100,000	S-3, S-4
Lot Restoration	48,775	S-1

RESOLUTION NO. 77-14

RESOLUTION OF APPRECIATION TO ERNEST J. WARD, JR.

WHEREAS, Ernest J. Ward, Jr. has served as City Manager since September 7, 1972; and

WHEREAS, Ernest Ward will be leaving the City of Asheville on February 4, 1977 to accept the position of Director of Finance with the City of Rocky Mount; and

WHEREAS, Ernest Ward has made a significant contribution to the financial and administrative stability of the City of Asheville during his tenure as City Manager; and

WHEREAS, Ernest Ward in his quiet humble manner has gained the respect and admiration of city employees and city residents;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE that Ernest J. Ward, Jr. receive this resolution of appreciation and our best wishes to him and his family in his new job; and

BE IT FURTHER RESOLVED that this resolution shall be transcribed on the minutes of the Asheville City Council and that the City Clerk is directed to forward a copy of this resolution to Ernest J. Ward, Jr.

I move the adoption of the foregoing resolution.

Ralph D. Morris, Jr.
COUNCILMAN

SECONDED BY: Bill B. Horton
COUNCILMAN

Read, approved and adopted this 3rd day of February, 1977.

Eugene C. Ochsenreiter, Jr.
MAYOR

William F. Wolcott, Jr.
CITY CLERK

APPROVED AS TO FORM:

William C. Moore
CORPORATION COUNSEL

ORDINANCE NO. 942 - AN ORDINANCE AMENDING AND APPROVING COMMUNITY DEVELOPMENT BUDGET CHANGES UNDER THE CITY OF ASHEVILLE'S GENERAL FUND BUDGET - 1976-77 - TO INCLUDE SURPLUS FUNDS FROM CIVIC REDEVELOPMENT -R-13, AND TWO NEW PROJECTS - CARROLL AVENUE ACCESS PROJECT AND SCHOOL PLAYGROUNDS PROJECT

9. Consideration was given to an ordinance amending and approving the Community Development Budget changes under the City of Asheville's general fund budget - 1976-77 - to include surplus funds from Civic Redevelopment R-13 and two new projects - Carroll Avenue access project and School Playgrounds Project.

The City Manager read the ordinance and explained that this ordinance would appropriate funds in the amount of $18,000 for playground equipment for Rankin, Aycock, and Newton schools and $18,500 for a connector between Carroll Avenue and Valley Street to take the place of the old Carroll Avenue Bridge.

After discussion, Councilman Hoyle moved for the adoption of Ordinance No. 942. This motion was seconded by Councilman Morris.

On a roll call vote of 6-0, Ordinance No. 942 passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 942. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 942 passed on second reading.

Councilman Hoyle moved to suspend the rules and proceed to the third and final reading of Ordinance No. 942. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 942 passed on third and final reading.

Complete text of Ordinance No. 942 will be found in Ordinance Book No. 7 at page 96.

REPORT BY ROBERT E. BROWN - WATER PROBLEMS

Mr. Robert E. Brown, Water and Sewer Superintendent, reported that they were still fighting the problem of frozen water lines, which have been frozen since January 17, 1977. He said since January 17, 1977, 6,000 telephone calls have been logged complaining of frozen water. He said this week's calls have been coming in at about 250-300 per day and the crews are progressing with responding to about 125 per day. He said the frost line in the ground is in excess of 24" deep and the City has 33,000 meter boxes that are 24" deep. He said the frost would probably be in the ground until spring, causing more frozen water lines daily even though the weather has warmed up. He said 12,000 man hours have been spent thawing frozen lines and in addition rental welders have been used about 800 hours. He said the cold weather would show a major effect on the budget this year. He said water main breaks had caused a strain on the reservoir storage however, the storage was rising since there have been no major breaks in the last two days.

Council expressed appreciation to the Civil Defense and neighbors helping people without water. They also expressed appreciation to the Water Department employees for their efforts.

Public Housing Modernization	100,000	S-33
Credit Counseling	20,000	S-6
Hunt Hill Place Extension to Buchanan	50,000	S-36
Shiloh School Renovation	280,000	**Cit. #1
Taft Avenue - Street	50,000	Cit. #5
Robinson Avenue - Resurfacing	9,500	Cit. #8
Century Boulevard - Paving	4,000	Cit. #12
Grant Street - Paving	10,500	Cit. #13
Flint Street - Paving	7,000	Cit. #21
Westover Drive - Curb & Gutter	15,000	Cit. #19
Eagle & Ridge Streets - Paving	17,600	Cit. #28
Open Pine Street	4,425	Cit. #38
Dirt Eagle Street Guard Rail	3,800	Cit. #39
Hilltop Fence	10,000	Cit. #40
Brooklyn Road - Storm Drain, Sidewalk	40,000	Cit. #46
Woodlawn Street - Tennis or Shuffleboard	25,000	Cit. #54
Beaver Street - Paving	5,500	Cit. #55
Conestee Street - Drainage	4,500	Cit. #60
Florida Avenue - Drainage	10,000	Cit. #61
Smith-McDowell House Restoration	8,500	Cit. #69
CD Administration	89,000	S-35
Contingency	200,000	
	2,257,600	

*S=Staff Recommendation
**Cit.=Citizen Recommendation

Logan Delany, Community Development Coordinator, said the program is very flexible and could be amended or changed at a later date, if necessary.

The City Manager said the Senior Opportunity Center had requested that a van be purchased for the Center with Community Development funds. However, after checking with the HUD officials it was determined that the purchase of a van was an ineligible expenditure of Community Development funds.

After discussion, Councilman Michael moved for the adoption of Resolution No. 77-15. This motion was seconded by Councilwoman Swilling and carried unanimously.

Complete text of Resolution No. 77-15 will be found in Resolution Book No. 9 at page 198.

RESOLUTION NO. 77-16 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A LEASE-PURCHASE AGREEMENT AUTHORIZING THE CITY OF ASHEVILLE TO SELL DISPOSAL PARCEL 1 IN THE CIVIC REDEVELOPMENT AREA (N. C. R-13) TO FRIENDS ENTERPRISES d/b/a ALLEN CENTER

8. Consideration was given to a resolution authorizing the Mayor to sign a lease-purchase agreement authorizing the City of Asheville to sell Disposal Parcel 1 in the Civic Redevelopment Area (N.C. R-13) to Friends Enterprises d/b/a Allen Center.

The City Manager read the resolution and explained that this lease purchase agreement will pay the City of Asheville $1,000 per year and the lessee has an option to exercise the option to purchase in the fifth year. The lessee plans to make major improvements in a parking and playground area to develop the area.

Upon motion of Vice-Mayor Horton, seconded by Councilman Michael, Resolution No. 77-16 was unanimously adopted and will be found in Resolution Book No. 9 at page 200.

SYNOPSIS OF DOWNTOWN IMPROVEMENT RECOMMENDATIONS

Submitted By

THE MAYOR'S DOWNTOWN ADVISORY COMMITTEE

Many of the problems evident in the Nation's deteriorating downtowns are also visibly noticeable in Asheville. Examples of these problems are the large number of vacant stores in the CBD, irregular and confused street patterns, and inadequate parking facilities. These are physical problems which can be overcome. The underlying question which Asheville's policy makers and merchants must answer now is: How can we attract people back to the heart of the City?

Some of the options that are open to you are the following:

You can create employment in the CBD:

--by encouraging the location of retail, wholesale, and office development in the CBD,

--by renovating and converting the usage of second and third stories of existing buildings.

--by sponsoring or facilitating the development of new retail and office space in the CBD through a downtown development corporation, development authority, or private ventures.

You can beautify the downtown environment:

--by encouraging good contemporary design for new development which is compatible with the character of original

RESOLUTION NO. 77-17 - RESOLUTION RECOMMENDING PRIORITY PROJECTS FOR THE APPALACHIAN REGIONAL COMMISSION PLANNING PROGRAM FOR FISCAL YEARS 1978-82

11. Consideration was given to a resolution recommending priority projects for the Appalachian Regional Commission Planning Program for fiscal years 1978-82.

The City Manager read the resolution and explained that the Appalachian Regional Commission requested the City of Asheville to submit proposals for various capital projects which are designed to enhance the quality of life for its jurisdictional area. He said the recommended priority projects were listed in the resolution. He said Council had asked if the funding for a new water source supply study could be included in the projects and after checking with ARC this would be allowed with ARC funds. He said he would recommend adding under the Water and Sewer Improvements category the funding of a new water source supply study.

After discussion, Councilman Rainey moved for the adoption of Resolution No. 77-17. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Complete text of Resolution No. 77-17 will be found in Resolution Book No. 9 at page 201.

RESOLUTION NO. 77-18 - RESOLUTION REQUESTING THE NORTH CAROLINA BOARD OF TRANSPORTATION TO ASSIGN HIGHER PRIORITIES TO IMPROVEMENTS SCHEDULED IN THE CURRENT NORTH CAROLINA HIGHWAY IMPROVEMENT PROGRAM FOR THE ASHEVILLE NORTH CAROLINA TRANSPORTATION PLANNING AREA

12. Consideration was given to a resolution requesting the North Carolina Board of Transportation to assign higher priorities to improvements scheduled in the current North Carolina Highway Improvement Program for the Asheville North Carolina Transportation Planning Area.

The City Manager read the resolution and explained that the City of Asheville and the North Carolina Department of Transportation jointly prepared and adopted the Asheville Area Thoroughfare Plan and this resolution would recommend that certain projects be assigned higher priority in order that the scheduled improvements might be [illegible] immediately. He said those items include improvements scheduled for Valley Street with four lanes from the Charlotte Street Extension to Biltmore Avenue; the traffic flow and signalization improvements to Biltmore Avenue and McDowell Street; Complete the eastern segment of the Northern Loop with improvements to Charlotte and Murdock Streets; improvements to Pearson Bridge Road; and improvements scheduled for the Hendersonville Highway (U. S. 25) from the Blue Ridge Parkway to Interstate 40.

Upon motion of Councilwoman Swilling, seconded by Councilman Rainey, Resolution No. 77-18 was unanimously adopted.

Complete text of Resolution No. 77-18 will be found in Resolution Book No. 9 at page 203.

REPORT ON PROGRESS OF DOWNTOWN IMPROVEMENT COMMITTEE AND LEGISLATIVE NEEDS RELATING TO SAME

Mr. Charles Kern read the following synopsis of the committee's recommendations on the Downtown improvement and the legislative needs relating to same:

And you can promote the CBD:

--by sponsoring special indoor and outdoor activities and events to bring people downtown.

--by adopting a downtown theme, name, and symbol.

--by "selling" the CBD as a place to shop and have fun.

Of course, there are no simple answers to all downtown problems, and the potential solutions for no two communities can be the same. Therefore, this report will offer several alternatives available to the local government and the mid-city businesses to formulate a specific mechanism for delineating and financing the solutions to Asheville's downtown problems.

Alternate Organizational Mechanisms

During the course of the committee's investigation it became readily apparent that efforts to direct the revitalization for the CBD would have to come from a new source. That is to say, that the existing methods and mechanisms must be redesigned in order that the downward economic and physical trends evident in downtown might be halted and improved.

With this serving as a basic guide post the following options are available to this Council and the downtown merchants for selecting a new mechanism to spearhead the revitalization efforts:

1. Do nothing and permit a piecemeal approach to solving the CBD's problems to continue.

2. Expand Quality Forward's charter responsibilities and funding to a level where this existing mechanism could provide the necessary leadership.

downtown architecture through design suggestions and municipal regulations.

--by enlivening the "floor" of downtown with textured paving surfaces, landscaping, attractive lighting, and street furniture.

--by restoring and preserving traditional downtown buildings to recapture the beauty they once had.

You can improve access to, and circulation within the CBD:

--by implementing traffic operations improvements.

--by improving the capacity and location of parking facilities and by eliminating traffic-parking conflicts.

--by improving services and facilities in the CBD for transit patrons, bicyclists, pedestrians, and delivery vehicles.

You can enhance retailing downtown:

--by bringing in compatible non-retail uses, selected for their ability to generate additional shopper traffic.

--by actively seeking new retail businesses, entertainment facilities and restaurants to fill gaps in the retail area and to strengthen the marketing ability of existing stores.

--by adopting modern retailing practices in such areas as selection of merchandise, advertising, displays, signs, and store hours.

Appendix A is a draft of a special act creating the Asheville Downtown Improvement Commission, which was developed to illustrate the flexibility and desirability of this alternative. It was felt that only by drafting such a bill could this alternative be supportedly analyzed in comparison to the above discussed options. The proposed legislation in Appendix A is based upon Article 38 of the North Carolina General Statutes which establishes the authority for cities to create parking authorities. This modified draft would enable the City of Asheville to, by resolution, establish an Asheville Downtown Improvement Commission whose membership would be appointed by the Mayor, with the approval of City Council. The Commission would be composed of seven members appointed for staggered terms and the resolution creating the Commission would also establish the boundaries of the Asheville Downtown District.

The Commission would have the flexibility to maintain a staff, if its budget permits, but initially it is envisioned that its activities would be supported through volunteer assistance from the Commission members, the City, downtown merchants, individuals having an interest in downtown, consultants, and other agencies and organizations. Then 180 days after its creation, the Commission would be required to submit a plan for the downtown improvement district to the City for approval. This plan would establish a strategy for the redevelopment and revitalization of downtown and a framework for the decision-making by the Commission.

3. Create a new authority or commission under existing law or by passage of a special act. This authority could have broad-based powers, funding and representation. It would be embodied for the special purpose of conducting necessary studies and implementing improvements within a specifically defined area.

4. Declare that a specifically defined geographic area in the downtown meets the requirements for being designated a non-residential redevelopment area as set forth in N. C. G.S. 160A, Article 22, the Urban Redevelopment Law. The physical improvements could then be done by the Asheville Housing Authority's redevelopment staff and directed by its existing policy board.

Recommendations

I. Downtown Improvement Commission

The alternative which perhaps offers the most flexibility for maximizing efforts toward downtown redevelopment and revitalization seems to be special legislation designed specifically for meeting the needs of the Asheville downtown district. Such special legislation would permit the formulation of a commission or body whose sole purpose is the improvement, redevelopment and revitalization of the Asheville downtown district. This approach would permit the city to design a comprehensive approach to dealing with the problems of downtown in lieu of attempting to utilize existing statutes to piece together a less than optimum approach.

This concept is not unusual in that many units of local government submit special legislation designed to meet the needs of their communities each year to the North Carolina General Assembly.

8) To fix and collect rentals, fees and other charges for the use of Commission property;

9) To jointly administer a revolving rehabilitation loan program with the City;

10) To issue revenue bonds under the Local Government Revenue Bond Act;

11) To do all that is necessary and convenient to carry out the purposes of the Commission.

As is the case for all similar Commissions or authorities created under the North Carolina legislation, the proposed Commission would be tax exempt as would its revenue bonds, so as to produce a strong incentive for potential buyers to purchase its debentures. However, the proposed legislation contains specific language stating the intent for the Commission to be a catalyst for redevelopment and revitalization in downtown and not a property owner. Therefore, the Commission would be prohibited from owning business establishments and required by the legislation to dispose of real property at the earliest practical opportunity and to do so in a manner which would result in a net overall improvement to the downtown district and would contribute to the purpose of revitalizing the downtown district.

In addition, the subject legislation would authorize the Commission to accept funds collected from a special district assessment within the downtown improvement district. It would authorize the City to designate the defined downtown improvement district as a municipal district under the North Carolina Municipal Service District

The stated purposes of the Commission would be:

1) To facilitate downtown redevelopment, improvement and revitalization;
2) Downtown promotion;
3) Communication and coordination among those parties having an interest in downtown;
4) To recruit new commercial and service establishments into the downtown district;
5) To conduct planning and feasibility assessments;
6) To provide marketing assistance and support services to downtown activities on a reimbursement basis;
7) To promote and maintain a sound parking system.

In order to accomplish the above stated purposes, the Commission would be granted the powers to:

1) To sue and be sued;
2) To acquire, hold and dispose of personal property;
3) To acquire and use real property;
4) To make bylaws for the management and regulation of its affairs;
5) To make contracts, leases and other necessary instruments;
6) To construct, rehabilitate or improve needed buildings, structures, and facilities;
7) To accept grants, loans, contributions or bequests from all sources;

II. Appropriation of Funds

As indicated it is recommended that the Commission be required to submit for approval a Downtown Redevelopment Plan to the City Council within 180 days after its creation. In order to facilitate this requirement, it is recommended that the Commission have an initial appropriation of a sum not to exceed $100,000 to aid in the development of its program. Finally, it is recommended that the appropriation of these funds be included in the Fiscal 1977-1978 Community Development work program, or fifty percent (50%) from Fiscal Year 1976-1977 and fifty percent (50%) from Fiscal Year 1977-1978. It should be noted that these funds are not general tax revenues, but derived from specific grant-in-aid funds already allocated for projects such as this.

III. Staffing

It is recommended that in order to facilitate the desirable coordination between the Commission and the Asheville city government that until the Commission and City Council authorize hiring of Commission staff members, that the Planning Division's staff serve in this capacity.

Act of 1973. Under this act, the City would be given the authority to levee a special assessment on properties within designated districts for the purpose of downtown revitalization. The revenues from this assessment could either be expended by the City or transferred, in whole or in part, to the Commission for the purpose of making improvements within the downtown improvement district which are eligible under the 1973 Act.

The proposed legislation would create the Commission for an initial period of five years. At the end of the five-year period, the Commission's activities could only be continued upon the passage of a new City Council Resolution continuing the existence of the Asheville Downtown Improvements Commission. If the City Council chose not to continue the Commission, when all of the bonds issued by the Commission are redeemed or cancelled the Commission would cease to exist and all rights, titles, interests and all obligations and liabilities of the Commission would revert to the City.

Obviously, the special legislation establishing the Downtown Improvements Commission and Downtown Improvement District could be written so as to encompass any degree of authority which the Asheville City Council might choose for it to possess. This flexibility constitutes the principle advantage of this alternative and the draft which has been discussed merely illustrates the extent of this flexibility.

APPENDIX "A"

A SPECIAL ACT PROVIDING FOR THE CREATION OF
THE ASHEVILLE DOWNTOWN IMPROVEMENT COMMISSION

Summary

Finally, in summary, we must be cognizant of the fact that in developing any real solutions to downtown problems there is a need for a rational, step-by-step process in which the identified problems are realistically assessed, achievable solutions are proposed, and extensive community support and participation is obtained. This process must be instituted now in Asheville if any real solutions to the problems are to be achieved.

The entire report which is now being submitted has identified and recommended a first step for solving our perceived downtown problems, and several sources and mechanisms for financing the implementation of subsequent plans for the study area. It is now up to local government, property owners, businesses, and the consuming public to start the wheel which can lead to the ultimate revitalization of Asheville's heart.

incorporation signed by them, which shall set forth;

(1) A statement that the city council has, pursuant to this Article, and after a public hearing held as herein required, determined that it is necessary for the city to organize the commission under the provisions of this Article, and has appointed the signers of such application as commissioners of the commission;
(2) A statement that the commissioners desire the commission to become a public body and a body corporate and politic under this Article;
(3) The name, address and term of office of each of the commissioners;
(4) The name which is proposed for the corporation; and
(5) The location and the principal office of the proposed corporation.

The application shall be accompanied by a copy, certified by the city clerk, of the resolution or resolutions of the city council making such determination and appointments. The application shall be subscribed and sworn to by each of said commissioners before an officer authorized by law to take and certify oaths, who shall certify upon the application that he personally knows said commissioners and knows them to be the persons appointed as stated in the application, and that each subscribed and swore thereto in the officer's presence. The Secretary of State shall examine the application and if he finds that the name proposed for the corporation is not identical with that of a person or any other corporation of this State or so nearly similar as to lead to confusion and uncertainty, he shall receive and file it and shall record it in an appropriate book of record in his office.

When the application has been made, filed and recorded, as herein provided, the commission shall constitute a public body and body corporate and politic under the name proposed in the application; and the Secretary of State shall make and issue a certificate of incorporation pursuant to this Article, under the seal of the State, and shall record the same with application .

The boundaries of such commission shall be established in the city council resolution creating the commission and included in the commission's application for incorporation.

In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the commission, the commission shall be conclusively deemed to have been established in accordance with the provisions of this Article upon proof of the issuance of the aforesaid certificate by the Secretary of State. A copy of such certificate, duly certified by the Secretary of State, shall be admissible in evidence in any such suit, action or proceeding, and shall be conclusive proof of the filing and contents thereof. (1951, c.779,s.3).

ASHEVILLE DOWNTOWN IMPROVEMENT COMMISSION

Section I. Short title. - This Article may be cited as the "Asheville Downtown Improvement Commission".

Section II. Definitions. - As used or referred to in this Article, unless a different meaning clearly appears from the context:

(1) The term "Commission" shall mean a public body and a body corporate and politic organized in accordance with this Article for the purposes, with the powers and subject to the restrictions hereinafter set forth;

(2) The term "bonds" shall mean bonds authorized by this Article;

(3) The term "city" shall mean the City of Asheville, North Carolina;

(4) The term "city council" shall mean the legislative council charged with governing the City of Asheville;

(5) The term "commissioner" shall mean one of the members of an commission, appointed in accordance with the provisions of this Article;

(6) The term "real property" shall mean lands, structures, franchises, and interest in lands, and any and all things usually included within the said term, and includes not only fees simple absolute but also any and all lesser interests, such as easements, rights-of-way, uses, leases, licenses, and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms of years, and liens thereon by way of judgments, mortgages or otherwise and also claims for damage to real estate. (1951, c. 779, s. 2; 1965, c. 998 s.1.)

Section III. Creation of commission - The city council of the City of Asheville may, upon its own initiative, hold a public hearing on the question whether or not it is necessary for the city to organize a Commission under the provisions of this article. Notice of the time, place and purpose of such hearing shall be given by publication in a newspaper of general circulation in the city, at least 10 days before such hearing. At such hearing, an opportunity to be heard shall be granted to all residents and taxpayers of the city and all other interested persons. If, after such hearing, the city council shall by resolution determine that it is necessary for the city to organize a commission under the provisions of this Article, the mayor shall appoint, as hereinafter provided, seven commissioners to act as the Downtown Improvement Commission. Said commission shall be a public body and a body corporate and politic upon the completion of the taking of the following proceedings:

The commissioners shall present or cause to be presented to the Secretary of State of North Carolina a written application of

or employee of the commission shall acquire any interest direct or indirect in any commission project or in any property included or planned to be included in any commission project, nor shall he have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any commission project. If any commissioner or employee of a commission owns or controls an interest direct or indirect in any property included or planned to be included in any commission project, he shall immediately disclose the same in writing to the commission and such disclosure shall be entered upon the minutes of the commission. Said commissioner must relinquish such interest or resign his office. Failure to so disclose such interest shall constitute misconduct in office. (1951, c.779,s.6.)

Section VII. Purpose and powers of the commission. - The commission incorporated under this Article shall constitute a public body and a body corporate and politic, exercising public powers as an agency or instrumentality of the City of Asheville. The purpose of the commission shall be:

(1) to facilitate downtown redevelopment, improvement and revitalization;
(2) to promote the downtown district and the commercial, service and public activities within the downtown district;
(3) to foster communication and coordination among the downtown establishments, property owners, the city and all interested agencies and organizations;
(4) to recruit new commercial, or services establishments or activities into the downtown district;
(5) to conduct planning and feasibility assessment required to support downtown redevelopment;
(6) to provide merchandising assistance and support services to downtown commercial and service activities on a reimbursement basis; and;
(7) to promote and maintain a sound and efficient parking system in the downtown district.

To carry out said purposes, the commissioners shall have power to:

(1) to sue and be sued;
(2) to acquire, hold and dispose of personal property for its corporate purposes;
(3) to acquire, by purchase, and use real property necessary or convenient to the accomplishment of the commission's stated purposes;
(4) to make bylaws for the management and regulation of its affairs, and subject to agreements with bondholders for the regulation of commission projects;
(5) to make contracts or leases and to execute all instruments necessary or convenient;
(6) to construct, rehabilitate or improve such buildings, structures and facilities as may be necessary or convenient to the accomplishment of the commission's purposes;
(7) to accept grants, loans or contributions from the United States, the State of North Carolina, the city, any private or public corporation, any individual or any agency, instrumentality or agent of the above and to expend the proceeds toward the accomplishment of the commission's purposes.

Section IV. Appointment, removal, etc., of commissioners; quorum; chairman; vice-chairman, agents and employees; duration of authority. - The commission shall consist of seven commissioners appointed by the mayor, with the approval of the city council and the mayor shall designate the first chairman. Said commissioners shall represent downtown merchants and property owners, The Greater Asheville Chamber of Commerce and downtown financial institutions. One commissioner shall be appointed from the city council and one commissioner shall be from the Asheville Planning and Zoning Board.

The commissioners who are first appointed shall be designated by the mayor to serve for terms of one, two, three and four years respectively from the date of their appointment. One commissioner shall serve a four year term and two commissioners shall be appointed to the one, two and three year terms. Thereafter, the term of office shall be four years. A commissioner shall hold office until his successor has been appointed by the mayor and has qualified. Vacancies shall be filled by the mayor for the unexpired term. Three commissioners shall constitute a quorum. A commissioner shall receive no compensation for his services, but he shall be entitled to reimbursement for his actual and necessary expenses incurred in the performance of his official duties.

When the office of the first chairman of the commission becomes vacant, the commission shall select a chairman from among its members. The commission shall select from among its members a vice-chairman, and it may employ a secretary (who shall be its executive director), technical experts and such other consultants, agents and employees, permanent or temporary, as it may require, and shall determine their qualifications, duties and compensation. The commission may, with the consent of the city council call upon the city for such support services as it may require. The commission may delegate to one or more of its agents or employees such powers or duties as it may deem proper. The mayor may remove any member of the commission for inefficiency, neglect of duty or misconduct in office, giving him a copy of the charges against him and an opportunity of being heard in person, or by council, in his defense upon not less than 10 days' notice.

Such commission and its corporate existence shall continue only for a period of five years and its existence may be continued by resolution by the city council or in the absence of a resolution to continue the commission's existence, until all its liabilities have been met and its bonds have been paid in full or such liabilities or bonds have otherwise been discharged. Upon its ceasing to exist, all its rights and properties shall pass to the city. (1951,c.779.s.4.)

Section V. Duty of commission and commissioners. - The commission and its commissioners shall be under a statutory duty to comply or cause compliance strictly with all provisions of this Article and, in addition thereto, with each and every term, provision and covenant in any contract of the commission on its part to be kept or performed. (1951,c.779,s.5.)

Section VI. Interested commissioners or employees - No commissioner

provided, that the total amount of such revenues which may be paid pursuant to such a pledge shall not exceed the total of the principal of and interest on such bonds which become due and payable during such period. Any such contracts between the city and the commission may be pledged by the commission to secure its bonds and may not be modified thereafter except as provided by the terms of the contracts or by the terms of the pledge. The city council may authorize such contracts on behalf of the city and no other authorization on the part of the city for such contracts shall be necessary.

(d) The commission may itself acquire real property at the cost and expense of the commission by purchase. The commission is also empowered to develop, improve or rehabilitate such real property to accomplish the purposes of the commission. However; it is the intent of this Article that the commission be a catalyst for development and revitalization in the downtown district. Therefore, the commission shall not operate or own commercial or service establishments and shall make every effort to return any acquired real property back to the taxrolls by marketing said property at the earliest practical opportunity and in a manner which will result in a net overall improvement to the downtown district and will contribute to the purpose of revitalizing the downtown district.

(e) In case the commission shall acquire any real property which it shall determine is no longer required, then, if such real property was acquired at the cost and expense of the city, the commission shall have power to convey it without consideration to the city, or, if such real property was acquired at the cost and expense of the commission, then the commission shall have power to sell, lease or otherwise dispose of said real property and shall retain and have the power to use the proceeds of sale, rentals or other moneys derived from the disposition thereof for its purposes. (1951, c.779,s.8; 1965,c.998,s.3.)

Section X. Contracts. - The authority shall let contracts in the manner provided by law for contracts of the city. (1951,c.779,s.9.)

Section XI. Moneys of the commission. - All moneys of the commission shall be paid to the treasurer of the city as agent of the commission, who shall designate depositories and who shall not commingle such moneys with any other moneys. Such moneys shall be deposited in a separate bank account or accounts. The moneys in such accounts shall be paid out on checks of the treasurer on written requisition of the chairman of the commission or of such other person or persons as the commission may authorize to make such requisitions. All deposits of such moneys shall be secured in the manner provided by law for securing deposits of moneys of the city. The city accountant of the city and his legally authorized representatives are authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts, disbursements, contracts, leases, sinking funds, investments and any other records and papers relating to its financial standing. The commission shall cause an annual audit of its accounts to be made by a certified public accountant or firm of certified public accountants, and shall cause a copy of the report of such audit to be filed with the city clerk, who shall present the same to the city council. The commission shall have power, notwithstanding the provisions of this section to

(8) to fix and collect rentals, fees and other charges for the use of any commission property;
(9) to administer a revolving rehabilitation loan program for the downtown district jointly with the city;
(10) to do all things necessary and convenient to carry out the purposes of the commission and the powers expressly given to it by this Article;

(11) to issue revenue bonds under the Local Government Revenue Bond Act (1951, c.779, s.7; 1965, c.998, s. 2; 1971, c.780, s.18.)

Section VIII. Downtown Improvement District Boundary - a geographical boundary shall be established for the Downtown Improvement District, by definition and by map, as a part of the city council resolution creating the Commission. The district boundary may be altered or otherwise changed by resolution of city council and only after a public hearing held in accordance with the provision of Section III of this Article.

Section IX. Conveyance of property by the city to the commission; acquisition of property by the city or by the commission -
(a) The city may convey, with or without consideration, to the commission real and personal property owned by the city for use by the commission as a project or projects or a part thereof. In case of real property so conveyed, the instrument of conveyance shall contain a provision for reversion of the property to the city upon the termination of the corporate existence of the commission upon the sale or transfer of the property or upon the termination of the use of the property for the corporate purpose of the commission. Such conveyance of property by the city to the commission may be made without regard to the provisions of other laws regulating sales of property by the city or requiring previous advertisement of sales of property by the city.

(b) The city may acquire by purchase real property in the name of the city for the commission for the widening of existing roads, streets, parkways, avenues or highways or for new roads, streets, parkways, avenues or highways, parking projects, or partly for such purposes and partly for other city purposes, by purchase or condemnation in the manner provided by law for the acquisition of real property by the city. The city may close such streets, roads, parkways, avenues, or highways as may be necessary or convenient.

(c) Contracts may be entered into between the city and the commission providing for the property to be conveyed by the city to the commission, the additional property to be acquired by the city and so conveyed, the streets, roads, parkways, avenues and highways to be closed by the city, and the amounts, terms and conditions of payment to be made by the commission. Such contracts may contain convenants by the city as to the road, street parkway, avenue and highway improvements to be made by the city, including provisions for the installation of parking meters in designated streets of the city and for the removal of such parking meters in the event that such parking meters are not found to be necessary or convenient. Any such contract may pledge all or any part of the revenues of on-street parking meters to the commission for a period of not to exceed the period during which bonds of the authority shall be outstanding;

shall be required to pay no taxes or assessments upon any of the property acquired by it or under its jurisdiction, control, possession or supervision or upon its activities in the operation and maintenance of the project or any tolls, revenues or other income received by the commission and that the bonds of the commission and the income therefrom shall at all times be exempt from taxation, except for transfer and estate taxes. (1951,c.779,s.16.)

Section XV. Tax contract by the State - The State of North Carolina covenants with the purchases and with all subsequent holders and transferees of bonds issued by the commission pursuant to this article, in consideration of the acceptance of and payment for the bonds, that the bonds of the commission issued pursuant to this article and the income therefrom, and all moneys, funds and revenues pledged to pay or secure the payment of such bonds, shall at all times be free from taxation except for transfer and estate taxes. (1951,c.779,s.17.)

Section XVI. Downtown Improvement District Plan - Within 180 days from its creation, the commission must develop and adopt a development plan for the area within the Downtown Improvement District. Said plan shall include, as a minimum, a statement of goals and an economic strategy for the Downtown Improvement District and a physical design to accompany said goals and strategy. Said plan shall serve as a guide for downtown development and a framework for decision-making. Within 30 days after adoption of the plan by the commission, it shall be submitted to the city council, the Asheville Planning and Zoning Board, other interested organizaitons and agencies and the general public for consideration and comment. Said plan must be certified by the Asheville Planning and Zoning Board as being consistent with the overall development plan for the city and must be approved by the city within 90 days after its submission. If the Asheville Planning and Zoning Board cannot make such certification, it shall be the responsibility of the commission to make such necessary modification in its plan to secure the Planning and Zoning Boards, certification and the city council's approval within the allotted 90 days. Amendments to the commission's plan must be certified and approved by the same procedure.

Section XVII. Actions against the commission - In every action against the commission for damages, for injuries to real or personal property, or for the destruction thereof, or for personal injuries or death, the complaint shall contain an allegation that at least 30 days have elapsed since the demand, claim or claims upon which such action is founded were presented to a member of the commission, or to its secretary, or to its chief executive officer and that the commission has neglected or refused to make an adjustment or payment thereof for 30 days after such presentment. (1951,c.779,s.19.)

Section XVIII. Termination of commission. - Whenever, the city council resolution creating or continuing the commission expires or whereever all of the bonds issued by the commission shall have been redeemed or canceled, the commission shall cease to exist and all rights, titles and interests and all obligations and liabilities thereof vested in or possessed by the commission shall thereupon vest in and be possessed by the city. (1951,c.779,s.20.)

contract with the holders of any of its bonds as to the custody, collection, securing, investment and payment of any moneys of the commission or any moneys held in trust or otherwise for the payment of bonds or in any way to secure bonds, and to carry out any such contract notwithstanding that such contract may be inconsistent with the previous provisions of this section. Moneys held in trust or otherwise for the payment of bonds or in any way to secure bonds and deposits of such moneys may be secured in the same manner as moneys of the commission, and all banks and trust companies are authorized to give such security for such deposits. (1951,c.779.s.10.)

Section XII. -The city is hereby authorized to convey revenues obtained from a special tax assessment on the property within the Downtown Improvement District, in accordance with the North Carolina Municipal Services District Act of 1973 (G.S. 160A-535-543). The city council may designate the established Downtown Improvement District as a municipal service district. Revenues from any such assessment must be utilized in accordance with the Municipal Service District Act. However, any portion or all of said revenues may be conveyed to the commission by resolution by the city council to support any eligible improvements. Such funds may also be utilized in whole or in part by the city to finance needed public improvements in the Downtown Improvement District.

Section XIII. Bonds legal investments for public officers and fiduciaries. - The bonds are hereby made securities in which all public officers and bodies of this State and all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks and savings associations including savings and loan associations, investment companies and other persons carrying on a banking business and all other persons whatsoever, except as hereinafter provided, who are now or may hereafter be authorized to invest in bonds or other obligations of the State, may properly and legally invest funds including capital in their control or belonging to them; provided that, notwithstanding the provisions of any other general or special law to the contrary, such bonds shall not be eligible for the investment of funds, including capital, trusts, estates or guardianships under the control of individual administrators, guardians, executors, trustees and other individual fiduciaries. The bonds are also hereby made securities which may be deposited with and may be received by all public officers and bodies of this State and all municipalities and municipal subdivisions for any purpose for which the deposit of bonds or other obligations of this State is now or may hereafter be authorized. (1951,c.779,s.15).

Section IV. Exemptions from taxation. - It is hereby found, determined and declared that the creation of the commission and the carrying out of its corporate purposes is in all respects for the benefit of the people of the State of North Carolina, for the improvement of their health, welfare and prosperity, and is a public purpose, and that the commission will be performing an essential governmental function in the exercising of the powers conferred upon it by this Article, and the State of North Carolina covenants with the holders of the bonds that the commission

Verl Emrick, Planning Director, suggested that a public hearing be held on the Downtown Improvement recommendations on February 17, 1977. He said everything contained in the committee's report is merely a recommendation at this point and in order to be implemented it must be put in the form of a special act of the General Assembly.

Councilman Rainey was concerned about the commission having "implied powers of taxing and bonding" and setting boundaries. He said he would like for that part of the proposed legislation to be written separately from the rest. He also suggested that the commission be a joint one on the part of the city and county since improving the downtown area will help the county as well as it will help the City.

Councilman Michael suggested that the expansion of the downtown district boundary include the predominantly minority areas and that minority representation be included on the commission. He also suggested that a member of the law enforcement agency be included on the commission.

Vice-Mayor Horton moved to schedule a public hearing on the recommendations for February 17, 1977. This motion was seconded by Councilwoman Swilling and carried unanimously.

It was the consensus of Council not to reach a decision on the day of the public hearing since they felt that additional time would be needed for consideration of the comments presented at that time.

RESOLUTION NO. 77-19 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE AREA CIVIC CENTER COMMISSION

13. Consideration was given to appointing members to the Asheville Area Civic Center Commission; Wade Thomas, John Jersoe and Janet Hare for one year terms beginning February 3, 1977; Anne Chesson, Bill Norwood, and Richard Trammell for two year terms beginning February 3, 1977; and Jesse Ray, Jr., Barbara Keleher, and B. Paul Goodman for three year terms beginning February 3, 1977.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 77-19 was unanimously adopted.

Complete text of Resolution No. 77-19 will be found in Resolution Book No. 9 at page 204.

RESOLUTION NO. 77-20 - RESOLUTION APPOINTING MEMBER TO THE BOARD OF DIRECTORS OF THE ASHEVILLE-BUNCOMBE COMMUNITY RELATIONS COUNCIL

14. Consideration was given to a resolution appointing James M. Pressley a member to the Board of Directors of the Asheville-Buncombe Community Relations Council.

The City Manager read the resolution.

Section XIX. Inconsistent provisions in other acts superseded. - Insofar as the provisions of this Article are inconsistent with the provisions of any other act, general or special, the provisions of this Article shall be controlling. (1951,c.779,s.22.)

EXTRATERRITORIAL ZONING JURISDICTION

Councilwoman Swilling made the following statement on behalf of the Asheville City Council as the result of the outcome of a meeting held with the County Commissioners and the Asheville City Council relative to the extraterritorial zoning jurisdiction.

"We the Council believe that we should continue exercising the zoning in the one mile perimeter for possibly sixty (60) days. This will allow the County Commissioners time to determine whether or not they would prefer to exercise jurisdiction in this area themselves."

REPORT - CONSERVING ENERGY

The City Manager announced that in order to conserve energy all city owned buildings have reduced their heat to 62°. He said the Parks and Recreation Department has curtailed activities by changing the hours of activities in the Recreation Centers. He said the normal hours in the centers are from 9 a. m. to 10 p. m. and by changing activities and using fewer centers these hours have been reduced by sixty-one per cent (61%).

Councilman Rainey suggested that perhaps the Art Museum at the Civic Center would have to an exception since when you reduce the heat to 62° the air conditioner comes on thereby defeating the purpose.

Vice-Mayor Horton expressed appreciation to the businesses in town for doing their part to conserve energy.

REPORT ON PETITION RECEIVED FROM RESIDENTS OF COLLEGE STREET

The City Manager reported that a petition had been received several weeks ago from residents of College Street requesting snow removal, broadening of the intersection of Mountain and College Street and speed limit signs. He said a survey of the area has been made and it was determined that some of the speed limit signs had been removed and they would be replaced. He said the Street Superintendent reported that the Beaucatcher, College and Mountain Street area is now routinely worked during periods of snow and ice and are considered to be priority streets, not only due to the traffic volume but also the extreme grades. He said these streets would be worked after the more heavily traveled streets and those of emergency natures. He said Mountain Street is scheduled for improvements under the Community Development Program and this information has been turned over to the City Engineer.

CLAIM - DR. W. P. CAVE, HOLLY McKEE, DR. JOE B. ROBERSON, JR. AND DENTAL ASSOCIATES, INCORPORATED

The City Manager presented a claim received from Morris, Golding, Blue and Phillips on behalf of Dr. W. P. Cave, Holly McKee, Dr. Joe B. Roberson, Jr. and Dental Associates, Inc.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

Upon motion of Councilman Rainey, seconded by Councilman Morris, Resolution No. 77-20 was unanimously adopted.

Complete text of Resolution No. 77-20 will be found in Resolution Book No. 9 at page 205.

RESOLUTION NO. 77-21 - RESOLUTION IN MEMORIUM OF FRANCIS J. HEAZEL

15. Vice-Mayor Horton read a resolution in memorium of Francis J. Heazel.

Upon motion of Vice-Mayor Horton, seconded by Councilman Michael, Resolution No. 77-21 was unanimously adopted.

Complete text of Resolution No. 77-21 will be found in Resolution Book No. 9 at page 206.

The text of Resolution No. 77-21 is as follows:

RESOLUTION NO. 77-21

RESOLUTION IN MEMORIUM OF FRANCIS J. HEAZEL

WHEREAS, the City Council of the City of Asheville wishes to record its deep sorrow over the recent passing of Francis J. Heazel; and

WHEREAS, Francis Heazel was an active leader in civic, industrial, and church affairs both locally and nationally; and

WHEREAS, Francis Heazel unselfishly provided counsel and leadership to numerous community improvement efforts;

NOW, THEREFORE, BE IT RESOLVED that as evidence of the esteem which Francis Heazel earned and in recognition of his immeasurable contributions we hereby express our appreciation for his many services to this community and extend to his family our sincere sympathy upon his passing;

BE IT FURTHER RESOLVED that this resolution be transcribed on the minutes of the Asheville City Council and that the City Clerk is directed to forward a copy of this resolution to the family of Francis J. Heazel.

I move the adoption of the foregoing resolution.

Bill B. Horton
COUNCILMAN

SECONDED BY: O B Michael
COUNCILMAN

Read, approved and adopted this 3rd day of February, 1977.

Eugene S. Peterson Jr.
MAYOR

Marian D. Maxwell
CITY CLERK

APPROVED AS TO FORM:

William C. Ray
CITY ATTORNEY

Thursday - February 10, 1977 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilmen J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Ralph D. Morris, Jr., Councilwoman JoAnn M. Swilling, Corporation Counsel William C. Moore, Acting City Manager Kenneth Michalove, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

APPROVAL OF MINUTES

1. Approval of the minutes of the February 3, 1977 meeting.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, the minutes of the February 3, 1977 meeting were approved as submitted.

PUBLIC HEARING - DEMOLITION OF 30 CRESCENT STREET, 114 MILLBROOK ROAD, 37 RAVENSCROFT DRIVE, AND 7 TOXAWAY STREET

ORDINANCE NO. 943 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 30 CRESCENT STREET, 114 MILLBROOK ROAD, 37 RAVENSCROFT DRIVE, AND 7 TOXAWAY STREET

2. A public hearing was held relative to the adoption of an ordinance directing the Housing Officer to proceed with the demolition and removal of 30 Crescent Street, 114 Millbrook Road, 37 Ravenscroft Drive and 7 Toxaway Street.

Mayor Ochsenreiter opened the public hearing at 3:07 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

J. E. Johnson, Director of Inspections and Demolitions, stated that an inspection was made of each of the premises this date and no repair work had been started on any of the dwellings. He said due process of law had been completed on each location.

Councilman Michael commented that the owners of 30 Crescent Street, Mr. and Mrs. Mason James, were forced to move out of their house as a result of a burst city water line under the house which caused the back of the house to fall in. He said they had filed suit against the City for this problem but the City denied the claim and as a result there are now tax liens placed on the house.

Mayor Ochsenreiter closed the public hearing at 3:18 o'clock p. m.

The City Manager read the ordinance authorizing demolition of said dwellings.

Councilman Michael moved for the adoption of Ordinance No. 943, with a provision that the Director of Inspections contact the owners of 30 Crescent Street to obtain a statement as to whether or not they have been treated fairly by the City in this matter. This motion was seconded by Councilwoman Swilling.

Councilman Rainey was excused at 3:20 o'clock p. m.

On a roll call vote of 5-0, Ordinance No. 942 passed on its first reading.

ENFORCEMENT OF TRAFFIC LIGHTS AT BILTMORE AVENUE AT THE PLAZA THEATRE

A citizen complained of the traffic lights on Biltmore Avenue at the Plaza Theatre not being enforced.

Mayor Ochsenreiter instructed the City Manager to investigate the complaint.

HOUSE BILL - ANNEXATION - REPRESENTATIVE NESBITT

Mayor Ochsenreiter announced that Council has indicated to Representative Nesbitt that they were not in favor of the bill on annexation that was presented.

Adjournment.

Eugene S. Ochsenreiter
MAYOR

Herman J. Jaecker
CITY CLERK

Mr. Harold Bennett, attorney for Kenneth C. Edwards made the following presentation:

Mr. Bennett: "Mayor, Members of Council, my name is Harold Bennett and I am appearing here on behalf of Kenneth Curtis Edwards. Although the Council, I am sure, has read the transcript and probably has reviewed the various files and papers that were offered I would like to make just a brief statement of the fact, of the pertinent facts. It is a most unusual situation because it involves a plea of nolo contendere - nolo contendere has long been a great problem area for the courts - for the criminal courts of the whole United States. Thats why this is a most novel and unusual matter from a legal standpoint. In 1966 Mr. Edwards was 18 years old - he went to Atlanta to attend a broadcasting school and met three young men who were also enrolled in the same school. Although he did not know it at the time he later learned that these young men were involved in considerable criminal activity. After school one day the four went to an A & P Supermarket in Atlanta to get employment to get moonlight employment so they might go to school and work. While in the A & P and after interviewing the Manager, one of the young men happen to see lying on an aisle - in the aisle- a sealed envelope which apparently was a government check in the sum of $20.00. Mr. Edwards was unaware that one of his friends had picked up this envelope until they got outside the building at which time the envelope was shown and opened and they decided to endorse the $20.00 check. One of them took the - not Mr. Edwards- one of the others took the check to a bank and they - it was endorsed - and they each got $5.00. They were, of course, apprehended. They were charged in the United States District Court of Atlanta with obstruction of mail matter. Now, my opinion is, they probably were not guilty of obstruction of mail matter but in all likelihood were guilty of something involved in the forgery of an endorsement on the back of the check. That problem may have brought about what then occured in the Court. All these men were young men - anyone under 26 years of age in 1966 was necessarily prosecuted under what was called the National Youth Offenders Act. Involved in this charge was the National Youth Offenders Act which tempers prosecution of minors and men under 26 years of age. A conference was had in the Judge's Chambers between the Federal District Court Judge, the United States Attorney, the young men, their parents, their attorneys. At that time the United States District Judge suggested that these young men tender a plea of nolo contendere to the charge of obstruction of mail matter. My experience in the criminal courts is extensive but not recent. I have not appeared in the criminal courts for some time but I was at one time a Judge and at one time I was very familiar with the criminal courts. The plea of nolo contendere has troubled the North Carolina Supreme Court on many many occasions. For example, to give you some idea of what a difficult hybrid bastard type of plea it is - in North Carolina if you tender a plea of nolo contendere to a traffic violation that would normally accumulate points on your drivers record you do not get any points because of a nolo contendere plea. The courts say for that purpose it is not the same as a plea of guilty or a guilty verdict. At this time and today the rules of criminal procedure in the United States District Court provided and today provide this - and this creates difficulty. Except as otherwise

Councilman Rainey returned to the meeting at 3:24 o'clock p. m.

ORDINANCE NO. 941 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Property on North Louisiana Avenue owned by Mrs. Louise Ray)

3. Consideration was given to the third and final reading of Ordinance No. 941, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, rezoning property on North Louisiana Avenue from R-5 Residential District to Commercial Highway District, property owned by Mrs. Louise Ray.

Mayor Ochsenreiter stated that the ordinance was previously read on first and second readings and members of Council have been furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 941 passed on third and final reading.

Complete text of Ordinance No. 941 will be found in Ordinance Book No. _____ at page _____.

RESOLUTION NO. _____ RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE LEASE AGREEMENTS FOR SPACE IN THE ASHEVILLE AIRPORT TERMINAL BUILDING

4. Consideration was given to a resolution authorizing the Mayor to execute lease agreement for space in the Asheville Airport Terminal Building.

The City Manager read the advertised notice to the public, pursuant to Section 7 of the Charter Appendix-Related Laws, stating the intention of the City of Asheville to execute such leases.

The City Manager read the resolution authorizing the Mayor to execute lease agreements with Alice S. Duckett for gift shop location; Avis Rent A Car System, Inc. The Hertz Corporation, and National Car Rental of Asheville, Inc. for car rental locations, and American Cab Company, Inc. for space in the baggage room and the right to conduct limousene service for the Asheville Airport.

Councilman Michael suggested postponing the resolution for one week until more information can be obtained relative to how the leases are negotiated, what the percentages are and whether or not other companies were given the opportunity to bid on the leases.

After discussion, Councilman Morris moved to table the resolution until February 17, 1977. This motion was seconded by Councilman Hoyle and carried unanimously.

APPEAL OF DISCHARGE OF KENNETH C. EDWARDS

5. Hearing on appeal of discharge of Kenneth C. Edwards.

Mayor Ochsenreiter stated that members of Council have received and read the brief from the Civil Service Board and the Corporation Counsel has advised Council of the manner for holding the hearing. He said there would be presentation by Mr. Edwards' Attorney as well as the City Attorney.

in any civil proceeding and this is clearly a civil proceeding. A civil hearing into Mr. Edwards capability to hold the job or whether or not he should be retained. Secondly, it was a very minor charge. I call on each of you gentlemen to think back into your youth and think back into your teenage days. And I call on you to think back into the teenage days of your sons and daughters and say what one of us - who should cast the first stone. Not one of us is blameless. A very, very minor charge- restitution was made - each of the boys paid $5.00 back. It's a sort of thing that certainly shouldn't have been a federal case but as anybody who has practiced law knows anything in the federal court is a federal case and I mean it is a big deal. But its a sort of thing that we would have heard in our police court and hear in our District Court everyday and nothing to it. Secondly, this question before you and which before the Board - the Civil Service Board- involves a state of a man's mind. Did he willfully make a misrepresentation regarding his criminal arrest record or his conviction. With the recollection of what the Judge had told him -with the recollection of what the law as explained to him by the Court in Georgia meant and the results flowing therefrom he was clothed with - he was burdened with a real question. If I report this then its going to be held against me. They have told me there isn't any way it can be held against me in any future proceedings at all or in any manner so should I report it or should I not and he asked Mr. Womack and Mr. Womack said I don't know you will have to decide that for yourself. Now, Mr. Womack did not deny that that conversation took place. He just said in effect I have so many thousands of cases that I supervise it could have happened I don't recall whether it did or didn't. Now we are talking about Mr. Edwards' state of mind was this a knowing willful intentionally type of thing. Did he willfully and intentionally mean to misrepresent the status of his criminal record. I have some definitions from various case of law dealing with what willful means. A willful act may be described as one done intentionally, knowingly and purposefully without justifiable excuse as extinquished from an act done carelessly thoughtlessly, heedlessly or inadvertently. Now if he was not advertent to the fact that he should have answered yes - 1966 Atlanta, Georgia. If he was not advertent to that fact it was not a willful act. If by reason of what the Court had told him in Geogia he was under the impression and honest, justifiably impression that this could not be held against him in the future then he could not be guilty of willful,knowing intentional misrepresentation or mistatment of a fact. Other definitions intractable, having a head strong disposition to act by the rule of contradiction. Perverse - intending the result which actually comes to past designed intentional not accidental or involuntary. Under all of the definitions, members of City Council, this man's state of mind was one at the very worst of uncertainty as to whether it should be counted on his record or not when he had already been told that it should not be and could not be under the law of Georgia or under the law of the Federal Courts - held against his record in any way. Now, this man has had a perfect record. He had a perfect record prior to this difficulty in Atlanta. For 18 years he had not transgressed on the law. One misslip of a very very young man away from home - away from family - and trying to establish a career in a broadcasting school down in Atlanta, Georgia. Commendation seven and a half years of perfect service for the Police Department for the City of Asheville for you and me, for all of us. A member of the Naval Reserve for several years. Now, the Naval Reserve, I have had a lot to do with that,

provided in this paragraph, evidence of a plea of guilty later withdrawn or a plea of nolo contendere or of an offer to plea guilty or of nolo contendere to the crime charged or any other crime or of statements made in connection therewith and relevant to any of the foregoing pleas or offers is not admissable in any civil or criminal proceeding against the person who made the plea or offer. Georgia law goes - I think the same - but it is phrased a little bit differently. The Georgia Statute and this did occur in Georgia although the federal rules of procedure were involved. The Georgia Statute said it shall in no way result in a forfeiture of position. The Judge who presided over this case told Mr. Edwards, in the presence of his mother, and his lawyer, that if you plea nolo contendere it can not be held against you in any way in the future. Based on that understanding, all of these young men tendered a plea of nolo contendere. Probation was imposed for two years. Mr. Edwards satisfactorily completed his probationary period without any misconduct or any violation of the terms of the probation. Came 1969 he was about to be discharged from his probation. He was under the supervision, here in Asheville, of Mr. Charles J. Womack who is still a probation officer in the Federal Court here. The application form which was given to Mr. Edwards when he made application for employment or appointment as a patrolman had a question no. 14 which ask if the person had ever been arrested or convicted of any offense. Mr. Edwards was in quandry he went to Mr. Womack - and this is in the record - and asked Mr. Womack- he said I am applying for a job as a police officer - how should I answer under this nolo contendere situation which is not really a plea of guilty and not really a conviction -how should I answer this question no. 14. And Mr. Womack, even though he had years of experience, said Mr. Edwards I can't tell you, you'll have to answer that yourself. He was filling out the blank at his mother's home where he was residing and he said mother, who is Mrs. Ruth_____, who testified in the matter before the Board - he said- how should I answer this question 14? She said well you know what the Judge told you that it could not be held against you in any way in the future- answer it no. So he answered the question no. He is appointed - starts his employment May 3, 1969. He has a prefectly clear record as a police officer. He has received three commendation letters each of which appear in his personnel file. In addition to that he completes a school in Durham by the Northwestern Traffic School -that's a branch of the Northwestern University and in addition to the three commendations that I have mentioned he has a commendation from the Governor's Secretary complimenting him on completing this school. Not a black mark against him. Seven and a half years have elapsed since the date of his employment. Police Chief receives an anonymous telephone call advising him that Mr. Edwards has - had been convicted of an offense down in Georgia. The Chief investigates all the due processes that followed in so far as the letter to Mr. Edwards - no question about that - he has a conference with the Chief - he tells the Chief about this nolo contendere plea that he understood that he - that it could not ever be considered a conviction or could not be held against him in any way and that was why he answered the question in that manner. Notwithstanding this the Chief discharges him which matter was affirmed by the Board - the Civil Service Board. It is now here on appeal. These thoughts occur to me. Certainly the conviction itself could not be used as a grounds of discharging Mr. Edwards because under Rule 12 of the Federal Rules of Criminal Procedure it could not be used

represented by Mr. Bennett. He had the opportunity to be sworn to present all the evidence that he wished to present. He had the opportunity to have all of his witnesses present, in the hearing room, to be sworn and to testify. The City of Asheville presented witnesses who were sworn and who testified and Mr. Bennett had the complete opportunity to cross-examine all of those witnesses. After the hearing was completed - after the Civil Service Board had observed the witnesses - had observed the demeanor of each of the witnesses and had considered all the matters that Mr. Bennett related to earlier the Civil Service Board entered a report in which it affirmed the action of Chief Hall. Now, Mr. Bennett has requested that the report of the Civil Service Board be disapproved and one basis for his request for disapproval is this plea of nolo contendere. I would like to call the City Council's attention, though, to the report of the Civil Service Board. In that report the plea of nolo contendere is not even considered. That was not even the matter upon which the Civil Service Board based its decision. Question 14 of a questionnaire, which Mr. Edwards signed, asked this question. Were you ever arrested or convicted of any offense against the laws of this state or of the United States? - Were you ever arrested? - Were you ever convicted? The evidence is without question. Mr. Edwards testified, under oath, that he was in fact arrested for a federal violation and it is not a matter of a violation - it's a felony. The man could have been sentenced to five years in prison and a $2,000 fine. That to me, is not a matter that is simple, easy and unimportant. The plea of nolo contendere - what it's legal meaning is - what it's consequences are - has absolutely nothing to do with the matter that is before this Council. Chief Hall testified under oath that he was concerned with the fact that Mr. Edwards answered the question - were you arrested? - "no" - he answered that "no" in his own handwriting and then he underlined it. He signed the document twice - one time before a Notary Public. This discharge is based upon the fact that he falsified an application. His falsification was willful and willful means did he do it intentionally. The evidence is clear and the Board found that - yes, he did it intentionally. It wasn't an accident. He knew what he was doing. He contemplated. He thought about it. He talked with his mother about it. He talked with Mr. Womack about it - a federal probation officer. Mr. Womack said this - I'm not going to tell you how to answer it. I'm not going to tell you to put the wrong answer down. You make that decision yourself. You're an adult. You make that decision. He thought about it and he knew if he answered it yes his possiblity of getting a job with the City of Asheville as a law enforecement officer would be jeopardized. Therefore, he intentionally wrote "no" and he underlined it. Never had he attempted to go to the Personnel Department, the Chief of Police, when he was applying for work and say - I had a problem in Georgia. I was a young man. I was arrested - yes, I was arrested and I want to tell you about it, ask that you give me another opportunity and let me become a law enforcemnt officer. Mr. Womack told him - this is a decision you have to make yourself whether or not to answer it yes or no. Mr. Womack, according to the transcript, advised him only that since you are on probation you can't carry a pistol so I don't know how you're going to be a law enforcment officer. He never told him that there was confusion about what a plea of nolo contendere meant. That was not even the issue, it

it doesn't take tramps - it doesn't take people that are not worthwhile. Sometimes it might develop into people that are not worthwhile but to get into the Naval Reserve you have got to have good character - good recommendations and be clean. His work with the youth - with the youth of West Asheville - his membership into the Fraternal Order of Police his activities - all of these things lead me to believe that Council should say by a vote of five out of the seven that is required by the Act to disapprove the action of the Civil Service Board. There is discretion, nobody has seen fit here to exercise any discretion whatever. There could have been a reprimand, certainly in my opinion that is all that Mr. Edwards conduct, under the most peculiar circumstances of this case, deserves. As I say nolo contendere, no lawyer today and I will challenge any one of them here in this room or any one of them out here in the City to sit down with you and give you a good substantial explanation of what a plea of nolo contendere really means and what it really results in and what it amounts to - they can not do it. Every court of which I am acquainted has had tremendous problems including the Supreme Court of North Carolina. They have had such problems that there happens to be a law review article on the subject - Nolo Contendere in North Carolina by Edward Lane Redicker - It starts on page 280 and it runs for about 20 pages discussing what is the effect of a nolo plea in North Carolina. Well, Lord knows, that the law schools and the law review editors and the Supreme Court don't know how do you expect Mr. Kenneth Curtis Edwards to know. Finally, in my opinion, this did not merit discharge. I think this was an extremely harsh punishment.I have known in my life in the City of Asheville which is 62 and one-half years many many offenses committed by police officers, far greater magnitudge than this which went totally unnoticed. I say that it is within the power of this Council to disapprove this report and remand this matter to the Civil Service Board with a recommendation that a reprimand be entered or some slight suspension. Mr. Edwards testified in this case that he had absolutely no intention to knowingly or willfully deceive and didn't intend to deceive anyone. He was following the line of reasoning given him by the courts in Georgia. I say this is a situation where Council should exercise its discretion. This man has done an excellent job as a police officer. This is a very very old situation. Dates back to 1969 and here we are in 1977- seven and one-half years when it occured last summer and now eight years. I ask that Council consider this matter, exercise its discretion. No one is trying to say Chief Hall is guilty of anything, after all he is the Chief, he had a right to impose such penalties as he thought best. However, I think there must have been something further, something more in it by reason of the harshness of this punishment. Thank you very much."

Mr.Vic Buchanan, attorney representing the City of Asheville in the case of Mr. Kenneth C. Edwards, made the following statement:

Mr. Buchanan: "May it please the City Council on January 19 of this year I appeared before the Civil Service Board and ask them to approve the action taken by Police Chief Hall in his dismissal and discharge of Mr. Edwards. Today, I am appearing before you and asking that you approve the action taken by the Civil Service Board and approve its report as filed with the City Clerk. The reason for that is this - After Mr. Edwards was discharged by Chief Hall he requested a formal hearing before the Civil Service Board. That hearing was conducted. It was a public, open, complete hearing. Mr. Edwards was present. He was

Mr. Buchanan: "I'd like to point out to - that a number of years have gone by since Mr. Edwards completed the application and became a police officer but during none of that period of time as he grew in maturity, grew in knowledge, grew in his law enforcement career did he ever come forward and attempt to talk or explain this situation to anybody in authority with the City of Asheville and to now say that it is unimportatnt - to now say that because he was a good police officer or because he never came forward and talk to anyone about it - that he was able to cover it up would be simply to say that we are rewarding you for an intentional wrongful deceit and for that reason again I believe that the report should be approved.

Councilman Michael: "Mayor, I don't know whether Mr. Buchanan could answer this or not - Am I allowed to ask the Acting Chief of Police a question."

Mayor: "I think if it pertains to the case and I think what you are trying to ask - something that Council would like to know. I don't see any reason why you couldn't."

Councilman Michael: "Well, I'm interested in Mr. Edwards and everybody else's case too. If he's the only one that, under the Civil Service law that has ever falsified by answering question 14 "no" then I think he ought to be dismissed. I also think that the modern way of computerized record keeping that we have - that it would be an easy matter to investigate whether a person had a police record at the time of employment and I think this should be done."

Mr. Bennett: "I'll answer that, Dr. Michael, by stating that the Chief testified before the Civil Service Board that this ----------

(Tape had to be changed)

Councilman Michael: "------- everybody else under Civil Service has been investigated and I'm sure that everybody else doesn't have a record. That they said they had a record at the time they were hired."

Mayor: "Chief, could you - I'm not too sure exactly - on 14 let's look my way for a second. Have we ever had a case where the indication was "yes" they had a police record and we did hire them."

Chief Trulove: "No, sir. Not a felony. On minor traffic offenses, yes. On driver's licenses that have been revoked for driving drunk or something."

Councilman Michael: "But, when the case came up it seems like it would have been fair if you would have investigated everybody you could and found out if anybody else had a record and check their application."

Chief Trulove: "I didn't have anything to do with it. That was before my tenure."

Mayor: "Otis, are you saying that -------."

Councilman Michael: "I'm trying to say everyone else ought to be checked and fired if they are going to fire Mr. Edwards."

was whether or not he was going to give a correct and truthful answer to the questionnaire when he was seeking employment with the City of Asheville. I would ask that the City Council approve this report and I would ask that because this matter has been gone into at a full hearing. The report of the Civil Service Board is based only upon competent evidence and if it is proper before the law and before the court then therefore it, should be approved. Thank You."

Vice-Mayor Horton: "I have a question I'd like to direct to Mr. Buchanan. Mr. Buchanan, you referred to the possibility that if in answering this question no. 14 on the application, the applicant had said "yes" it would jeopardize his chances of being hired as a police officer. What would be a normal reaction. What in your opinion would be a normal reaction if an application were submitted with a "yes" in that one particular spot. Would there be an investigation or something like that."

Mr. Buchanan: "I have no way of knowing, I would think that the responsible party in this case, Police Chief Hall, would have made an inquiry and talked about it. Had he inquired, he would have found this - that "yes" the man had been arrested for a violation of a federal statute. In addition, the transcript shows that there is a four count bill of indictment from the Grand Jury of Fulton County, Georgia which is a state court and which resulted in an additional arrest of Mr. Edwards. Now these were all matters that revolved around this one case. But this could have been something that Mr. Edwards could have sit down and talked with the Chief of Police about or the Assistant Chief or someone in the Personnel Department-but-instead of falsifying his application, particularly before a Notary Public under Seal. He should have explained it. He could have put "yes" then he could have explained it. Now what would have been the result of that explanation - whether or not he would have then been fired I don't know. I'm not qualified or capable of answering that."

Vice-Mayor Horton: "Well, my point was that perhaps would have been a person to person investigation as well as finding out of the facts and then all that has been brought to light in the transcript here and what both Mr. Bennett and you have covered here today perhaps would have been in the mind of our Personnel or Police Chief and anyone concerned with this employment application. So you have relieved my mind a little bit, by the fact, that it would have been given further consideration. This is one thing I wanted to know whether it would have been just automatically cut and said you are not qualified - we can not even consider your application. This is very important I think in our judgement sitting here as elected officials of the City of Asheville that we have a clear concept of what could happen or what could have happened had the person who asked for the hearing answered "yes" rather than "no". Many times in a case like this I have been tempted myself to say "yes" but - or "no" but - Yet seemingly our society seems to say "yes" or "no" and sometimes an explanation is far more important and far more beneficial to both parties than just a plain "yes" or "no" answer."

Mr. Buchanan: "West Point, you had a large number of people who had done ----- -----."

Councilman Michael: "Maybe we got a lot too ------ we don't know."

Mr. Buchanan: "The difference between West Point and here is that the investigating committee found that the West Point cadets were not provided with their appropriate constitutional protection. There could be no question - that Mr. Edwards has been offered and given every protection conceivable to protect the due process right. Mr. Bennett has seen to that. Mr. Hall prior to that time. Now, if complaints are made against someone they have to go through the procedure and give everyone an opportunity to sit down before the Board - put their hand on the Bible and swear to tell the truth and they tell the truth then they can afford to make a decision upon competent evidence. So far there's only been one complaint. "

Vice-Mayor Horton: "Mr. Mayor, I'd like to ask Chief - you answered a while ago that as far as you know there has been no successful applicant who has been hired - shall we say who had answered "yes" to this question. Does that mean now "yes" to a conviction or "yes" to an arrest."

Chief Trulove: "It says Have you ever been arrested or convicted?"

Vice-Mayor Horton: "What I'm thinking - there is a possiblity that you would have someone just as Mr. Edwards- that he was not convicted. But I don't want to confuse that in your mind it just occurred to me that there is a difference."

Chief Trulove: "Well, if the man wasn't convicted - I think he would be."

Councilman Morris: " He'd still have to answer "yes" wouldn't he?"

Chief Trulove: "That's right ---------- but he ought to go into detail and explain it."

Mayor: "I think that brings us up to date."

Mr. Bennett: "Can I make one statement in rebuttal now? First of all everything is a felony in the federal courts. If you read the U. S. Code from Volume 1 through Volume 49 you will find that everything is a felony in the federal -----. Even the most incontestable type of thing. Secondly, in reply to Mr. Buchanan's arguments. Why didn't he come forward in the seven and one-half years? If he was under the impression that it could not be used as a record against him in any way by what the Judge and the United States Attorney and his lawyer and everybody else told him why would he come forward seven and one-half years later if he's still under the same impression."

Vice-Mayor Horton: "Mr. Bennett, I have one further question - under Section 42 of the Civil Service Code does that refer directly to an application?"

Mr. Bennett: "No, sir, it does not. I didn't want to get legalistic with this Council but I think that is a legal point thats well taken. It

Mayor: [redacted] "Vic, you might want to address yourself to what Otis is -----."

Vice-Mayor Horton: "I'd like to ask the Chief another question."

Councilman Michael: "It may sound funny - it might sound facetious - it might be out of order, but it is a fact. This guy was reported by an anonymous phone call and apparently somebody didn't like him. How many more people that works for the City of Asheville under the Civil Service rules and regulations, have records that said they did not are working for the City of Asheville would be what I would have to know before I could recommend approval of the report."

Mr. Buchanan: "I'd like to point out, Dr., that the Police Department has established a procedure whereby complaints, whether they be by citizens, people employed by the City, anonymous, or whoever if a complaint is made against a law enforcment officer then there is an internal investigating procedure which has been set up to accomplish several things - one of which is _____ the police officer and give him an opportunity to be heard and give him the opportunity not to have unsupported statements made against him and also to give members of the community a way whereby they can make a complaint against a police officer that has mistreated them. Now, as part of this internal complaint procedure which is set out in the Police Manual, of which Mr. Edwards had a copy prior to this time. As is true of all the police officers. Chief Hall received an anonymous telephone call during June of 1976 Now he is required as a result of that call to put this complaint procedure into effect as to this officer in order to deal with a specific concrete complaint that somebody came forth anonymous and made. Now as that complaint procedure went forward there was a conference held of which Mr. Edwards and his then attorney, Mr. Wade Hall, was present. After that occurred, Chief Hall terminated or dismissed Mr. Edwards. Then he became part of the protected procedured of the Civil Service Act which resulted in this hearing. Now, if there are other complaints that someone has against other police officers for falsification of an application or anything else then their proper procedure is to come forward and make a complaint so that it can be investigated so the officer will be given the opportunity to rebut these accusations and protect him as provided in the Civil Service Act."

Councilman Michael: "I agree with everything you are saying - I agree Mr. Edwards ought to be fired if everybody else has been investigated. But I think it is unfair to single one person out because he got the complaint. Take West Point for example when they got a complaint - violation of a code of ethics - examination - etc. They investigated everybody and they dismissed everybody."

Mr. Buchanan: "At West Point they investigated those who had complaints made against them."

Councilman Michael: "I think that is fair. In this case we didn't do that. We investigated one person who got a complaint."

Now, that type of statistical figures gave credence to the rumors that I received. I have not had an opportunity to look at the reports for 72, 73, or 74 or even going back further than that.

I shared my concern with the Mayor in December, 1975. Now, I must say one thing about the Mayor. The Mayor would make a very good poker player because he sat there and listened to everything I was telling him showing absolutely no emotion, no feeling whatsoever. I did this in the presence of Mrs. Swilling and she will attest to the fact that our Mayor is a man with steel nerves and thought there was absolutely no impression made on him at that time.

At this time in January, I was approached by two Citizen-Times editors - Mr. Bill Moore and Mr. Bob Satterwhite. On January 14 and 27 they told me that the Asheville Citizen Times had been looking into the same rumors. I expressed to them the concern that, if they released their story without this Council doing something about it, we would end up with egg on our face, embarrassed by the fact that this Council was the one in which these rumors, if true, were released to the public. When I learned of the Citizen-Times interest and the stories to follow, again I informed the Mayor. The reporters asked for contacts and there was a meeting arranged through my intervention between some young officers and Bob Satterwhite, in which Mr. Edwards was present.

In February, it was obvious to me that an investigation of some outside source was needed. Through the intervention of a mutual friend, I talked with Mr. Charlie Smith of SBI. He told me that he needed a local district attorney's request before he could send in an agent to investigate. I went to Mr. Fisher and Mr. Fisher said he could not issue the request unless he had signed affidavits. No officer, no young officer presently on the force or any retired officer in the Asheville City Police Department that had witnessed what they considered wrong doings, was willing to sign that affidavit and I couldn't blame them one bit and that was a stone wall. As far as I was concerned there was noting more that could be done. Not with the Mayor.

The Mayor had discussed this situation with the City Attorny. For the first time, in making this public, I want to state that I am very proud of the way that our Mayor and our City Attorney has handled this thing. They tried anouther route - another route which again required policemen to deliver their stories. Mr. Edwards was not part of this police group and they met using this other route and thus far nothing has come out of that either.

The articles that Mr. Satterwhite had said would be reported came out in June 22, 23, 24, and 25 in a major misjudgement of time. They came out in the midst of the Tunnel/Cut controversary which was about the worst time that nay news story, I suppose, could get any attention in Asheville. And they came out when I was 1,100 miles away in Texas. One of the articles written by Charlotte Hutchison on June 22 stated that a number of policement that had talked to the Citizen during the past several weeks expressed fear that "they would lose their jobs or experience some other reprisals if their names were used in the airing of their complaints." The last article then appeared on June 25 - one of the articles was entitled Chief Hall quote "Tried in the Press?" Another's entitled "Police Say Gambler Gave Force Christmas Liquor" the largest one "Low Morale Hurts Police Department, Patrolmen Say".

does not refer to an application - it refers to an appointment. It does not specifically cover a misrepresentation on an application for employment."

Vice-Mayor Horton: "And it was Section 42 under -------."

Mr. Bennett: "It was Section 42 under which the Chief operated. Yes, sir."

Mr. Buchanan: "I would like to refer to Section 42 ----- no person shall wilfully or corruptly make any false statement in regard to any appointment. The argument that we presented and as our position before the Civic Service Board that when you talk about making statements this clearly - without question - covers applications for employment. It is part of your appointment procedure."

Councilman Rainey: "I'd like to take a few minutes to explain how I will vote on this issue and with a jumping off point on the closing sentence of Mr. Bennett's council presentation. In which he said and I quote "there must of been something more in it because of the harshness of the judgement against Mr. Edwards." I think we must place, at lease I must place, this case in a larger context. And the starting point as far as I'm concerned is the date of the anonymous phone call - June 28 - a date that I think that is important.

When I decided - or had my arm twisted to run for City Council 1975 - the rumors that I received as a candidate was that a majority of our uniformed policemen are honest professionals, but that there were hints of corruption within the Police Department. It came from several sources: it came from law enforcement personnel in the City and in this County; it came from retired officers from the Asheville Police Department; and it came from young officers within the department. But now - hints of corruption primarily centered around the lack of police action against prostitution and gambling. The picture that was painted for me was that there was protection for some lotteries but not of others; that a young officer, if he wanted to stay on the police force, would have to look the other way if he was promoted. Now, I am of the opinion, and I stand square on this opinion, (and I see some young officers in this room - one of which was one of my students)- that the majority of our uniformed policemen are honest professionals.

The concern about these hints - these rumors - from approximately 12 people - my suspicions were further aroused by looking at the annual reports of the Police Department. In 1974 there were 333 narcotics arrest by the vice-squad. There were 7 for lottery and 5 for gambling. The ratio in essence is one for lottery and gambling to 28 for narcotics. Investigations there were 596 for narcotics and 135 for lottery - in other words 19 investigations resulted in 1 arrest for lottery 1.8 or almost 2 investigations resulted in one arrest for narcotics. Again, the rumor that come to me in a statement from these sources were the Vice-Squad, under the very capable leadership of K. D. Ingle, were told or was concentrating on narcotics and leaving lottery and prostitution in this City alone. The statistics for 1975 are even more impressive - 1975 there were 224 arrest for narcotics, 1 arrest for lottery, 3 for gambling, and both years none, as far as I can tell from the reports, for prostitution. In other words, a little over 3 investigations resulted in one arrest for narcotics but 199 investigations resulted in one arrest for gambling.

Vice-Mayor Horton in voting to "disapprove" the report made the following statement"

"I'd like to make one brief statement explaining why I vote as I do because this has been a most unusual situation. I do believe that Chief Hall did what he conscientiously thought was the thing to do at the time. However, in view of the transcript, of the statements and the testimony and particularly the character references they indicated that Officer Edwards had done a good job on the police force and that he was an outstanding member of our community. I have come to the conclusion that he has proven himself worthy to be on our police force and I think that the technicalities of the charge are vague and ambiguous. I do not personally feel that he willfully or corruptfully answered as he did because it was fully explained by Mr. Bennett the circumstances under which he labored to try to come up with what to put on that piece of paper and I firmly believe that had this come out at the very beginning and an investigation been made at the receipt of his application that the circumstances would have been accepted as not serious enough to jeopardize or to interfere with his being considered completely and openly in an unbias manner for a position on our police force and I think that his service of seven and one-half years of dedication and of fulfilling his duties in an exemplary manner have again proved his worth and I will disapprove the report of the Civil Service Board."

Councilman Morris in voting to "approve" the report made the following statement:

" The five necessary votes have been cast. I think we have gone pretty far afield, frankly, I think we have talked about a lot of issues that are not pertinent to this case or claims. I think we skirted the one issue and that is Did he knowingly make false statement on the application? Hadn't got anything to do with vice - hadn't got anything to do with whether or not he was convicted- hadn't got anything to do with the size of the crime. The only question I think before this Council is Did he knowingly make false statement on the application form? and its clear that he did and I hope he will hold no resentment against me. It would seem at this point in time he's kept his job but I'll have to vote to affirm what the Civil Service Board has done."

Drew Walker, Asheville Police Legal Advisor, made the following statement:

"Mr. Mayor, I'd like to know if I could be heard before the next item of business. What I have to say doesn't bear on the issue of Mr. Edwards and unfortunately I don't enjoy the advantage of any advance notice or preparation for my remarks. And perhaps taking issue with even one Councilmember at budget time may be a risky thing for someone whose salary is controlled by the Council. But I can't let all of the innuendo pass without making a remark on it. And I would appreciate your listening for a few minutes. It occurred to me while Dr. Rainey was speaking that in saying that he has confidence in the honesty of most of the Police force but believes that there may be some who were dishonest- thats a lot like my saying I think that probab most of you are honest. But I think some of you are crooks. But I don't say who's who That bothers me- it would bother you to all be tarred with the same brush. Even though the one doing the tarring is saying I'm not really doing this - you know he is. He's not taken the necessary steps to be specific about who is being charged who is not being charged. This of course is something that goes back a long time. All the stories in the newspaper. All the allegations during the slow down that occurred during the fall of 1975. There have been charges filling the air for a good while. All sorts of allegations against Chief Hall - against Chief Trulove - again Chief Jarvis - against all the so-called top brass at the Police Department, but none of the allegations have been backed up either by specific individuals making

The call to the Chief came on the 28th. I cannot support the firing of Mr. Edwards with this background. This was a harsh judgement I think because Mr. Edwards was a part of this, that is, the discussion with the Citizen-Times that I described below.

The issue of Mr. Edward's answer, I think, would have been handled differently had he not been part of the young officers interested in a professional police department, concerned about the department, wanting to serve Asheville as best they can - had he not participated in that discussion with the reporters. Where do we stand now --.

I conclude by saying the majority of the Asheville policemen are honest professionals. Secondly, this Council has done all that it can to look into this problem without making it public or without hurting innocent people and the fact that for over a year now that this is been going on. The Mayor has been moving on this - the City Attorney - without making it public - shown that we have been concerned - a lot has been going on under the surface and I must take my hat off to the Mayor and the City Attorney.

We certainly must look into this matter either under the new Police Chief or perhaps under one of the sources - one the channels - the channel which the Mayor and the City Attorney were looking into this past year. I believe we cannot stamp out sin in Asheville or we can not stamp out vice and I don't think that we would be able to run out all the gamblers or do away with the women of the street. But I do believe that we need to look into a situation with I think there is enough smoke to suggest a fire that vice is discriminately prosecuted with Asheville.

Mr. Mayor, I must vote to override the Civil Service Board."

The Corporation Counsel reviewed the Charter for the procedure for voting on the Civil Service Report stating the "the City Council shall at a regular session vote on the approval or disapproval of the report. It required five (5) affirmative votes to disapprove the report, lacking such five (5) votes the report shall be approved. When each Council member is asked whether or not he approves or disapproves the findings of the Civil Service Board he shall answer "approve" or "disapprove"."

Mayor Ochsenreiter then ask the City Clerk to obtain the vote. The vote is as follows:

Councilman Rainey - "Disapprove"
Councilman Hoyle - "Disapprove"
Councilwoman Swilling - "Disapprove"
Vice-Mayor Horton - "Disapprove" (See comment on back of page)
Councilman Michael - "Disapprove"
Councilman Morris - "Approve" (See comment on back of page)

top of my head so I don't know whether it will be phrased very well or not. I think the Council needs either to say we are going to investigate the Police Department and if there is anything wrong in it or any people wrong in it then we are going to correct that situation or remove those people, or the Council needs to say we will no longer entertain and certainly not advance ourselves anonymous, unsubstantiated rumors of misconduct and I would urge you to consider those options and to go on record one way or another. I think that in the situation we are in with an interim City Manager and interim Chief of Police that people are uncertain as to whats going on and where they stand. If you heard the questions I am getting every day from Police Officers in regard to whats going to happen down the road and how they are going to be affected, you would know what I mean. They feel like they may be between a rock and a hard place. I think the Council owes it to them and in turn the public of the City of Asheville who we are all suppose to be working for to go on record one way or another. I think it is something you need to think about and then decide upon and I think that all this wavering back and forth having things come up, die down, arise, blow over needs to end. I think that one of those two options is what you ought to take. I apologize for stepping outside the agenda but sometimes when something arises spontaneously you have to respond to it in the same fashion. And I would urge you to think about those two courses and decide on one. Thank You."

Councilman Rainey - "Mr. Mayor, I think that I ought to respond a bit here."

Mayor: "Let me make a suggestion. I feel like that based on the seriousness of the implications up to today that we can't resolve anything and that Council to establish a policy would have to be at the direction,with reference to the Police Department,of the City Manager unless we make a specific request of him. I would ask that this Council bear with that decision as well as the members of Council of the audience here today. I would like, as a matter philosophy, Drew, to explain one thing. As the Mayor of the City of Asheville this is not just one of the many problems but there are a lot of them that come to my attention. To the best of my ability whether it deals with the State Highway problem or the Police Department, in-house problems, we take it to where we think we can get the facts before we move forward in any direction. And that was the effort that City Attorney Bill Moore and Gene Ochsenreiter as your Mayor made before we felt like something could be established to proceed with any type of investigation and that was our position and will continue to be until the facts are laid on the line so that we can establish what the problems are, what the causes are and what needs to be done for a solution."

Councilman Rainey -"May I answer some of these things - He's questioned my motives. I won't take but a minute."

Mayor: "O. K. but Drew we are going to cut it off at that time because this is not the place."

Councilman Rainey - "I'll overlook Mr. Walker's statement of my motives - that is playing to the press. That's cheap shot. This would not have come out today had it not been important in the career of one of our officers. If this case had not come up today what I've just said - what I think a good record of the Mayor and the Attorney made in this regard-would not have been made public. At this point in time it had to be. Told now there are no allegations today in what I have said - there are no accusations against Chief Hall

the charges or by being able to or being willing to which ever, nailed down details of what the charges are. It strikes me as totally unfair. To make a statement in open Council meeting, playing to the audience of the press, playing to the audience in this room, playing to the audience that hears us on radio, saying that I think that we got corruption in our Police Department without saying any more than that. People have been before the Council, Mr. Bishop, and others making similar charges. Council has to this point said go to the District Attorney - go to a Grand Jury - go to some place where if there are substantial - if there is substantial weight to these charges something can be done. The appropriate agencies in our Justice system to this date either have not been contacted or if contacted have not had enough to go on even to launch an investigation I'm not even talking about a preparation for any sort of trail or indictment but I mean even enough to start an investigation. All these charges are many steps removed from being legally sufficient to have a warrant or indictment issued against anyone. The only thing I believe that has happened as a result of all the rumors to which Dr. Rainey has added fuel - the only thing that these stories and rumors have done is to put Chief Hall, when he was still Chief, on the defensive. To put all the policemen under the spector, under the cloud of this allegation about dishonesty not knowing you know who thinks I'm dishonest. Do they think that I'm one of the good guys or one of the bad guys. You try working like that its not very easy. The City pays me to be the lawyer for the Police Department. It distresses me somewhat to learn if I recollect what you said clearly that the Mayor and the City Attorney have been trying to see if there was something to these allegations without informing anyone in the Police Department. I can understand that if you have a specific individual under investigation you don't go to him necessarily and say we're checking you out. It does occur to me that as a public employee, someone paid by the City to represent the best interest of the City in the Police Department, that if there is any kind of investigation of someone in the Police Department unless its me, that I should be informed of it. I think that that is requesting only something that makes sense from a public policy point of view as well as a very sensible point of view. I'm not paid to represent someone to try to get them off the hook over at the Police Department. I wasn't paid when Chief Hall was there to be just Chief Hall's lawyer. I am not paid to keep anyone out of trouble. I am paid to represent the best interest of the Police Department stress department. Not particularly individuals and the best interest of the City. And I think it unbecoming if this is the case that I have not been and that other people in the Police Department who were not subject to an investigation have not been notified of any of this. If this is a misunderstanding on my part I'd like to be enlightened if I understand correctly I'd like to be apologized to and informed in the future. A week or so ago a resolution was read here in appreciation of Chief Hall's work as an officer and as Chief of Police. During last summer when all the newspaper stories, radio stories were filling the paper and filling the airways nobody lifted a hand in defense of the man at that time. Nobody lifted a hand in defense of the Police Department at that time. As I recall it the only statement issued was one that was issued by Mr. Ward which said in essence we do not have substantial allegations upon which to make an investigation. I read that as damning with faint praise. I was appalled by it. I do not think it would be inappropriate or even particularly daring of the City Council to go on record as saying that we believe that a person is honest until there is some specific proof that he is a crook. I don't think that to much to ask of the Council. And I believe that Dr. Rainey has just taken us somewhat in the wrong direction. I think it is more of the same - more of the charges without any proof - more allegations without any proof. Painting the Police Department and all the officers, remember, who, none of whom have been identified. Painting them into a corner. They are suppose to go out and impartially enforce the law while at the same time they have all been tarred with this same brush of allegations and corruption. I believe the Council needs to do one of two things. This is off the

NCLM
NORTH CAROLINA LEAGUE OF MUNICIPALITIES
1010 RALEIGH BUILDING / P.O. BOX 3069 / RALEIGH, NORTH CAROLINA 27602 / PHONE (919) 834-1311

January 26, 1977

Mr. William C. Moore
City Attorney
P. O. Box 7625
Asheville, North Carolina 28807

Dear Bill:

I am writing in response to the recent telephone conversation between you, Mike Smith and me, concerning an interpretation of the Asheville Charter. We discussed whether the Chief of Police would be an employee subject to the rules and regulations of the Civil Service Board, or if he would be an employee appointed by the City Manager.

The relevant provisions are Sections 26 and 27 of the City Charter, and Section 27 of the related laws. The Civil Service Board has authority over the classified service of the City, which is defined by Section 27 of the related laws to include "all officers and employees of the City of Asheville, except... directors of departments, as defined in the city charter..." Section 25 of the City Charter establishes six departments of the City, including a Department of Public Safety, and authorizes the City Council to create such other departments by ordinance as it deems necessary. The intent of this section appears to be that (except for the department of motor transport) the City Council is prohibited from abolishing any of the departments enumerated. Section 27 of the Charter provides that the head of each department shall be appointed by, and shall be under the supervision and control of, the City Manager.

As I understand it, in February of 1974 the Director of Public Safety position was abolished by the City Council, and the positions of Police Chief and Fire Chief were elevated to the level of department head. The question has now arisen whether the Police Chief is an employee appointed by the City Manager, or whether he is an employee subject to the rules and regulations of the Civil Service Board.

As we discussed on the telephone, G. S. 160A-146 clearly gives to the city council of each municipality the authority to create, change, abolish, or consolidate positions and departments as it sees fit. G. S. 160A-3 (c) provides that when a power is conferred upon a municipality

The point is that all of the attempts to gain some substance, to find the smoking gun, as far as these rumors and allegations are concerned, were carried on behind the scenes, quitely, and through established channels.

Now, I will hereby break a promise to the City Attorney. Because I think it is a dead end because we had an election and we're going to have a new Federal District Attorney and that was the alternative approach that the Mayor and the City Attorney were going to.

As far as leaving Mr. Walker out of it, I frankly do not trust him. It is not meant as a criticism it is just meant that fewer people who knew about these things the better off we are and thats the way we wanted to keep it.

If we found the smoking gun, this Council would have acted. It turned out we had an election and we have a Democratic President instead of a Republican so now then we have a change in the District Attorney. Mr. Moore became ill and that slowed us down, too. These are events that just took place. As far as the officers over there are concerned, I think you will have to judge by how popular the decision of the Board today is among them and returning Mr. Edwards to their ranks as to whether or not Mr. Walker is correct in saying that I have tarred thw hole department or whether or not this Council is correct in making what I think is the best decision. I believe that Mr. Edwards return to the ranks will be very popular among the men and I think that's justification enough to bring up these events. Thank you, Mr. Mayor."

Mr. Ralph Bishop made a statement criticizing Mr. Walker's statement. He also complained of the lottery peddlers in the City of Asheville and Chief Hall.

RESOLUTION NO. 77-22 - RESOLUTION REGARDING AUDIT CONTRACT

Consideration was given to a resolution regarding audit contract for fiscal year ending June 30, 1977.

The City Manager read the resolution.

Upon motion of Councilman Michael, seconded by Councilman Hoyle, Resolution No. 77-22 was adopted, with Vice-Mayor Horton voting "no".

Complete text of Resolution No. 77-22 will be found in Resolution Book No. 9 at page 207 .

SELECTION OF NEW POLICE CHIEF

The City Manager read the following letters from the North Carolina League of Municipalities, Attorney Frank Gray and William C. Moore, Corporation Counsel relative to the legal opinion of the selection of a new Police Chief due to the retirement of Chief J. C. Hall.

PATLA, STRAUS, ROBINSON & MOORE
PROFESSIONAL ASSOCIATION
SUITE 600, GENNETT BUILDING
P O BOX 7625
ASHEVILLE, N. C. 28807
(704) 255-7844

KARL N. STRAUS
ROBERT J. ROBINSON
WILLIAM C. MOORE
STEVEN I. GOLDSTEIN
VICTOR W. BUCHANAN
JONES P. BYRD
ROBERT A. FREEMAN, II
CAROL EUBANK

OF COUNSEL
J. A. PATLA

January 31, 1977

Mr. W. Michael Smith
Personnel Director
City of Asheville
Post Office Box 7148
Asheville, N. C. 28807

Dear Mike:

Please be advised that I am in full concurrence with the opinion of Mr. Frank Gray, Attorney for the North Carolina League of Municipalities, as set forth in his letter to me of January 26, 1977.

Please be further advised that I am also in concurrence with the opinion given to you by Mr. Robinson of our office indicating that the receipt of details of the reorganization from the City Manager in open public session met the requirements of North Carolina General Statute 160A-146.

If you have further questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

Bill

William C. Moore

WCM/bc

The City Manager said he had presented these opinions to the Civil Service Board and they had concurred in the legal opinions of selection of the Chief of Police.

by general law, and a charter provision enacted earlier than the general law expressly denies or limits this power, then the general law shall supersede the charter provision. Applying G. S. 160A-3 to this case, I think that the authority to reorganize city government conferred upon the Asheville City Council by G. S. 160A-146 would override the apparent limitation contained in Section 27 of the Charter. Therefore, as the Council's action in abolishing the Director of Public Safety position was a legal action, and the positions of Police Chief and Fire Chief are new department level positions, I think it is clear that Section 27 of the City Charter requires that both be appointed by the City Manager.

I trust that my thoughts will be helpful. If I can provide any further information or assistance in this manner, please let me know.

Sincerely yours,

Frank Gray

Frank Gray, Attorney
Director of Information Services

FG:apb

cc: W. Michael Smith, Personnel Director ✓

Councilwoman Swilling stated that she felt all members of Council concurred with the legal opinions from the North Carolina League of Municipalities and the Corporation Counsel for the City of Asheville.

It was the consensus of Council to move forward by the legal guidelines in selecting the Chief of Police, with the appointment to be made by the City Manager.

Mr. B. L. Bumgarner, Patrolman A. P. D. and Secretary to the Harold C. Enloe Lodge No. 1 Fraternal Order of Police, said the resolution presented represents a majority vote however there is also a minority that feels that perhaps the only way a meaningful change can be gained for the Police Department will be through the "importation of new blood" into the City through this position.

Councilman Rainey emphasized that the City should not bring in anyone from outside unless it is someone clearly superior to those within the department.

TRAFFIC SIGNALS AT BILTMORE AVENUE AT THE PLAZA THEATRE

The City Manager said he had investigated a complaint received at last weeks Council meeting regarding the traffic signals at Biltmore Avenue at the Plaza Theatre. He said no malfunction was found in the pedestrian signal but some malfunction was found in the traffic signal which is due to the master mechanism and parts have been ordered for the system and will be installed in the next ten days.

APPOINTMENT - WILLIAM DEBRUHL UTILITIES COORDINATOR FOR THE WATER AND SEWER DEPARTMENT

The City Manager announced the appointment of William DeBruhl as Utilities Coordinator for the Water and Sewer Department

CLAIM - VIRGIL A MAXWELL

The City Manager presented a claim received from Virgil A. Maxwell.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

SENIOR OPPORTUNITY CENTER - REQUEST FOR NEW VAN

Mrs. B. A. Culberson, representative of the Senior Opportunity Center, requested that funds be appropriated for the purchase of a new van for the Center.

MR. E. R. McCARTHY - SURVEY FROM OTHER CITIES ON TOW-AWAY ORDINANCE

Mr. McCarthy asked if any information had been obtained from other cities relative to the City's tow-away ordinance.

The City Manager advised that he had received the information and it would be presented to Council at a later date.

Adjournment.

Eugene S. Ochsenreiter
MAYOR

Hermann T. Weigel
CITY CLERK

The City Manager also presented the following resolution received from the Harold C. Enloe Lodge No. 1 Fraternal Order of the Police:

HAROLD C. ENLOE LODGE NO. 1
P. O. Box 7148
ASHEVILLE, NORTH CAROLINA 28807
Telephone (704) 258-2774

February 10,1977

Acting City Manager
Members of City Council
Members of the City Civil Service Board

At the February 9,1977 meeting of the Fraternal Order of Police the following Resolution was passed for presentation to the members of City Government.

The Fraternal Order of Police is of the opinion:

That several highly trained and capable men are now employed by the Police Department in supervisory positions,

That these men have devoted their careers to the City of Asheville and should be entitled to further serve the City,

That any one of these men could honestly and effectively fill the position of Chief,

That appointing a Chief from outside the department would hurt the development of a career path for supervisors, and may cause qualified and valuable men to seek better career opportunities elsewhere,

That appointing a Chief from outside the department would, at this time, cause serious problems of morale,
and
That advantages would be gained from using a man already aware of the problems and needs unique to our City.

Therefore, the Fraternal Order of Police request the Chief of Police be appointed from among those qualified men already serving the City as career Police Officers.

Respectfully,

B.L. Burgamer, Patrolman A.P.D.
Secretary, Harold C. Enloe Lodge No.1
Fraternal Order of Police

PUBLIC HEARING - DOWNTOWN REVITALIZATION EFFORTS - MAYOR'S DOWNTOWN ADVISORY COMMITTEE

2. A public hearing was held relative to proposals presented by the Mayor's Downtown Advisory Committee on February 3, 1977 relative to future downtown revitalization efforts to be undertaken.

Mayor Ochsenreiter opened the public hearing at 3:26 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mayor Ochsenreiter advised that the purpose of the public hearing was to receive comments on the recommendations submitted by the Downtown Committee and that neither Council, the Committee, or staff would attempt to answer specific questions at this hearing. All recommendations and comments would be recorded and discussed at a work session on Tuesday, February 22, 1977.

Mr. Harold Bennett, representing his law firm, Bennett, Kelly and Cagle, said in his opinion there is grave doubts about the constitutionality of what is proposed to be done and also doubts about the constitutionality about the general statute which was passed in 1973 (G.S. 160A-535). He said the gist of the proposal is to help one segment of the business community only, that of the retail segment, and there is absolutely nothing for the professional segment of the community and yet his building stands generally in the middle of the district on which there is proposed a tax levy of up to 49¢/$100 that would in effect increase his firm's taxes by approximately 1/3. With the present tax rate $1.01 Council is authorized to go up to $1.50 without a vote of the people. He said the constitution of this state says that no tax may be levied except for a public purpose other than by a majority vote of those affected. He said what Council is proposing to do is tax many for the benefit of a few according to the map in the Planning Division. The larger area embraced by the boundaries is designated solely for providing tax base to provide parking for those unities who could not foresee the affect of the two car families. With the existing conditions in the downtown area no major enterprise will sign leases for space no matter how much money is spent. He said that studies that he has seen indicate that for the most part municipal efforts to solve downtown problems have failed except when utilizing the urban renewal or urban redevelopment concepts of mass condemnation- raised and resold to a single developer.

Mr. Bennett again cited that his concerns relative to the constitutionality of the proposal as well as the 1973 Act, if the projects undertaken were not determined to be for public purposes. In making this point he quoted two court cases which referenced the use of tax funds for public purposes only.

Mr. Bennett's final point was that if Council adopts the proposal, what will be occuring will be that Council is aiding one segment of the business community, combating another - namely, the downtown retail segment vs. the shopping centers.

Mr. George Tisdale, District Manager of Southern Bell Telephone and Telegraph Company, indicated that he had appeared when the Committee first suggested the use of a special tax district in June of 1976 and he had opposed it then and he and his company still took that position. He indicated that his company was the largest tax payer in Buncombe County and the City of Asheville and if this proposal was passed utilizing a tax district for financing, then the increased binder would be passed on to the consumers.

Thursday - February 17, 1977 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilmen J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Ralph D. Morris, Jr., Councilwoman JoAnn M. Swilling, Corporation Counsel William C. Moore, Acting City Manager Kenneth M. Michalove, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

APPROVAL OF MINUTES

1. Approval of the minutes of the February 10, 1977 meeting.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, the minutes of the February 10, 1977 meeting were approved as submitted.

ORDINANCE NO. 944 - AN ORDINANCE AMENDING AND APPROVING A COMMUNITY DEVELOPMENT BUDGET CHANGE IN THE CITY OF ASHEVILLE'S GENERAL FUND BUDGET - 1976-77 - TO INCLUDE A NEW PROJECT, COMMUNITY DEVELOPMENT INCENTIVE HOUSING PROGRAM

2. Consideration was given to an ordinance amending and approving a Community Development Budget change in the City of Asheville's General Fund Budget - 1976-77 to include a new project, Community Development Incentive Housing Program.

The City Manager read the ordinance.

Logan Delany, Community Development Coordinator, said this program is in response to complaints that have been issued over the past years in the Urban Renewal Project area in that no funds were available to build single family residences back into the area. He said this would also provide an additional needed tax base for the City as well as providing mixed income levels in the area. He said the Asheville Housing Authority has 135 lots available at this time for private residential development. He said the Asheville Housing Authority will administer the program and would also be guarding against speculation. He answered general questions of members of Council relative to the details of the program.

Vice-Mayor Horton moved for the adoption of the ordinance. This motion was seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 944 passed on its first reading.

Councilman Michael moved to suspend the rules and proceed to the second reading of Ordinance No. 944. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 944 passed on its second reading.

Councilman Michael again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 944. This motion was seconded by Councilman Rainey and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 944 passed on its third and final reading.

Complete text of Ordinance No. 944 will be found in Ordinance Book No. 7 at page 102.

Ms. Helen McElyea, President of the High Country Crafters, said there was a need to involve other property owners to redevelop their property. She said total cooperation between the City and property owners was needed. She said we could not rely on the government to do everything if the property owners are not willing to do for themselves.

Mr. James Ellis, Executive Vice-President of the Asheville Area Chamber of Commerce, said the basic concept was presented last spring and was endorsed at that time by the Chamber, the Mid-City Merchants Association and the Central Asheville Association. He said it may not be the answer but represents a good start toward solving the problem.

Mr. Paul Warlick, who said he lives in the County because he can not afford city taxes, told Council that people were being driven out of the City when they need to be attracted. He suggested that professional people occupy the downtown area. He suggested that the Land-of-Sky Regional Council, Metropolitan Sewerage District, and other such agencies that have been receiving substantial grants should use some of this money to locate their offices downtown.

Ms. Stewart emphasized the need to retain or create more spaces - personal spaces which would be on a human scale.

Mr. E. R. McCarthy, said the City needs to clarify where the taxes would be levied and whether or not it would affect the residential area.

Mayor Ochsenreiter indicated, in response to questions by Mr. Chandler W. Gordon, president of the Captain's Bookshelf on Haywood Street, that there would be a forum for answering all questions, starting from this public hearing and work sessions.

Mayor Ochsenreiter closed the public hearing at 4:13 o'clock p. m.
Mayor Ochsenreiter called for a five minute recess at 4:14 o'clock p. m.

Council reconvened at 4:20 o'clock p. m.

ORDINANCE NO. 943- AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 30 CRESCENT STREET, 114 MILLBROOK ROAD, 37 RAVENSCROFT DRIVE, AND 7 TOXAWAY STREET

3. Consideration was given to the second reading of Ordinance No. 943, an ordinance directing the Housing Officer to demolish those dwelling houses known as 30 Crescent Street, 114 Millbrook Road, 37 Ravenscroft Drive and 7 Toxaway Street.

Mayor Ochsenreiter stated that the ordinance was previously read on first reading and members of Council have been furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Mrs. Callie James, owner of 30 Crescent Street, explained the approximately two year background of a burst city storm drain that forced them to move out of their house. The burst storm drain caused the back of their house to fall in. She said the City had denied a claim for damages, however, she still felt the problem was due to negligence on the City's part. She said she had approximately $30,000 invested in the house.

Mr. Tisdale submitted a letter which read, in part; that Southern Bell would not oppose the creation of a commission to submit a plan for downtown improvements and from the Company's standpoint the only concern was in the manner in which the plan might be financed, should it be financed through the use of a special tax to include real and personal property Southern Bell will oppose it due to the gross inequity on the large investment in personal property the Company has in the area.

Mr. Tisdale repeated his offer to assist the Council in any way he could in addressing the problems facing the downtown.

Mr. George Coggins, Owner of Westgate Shopping Center, indicated that he had invested a sum of money to study the potential for redeveloping downtown Asheville. He said that he did not believe that a piecemeal approach by seven amateurs using tax funds was the way to do it. He said certainly if redevelopment does not appeal to investors as a business enterprise, it is doomed before it starts. Redevelopment if it is interesting to investors should be done by private investors.

Mr. Coggins indicated that he has consulted with planners, financers, and merchants to finance such a redevelopment project. He said it cannot be done by public committees, tax funds, ad hoc committees, or by the present property owners. He said he had presented a proposal to the property owners in the form of a private investment corporation as a volunteer effort.

Mr. Coggins said one of the problems would be that no lot in the Central Business District is large enough to hold a major department store and related supportive facilities. So the idea of taking the present properties and the present streets in the Central Business District and spending millions of tax dollars to redevelop them is simply a fallacy. He said you must put some of the properites together, eliminate a lot of streets, rebuild the utility systems and provide facilities for two major department stores. He said there would be no use in inviting other businesses downtown until you have the department stores. He said the effort must be coordinated with someone with the know-how to put together the development of commercial properties.

Mr. Coggins suggested that the City utilize the existing Urban Renewal authority to undertake the effort, and not a body or commission that would work in competition with and against the free enterprise system.

Ms. Molly Lay, co-owner of High Tea on Wall Street, described the plan as the best of the alternatives that had been offered. She made several suggestions for changes, including a requirement that the plans to be proposed by the "seven amateurs" on the Downtown Improvement Commission be backed up by professional substantiation. She also urged that the seventh member of the commission be a representative of the small businesses. She insisted that the proposed 180 days would be insufficinet time for the task of preparing the required development plan and asked that the commissioners be given an extra 90 days before that in which to get organized.

Mr. Leon D. Rocamora, downtown property owner and merchant, supported the proposal.

The City Manager read the resolution and explained that the purpose of this resolution is to give the Director of Parks and Recreation authority to condemn several parcels of land for the park development.

Ray Kisiah, Parks and Recreation Director, reviewed, by the use of map, the properties that have been acquired and those to be acquired through purchase procedures and/or condemnation proceedings for the Montford Recreation Complex Project.

Councilman Michael expressed concern about the families to be displaced. He said most of the residents in the area are tenants and not homeowners. He requested that the Community Development Coordinator conduct a survey of the residents to see that they are being aided in relocation.

Mr. Kisiah said under the federal requirements families are required to be given relocation assistance.

Upon motion of Councilman Michael, seconded by Councilwoman Swilling, Resolution No. 77-25 was unanimously adopted.

Complete text of Resolution No. 77-25 will be found in Resolution Book No. 9 at page 210.

PUBLIC HEARING SCHEDULED - REVISED SIGN AND OUTDOOR ADVERTISEMENT REGULATIONS

7. Consideration was given to a motion scheduling a public hearing relative to amendment to the Asheville Zoning Ordinance which would incorporate revised Sign and Outdoor Advertisement Regulations for the City of Asheville and its one mile extraterritorial jurisdiction.

Councilwoman Swilling moved to schedule a public hearing on the matter for March 10, 1977. This motion was seconded by Councilman Hoyle and carried unanimously.

RESOLUTION NO._____ - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE LEASE AGREEMENTS FOR SPACE IN THE ASHEVILLE AIRPORT TERMINAL BUILDING.

8. The City Manager requested that Council pass a motion postponing action on a resolution authorizing the Mayor to execute lease agreements for space in the Asheville Airport Terminal Building in order for more details to be worked out.

Councilman Morris moved to postpone action on the resolution until March 3, 1977. This motion was seconded by Vice-Mayor Horton and carried unanimously.

CLAIM - MR. AND MRS. LEROY SCOTT

The City Manager presented a claim received from Joseph A. Connolly, Attorney, representing Mr. and Mrs. Leroy Scott and their two minor children.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

Councilman Michael said he could not vote to demolish Mrs. James' house until he was satisfied that the City was not responsible for the damages.

Mayor Ochsenreiter suggested that, before the third reading of the ordinance, Council members review the previous files relative to the City's part in the damages at 30 Crescent Street.

On a roll call vote of 6-0, Ordinance No. 943 passed on second reading.

RESOLUTION NO. 77-23 - RESOLUTION AUTHORIZING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO PLACE THERMOPLASTIC MARKINGS AT ALL PAVED RAILROAD CROSSINGS ON NON-STATE SYSTEM STREETS IN THE CITY OF ASHEVILLE

4. Consideration was given to a resolution authorizing the North Carolina Department of Transportation to place thermoplastic markings at all paved railroad crossings on non-state system streets in the City of Asheville.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Vice-Mayor Horton, Resolution No. 77-23 was unanimously adopted.

Complete text of Resolution No. 77-23 will be found in Resolution Book No. 9 at page 208.

RESOLUTION NO. 77-24 - RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH THE NORTH CAROLINA BOARD OF TRANSPORTATION FOR THE PURPOSE OF RE-EVALUATION OF THE TRANSIT PLAN AND OTHER RELATED TRANSIT PLANNING ACTIVITIES

5. Consideration was given to a resolution authorizing the Mayor and City Clerk to enter into a contract with the North Carolina Board of Transportation for the purpose of re-evaluation of the Transit plan and other related transit planning activities.

The City Manager read the resolution and explained that the revenue for this project has been budgeted and the City's share would be in-kind contributions.

Verl Emrick, Planning Director, said this was an annual contract that the City has been utilizing for several years to offset the City's cost in providing the planning phase of the project. He said the Planning Division is re-evaluating the Transit plan to find ways to offset a $250,000 deficit.

Upon motion of Councilman Michael, seconded by Councilwoman Swilling, Resolution No. 77-24 was unanimously adopted.

Complete text of Resolution No. 77-24 will be found in Resolution Book No. 9 at page 209.

RESOLUTION NO. 77-25 - RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO PROCEED WITH THE PURCHASE OF AND/OR CONDEMNATION OF PROPERTY IN THE MONTFORD RECREATION COMPLEX PROJECT

6. Consideration was given to a resolution authorizing the City of Asheville to proceed with the purchase of and/or condemnation of property in the Montford Recreation Complex Project.

Councilman Michael read the following letter and requested that it be made a part of the minutes:

February 17, 1977

The Honorable Mary Nesbitt, I. C. Crawford
James M. Clarke, Claude DeBruhl, Robert
Swain, and Gordon Greenwood
Legislative Building
Raleigh, North Carolina 27611

Dear Buncombe County State Legislators:

I think that it is a shame and unfair for the Buncombe County State Legislative Representatives to single out the City of Asheville to limit it's powers of annexation, extraterritorial jurisdiction and limitations as far as breaking even or making a profit on the sale of water outside the City of Asheville.

It is a known fact that the tax base of Asheville has decreased yearly, tax rates have remained the same and double that of county residents and other municipalities in Buncombe County. People that can afford to are moving out of the City limits as rapidly as possible. The City of Asheville residents are supporting many services that are being used by the County, such as parks and recreation, library facilities, the Civic Center, Airport, and water services just to name a few. Other state legislators have refused to go along with you as far as enacting Sullivan Acts and the recent bills on annexation and extraterritorial jurisdiction are concerned. You have stated that Buncombe County is different from other counties. The only difference that I can see is that the County of Buncombe's State Legislators do not want the City of Asheville to grow, want us to pay the same double taxation and provide the same services. You refuse to realize the fact that we cannot pay any more taxes, the cost of living is going up and we will have no choice but to turn some of these services over to the County because we can no longer afford to provide them without some relief.

It is my plea to you as a Councilman of the City of Asheville that you change your way of thinking and try to help Asheville which is the largest city in Buncombe County instead of attacking it for political reasons and help Asheville and Buncombe County to prosper. I also disaprove of your bill limiting the powers of the Buncombe County Chairman. They should be allowed to work this out for themselves.

RESOLUTION NO. 77-26 - RESOLUTION OPPOSING HOUSE BILL 44 OF THE GENERAL ASSEMBLY OF NORTH CAROLINA, SESSION 1977, AN ACT TO REQUIRE APPROVAL BY COUNTY COMMISSIONERS OR A REFERENDUM BEFORE A MUNICIPALITY MAY ADOPT OR AMEND AN ORDINANCE TO EXERCISE THE POWERS GRANTED IN ARTICLE 19, CHAPTER 160A OF THE GENERAL STATUTES IN THE EXTRATERRITORIAL JURISDICTION AND TO PROHIBIT CHARGING OE FEES FOR APPEALS

Consideration was given to a resolution opposing House Bill 44 of the General Assembly of North Carolina, Session 1977, an act to require approval by County Commissioners or a referendum before a municipality may adopt or amend an ordinance to exercise the powers granted in Article 19, Chapter 160A of the General Statutes in the Extraterritorial Jurisdiction and to prohibit charging of fees for appeals.

The City Manager read the resolution.

Councilwoman Swilling said she did not feel the resolution was necessary because it was her understanding that Representative Nesbitt has withdrawn House Bill #44 and plans to support a bill that would impose a two year moratorium on the City's annexation. She said she felt like the City needs to do more researching into annexation as well as the extraterritorial jurisdiction.

Councilman Rainey said he felt the City did not need any more local legislation that applies only to the City of Asheville. He said he felt like the Asheville-Buncombe Local Government Study Commission's recommendations had nothing to do with House Bill #44 and he suggested removing the paragraphs pertaining to the the Local Government Study Commission and amending the last paragraph to read as follows: "Whereas, the effect of this Bill applied only to Buncombe County would cause the same growth and financial constraints to the City of Asheville residents as the 1933 Sullivan Act, an act that should also be repealed."

Vice-Mayor Horton commented that in his opinion the recommendations of the Asheville-Buncombe Local Government Study Commission needed to remain in the resolution. He said the Commission members were appointed by the State legislators, the County of Buncombe, and all municipalities in Buncombe County and their recommendations would give strength to the resolution.

Councilman Michael said he was in favor of the resolution as read. He said he felt that Representative Nesbitt is taking a different approach to get the Bill adopted.

Councilman Rainey moved to amend the resolution by deleting the paragraphs pertaining to the Asheville-Buncombe Local Government Study Commission and by amending the last paragraph to read as previously suggested. The motion failed for the lack of a second.

Upon motion of Councilman Michael, seconded by Councilman Morris, Resolution No. 77-26 was adopted as read, with Councilman Rainey and Councilwoman Swilling voting "no".

Complete text of Resolution No. 77-26 will be found in Resolution Book No. 9 at page 211.

PROGRESS REPORT - FROZEN WATER PROBLEMS

The City Manager reported that the cost factor in thawing the many frozen water lines is increasing rapidly. He said the contingencies would probably carry without an additional appropriation of money through the next two or three weeks. He said after that time other problems would arise with respect to the water system as well as the streets such as pot holes, breakage in the streets, broken water lines that have been frozen that have not been found and will not be found until it thaws. He said the City could be foreseeing a re-appropriation in excess of $100,000 in the next few weeks and he was giving this information to Council as a forewarning.

PUBLIC HEARING SCHEDULED - ARROWHEAD APARTMENTS - OAKLEY

The City Manager read a letter from William M. Tate, from Alco Properties, Inc. and Ridgley K. Robinson, architect, requesting that the Council hold a public hearing on the proposed Arrowhead Apartments in Oakley, to be funded with Section 8 Housing funds. He said he had been advised by HUD that the developer for the proposed apartments has 30 days to receive positive action on the proposed site in East Asheville. He said the plan had been amended to withdraw all the family units previously proposed based on objections at the last meeting.

Councilman Hoyle moved to schedule a public hearing on the matter for March 17, 1977 and to notify HUD of Council's intention to hold the public hearing. This motion was seconded by Councilman Rainey and carried unanimously.

COMMENTS - RE: POLICE DEPARTMENT

Councilman Michael said he would like to clarify, for the record, that he disagreed with Councilman Rainey's comments made during the last weeks Council meeting in that the whole Police Department was bad. He said he did not go along with Councilman Rainey's statement. He said he had confidence in the Police Department but if he did not he would have went to the City Manager and followed the channels.

Councilman Rainey responded by saying that he did not say the Police Department was bad and he to had confidence in the Police Department.

Councilman Morris commented that, except at such times as the Council members vote, that each members comments are his own individual comments and it should not be construed as an opinion of the Council as a whole.

MRS. ROY ROGERS - SENIOR OPPORTUNITY CENTER VAN

Mrs. Roy Rogers, representing the Senior Opportunity Center, again requested that Council consider purchasing a van for the Senior Opportunity Center.

Adjournment.

MAYOR

CITY CLERK

I would hope that we can work together more closely in the future and trust one another and try to help all citizens of Buncombe County, but not at the expense of a few.

Very truly yours,

Otis B. Michael, M. D.
Councilman

OBM/msm

This is an Open Letter submitted for publication in THE ASHEVILLE CITIZEN-TIMES NEWSPAPER.

Councilwoman Swilling commented that she felt Representative Nesbitt's intentions with House Bill #44 was to improve relations with the City of Asheville and the County of Buncombe. However, she did feel that the City of Asheville should not be restricted or forced to do something by legislation.

RESOLUTION NO. 77-27 - RESOLUTION OPPOSING HOUSE BILL 45 OF THE GENERAL ASSEMBLY OF NORTH CAROLINA, SESSION 1977, AN ACT TO REQUIRE APPROVAL BY THE COUNTY COMMISSIONERS OR A REFERENDUM BEFORE A MUNICIPALITY MAY ANNEX PURSUANT TO PART 2 AND PART 3 OF ARTICLE 4-A OF CHAPTER 160-A OF THE GENERAL STATUTES

Consideration was given to a resolution opposing House Bill 45 of the General Assembly of North Carolina, Session 1977, an act to require approval by the County Commissioners or a referendum before a municipality may annex pursuant to Part 2 and Part 3 of Article 4-A of Chapter 160-A of the General Statutes.

The City Manager read the resolution.

Councilman Rainey said he had the same feelings toward this resolution as he did with Resolution No. 77-26.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, Resolution No. 77-27 was adopted with Councilman Rainey voting "no".

Complete text of Resolution No. 77-27 will be found in Resolution Book No. 9 at page 213.

ORDINANCE NO. 943 - ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 30 CRESCENT STREET, 114 MILLBROOK ROAD, 37 RAVENSCROFT DRIVE, AND 7 TOXAWAY STREET

3. Consideration was given to the third and final reading of Ordinance No. 943, an ordinance directing the Housing Officer to demolish those dwelling houses known as 30 Crescent Street, 114 Millbrook Road, 37 Ravenscroft Drive, and 7 Toxaway Street.

Mayor Ochsenreiter stated that the ordinance was previously read on the first and second readings and members of Council had been furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Councilman Michael commented that he had reviewed all the proceedings leading up to the demolition of 30 Crescent Street, and he was still not satisfied that the damage to 30 Crescent Street was not the responsibility of the City. He said according to the proceedings of the hearing, Mrs. James was not given the opportunity to find out who was responsible for the damage.

J. E. Johnson, Director of Inspections, said the only concern at the hearing was to determine if Mrs. James' house at 30 Crescent Street was fit or safe for human habitation. He said he did not have the authority to determine the responsibility for damage.

Councilman Michael said he still felt that Mr. and Mrs. James were not treated fairly. He said they should have been told that they would have to present a claim for damages.

Councilman Rainey moved to amend Ordinance No. 943 to include a provision that the City Manager is directed to obtain the services of a reputable construction engineer to be at the site of 30 Crescent Street when the house is demolished. His or her task will be to determine whether the house collapsed because of water erosion from a break in the City's water main; eroded by water that the City was not responsible for; because the house was built on a storm drain which collapsed; or a weakness in the fill dirt on which the house was built. This motion was seconded by Councilman Morris and carried unanimously.

The Assistant City Manager stated that a new storm drain has been put in at this location with extensive construction at the rear of 30 Crescent Street, and that there was a possibility that damages might not be determined.

John M. Jerose, Manager of Thoms Cablevision which owns property adjacent to 30 Crescent Street, said there is evidence of a large volume of water coming down from somewhere and he felt Mr. and Mrs. James were treated unfairly in this matter. He said his interest in the matter involves the relocated storm drain which crosses the Thoms Cablevision property. He asked who is responsible for the storm drain, the City which installed it without an easement or Thoms Cablevision Company which bought the property on which it was located. He said a clear-cut policy should be established on such matters of responsibility.

Mayor Ochsenreiter instructed the staff to look into the situation of responsibility requested by Mr. Jerose and report back to Council on their findings.

Mayor Ochsenreiter then called for the vote on the third reading of the ordinance, as amended.

Thursday - February 24, 1977 - 3:00 o'clock p.m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilmen Gene E. Rainey, Otis B. Michael, Ralph D. Morris, Jr., Councilwoman JoAnn M. Swilling, Corporation Counsel William C. Moore, Acting City Manager Kenneth M. Michalove, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: J. W. Hoyle

APPROVAL OF MINUTES

1. Approval of the minutes of the February 17, 1977 meeting.

Upon motion of Councilman Rainey, seconded by Vice-Mayor Horton, the minutes of the February 17, 1977 meeting were approved as submitted.

PUBLIC HEARING - CLOSING LAUREL STREET AND PORTIONS OF MCLEAN STREET AND OAK STREET

RESOLUTION NO. 77-28 - RESOLUTION TO CLOSE LAUREL STREET AND PORTIONS OF MCLEAN STREET AND OAK STREET

2. A public hearing was held relative to closing Laurel Street and portions of McLean Street and Oak Street.

Mayor Ochsenreiter opened the public hearing at 3:07 o'clock p.m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing, which took the form of Resolution No. 77-9, and the affidavit of publication.

Peter Best, attorney representing Thomwins Inc., said the streets were actually "paper streets" that had never been opened and had never been used. However, they were dedicated to the City in 1913. He reviewed the location of the streets by the use of a map. He said the closing of the streets was requested for the benefit of a new subdivision to be entitled "Pine Meadow". He said one street would be located in the subdivision to serve all the lots. He said all the adjacent property owners were in cooperation with the closings. He said the 1913 dedication was a private and public dedication and Council's closing of these streets would clear the public dedication, then all private dedications from adjacent property owners must be relinquished before the streets could finally be closed.

Mr. Glenn Hollis, adjacent property owner, said he had no objections to Council closing the streets.

Upon inquiry of Mr. E. R. McCarthy, the Mayor said the streets to be closed would be recorded and proper taxes would be applied to the property.

Mayor Ochsenreiter closed the public hearing at 3:20 o'clock p.m.

The City Manager read the resolution closing said streets and an affidavit from Mr. Peter Best stating that all adjacent property owners were notified by certified mail of the intent to close the streets.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 77-28 was unanimously adopted.

Complete text of Resolution No. 77-28 will be found in Resolution Book No. 9 at page 215.

City Clerk's Office 2/22/88 4:18 pm (mm)

PETITION

We, the residents (numbering 12 families) on Maple Avenue in Candler, wish to bring to the attention of someone responsible, the problem that grips our neighborhood.

We are now being served with a 3/4 inch water pipe which was installed 25 years ago by The Church Cruel Water Works. It has rusted into in three places that we are now aware of. After having been repaired, it continues to leak.

The water line is now 4 inches underground for a distant of 75 to 100 feet. We know this fails to meet with local codes and specifications required by law.

The water has now been frozen for 5 weeks. We have been told by your own work crews, both times they have been out here to thaw out the frozen lines, that it is because of low pressure they cannot thaw them successfully. When they are thawed, they refreeze almost instantly. Also, we have no water pressure at all for long periods of time in the summer time. This is very inconvient.

We feel that we are being short changed by the water department by failure to supply us with an adequate supply of water. After receiving no water for 5 weeks, due to no fault of our own, we are faced with having to pay a water bill the same as people having water for this period of time.

Because we do pay our water bills the same as everyone else, we ask that this 3/4 inch water line be replaced with a 2 inch line.

We feel that this should be done immediately because this problem is beginning to be no longer just a water problem but a health problem as well.

We hope this will receive prompt action so that we may not have to carry this any further.

NAME	ADDRESS	PHONE NO.
[illegible] Leroy Melton	Rt 6 Box 33 Maplelaw Candler, NC	[illegible]53
Pfc Mr. Robert E. Smith	P.O. Box 565 Candler, NC.	
Willard J. Nolan	Rt #6 Box 40 Maple Ave. Candler, NC	
[illegible]	[illegible]	
Mr. & Mrs. William A. [illegible]	[illegible]	
[illegible]	Rt 6 Maple Ave, Candler	
Mr. & Mrs. Don Ray Watterson	#6 Box 58 Candler, N.C 28715	
[illegible]	[illegible]	
[illegible]	[illegible]	
Mr. & Mrs. C. [illegible]	Rt. 6 Maplelaw	
[illegible]	[illegible]	

On a roll call vote of 5-0, Ordinance No. 943, as amended, passed on third and final reading.

Complete text of Ordinance No. 943 will be found in Ordinance Book No. 7 at page 99.

BIDS - VAN TYPE TRUCK - OFFICE OF THE CITY ENGINEER

4. Consideration was given to bids received February 21, 1977 for a van type truck for the Office of the City Engineer.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Apple Tree Chevrolet in the amount of $4,687.03. The van is to be used as a survey van in the Engineering Division and is to replace a 1972 International "Carry-All" truck recently damaged in an accident beyond economical repair. Sufficient funds for the proposed expenditure are available in the total appropriation for the Water and Sewer Engineer Activity 30-720 by line item transfer. Excess funds in line item 0002 for salaries and wages will exceed total bid amount due to three (3) positions, Engineer Technician II, Laborer, and Civil Engineer II were budgeted but never filled thus creating surplus funds.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Apple Tree Chevrolet in the amount of $4,687.03. This motion was seconded by Councilman Morris and carried unanimously.

Bid Summary

Bidder	Bid
Matthews Motors, Inc.	$5,451.44
Apple Tree Chevrolet, Inc.	4,687.03

PETITION - RESIDENTS OF MAPLE AVENUE IN CANDLER - WATER PROBLEMS

The City Manager read the following petition:

The Assistant City Manager commented that the water in this area must be pumped three times before it reaches the customers. He said the plans for a new reservoir are being formulated by Register and Cummings Engineers and it would probably be another three years or more before it is built. He said the only reserve is what is in the pipes and any unusual water use such as a fire on Haywood Road, a large withdrawal of water by the Sealtest Plant causes a loss of pressure and cuts off the water supply to the residents of the mountain.

Councilman Michael said he serves on a ad hoc committee appointed by the Mayor to study the water problems and recommend solutions. He said they have come to the conclusion that the City is going to have to raise water rates or leave things as they are. He said the extra pumping in this area greatly increases the cost of supplying the water and the City is prohibited by the 1933 Sullivan Act from charging County customers any more for their water than City residents are charged. He ask the residents of the area to support the City in its efforts to get the Act repealed in order to charge an equitable amount to people that it costs more to get water to.

Mr. Smith said he would be willing to pay more for water if he could get the water. He also complained that the residents were receiving water charges when they haven't received any water.

Mr. J. W. Haynes, also complained of the water problems and complained of the Inspections Division not allowing Mr. Snyder to put a trailer on a lot on Deaverview Road.

Mr. Snyder of 552 Deaverview Road complained of the water problems and of the Inspections Division causing him problems in putting a trailer on his property on Deaverview Road.

Verl Emrick, Planning Director, said the area in question is possibly in violation of the Subdivision Regulations. He said Mr. Haynes or Mr. Snyder have not obtained approval for a subdivision through the Subdivision Regulations. He also said the area was also possibly in violation of the Zoning Ordinance.

Mayor Ochsenreiter instructed the City Manager to work with Mr. Haynes in an effort to solve the problems presented.

Councilman Rainey suggested that Corporation Counsel review the contract regarding the reservoir to see what the City is obligated to.

Upon inquiry of Councilwoman Swilling the City Manager advised that the City is required to charge a minimum water bill because it is tied in with the Metropolitan Sewerage District charge.

MRS. DOROTHY PEEKE - USE OF THOMAS WOLFE AUDITORIUM FOR NORTH CAROLINA SYMPHONY CONCERT

Mrs. Dorothy Peeke, Asheville School Teacher, appealed to Council for the use of the Thomas Wolfe Auditorium for the North Carolina Symphony Concert rent free on April 28, 1977, for one hour in the morning. She said the concert would be for City school students from elementary through junior high grades.

Mayor Ochsenreiter advised Mrs. Peeke that a strict policy had been established on the rental of the Civic Center.

It was the consensus of Council that Mrs. Peeke should take her request to the Asheville Area Civic Center Commission during their meeting on Monday, February 28, 1977, to obtain approval through the Commission.

Mayor Ocksenreiter instructed the City Manager to have the Water Engineering Department look into the request and report their findings to Council at next week's Council meeting.

PETITION - CEDAR HILL ROAD - DEAVERVIEW MOUNTAIN AREA - WATER PROBLEMS

TO: THE CITY OF ASHEVILLE CITY COUNCIL

Mr. Thomas A Smith read the following petition, signed by approximately 105 people:

WE, THE UNDERSIGNED RESIDENTS OF THE CEDAR HILL ROAD - DEAVERVIEW MOUNTAIN AREA, RESPECTFULLY REQUEST THAT THE COUNCIL CAUSE AT AN EARLY DATE A SURVEY BE MADE OF THE CITY WATER SITUATION IN THIS AREA AND CONSTRUCTIVE ACTION TAKEN TO HELP US WITH THE OVERWHELMING PROBLEM OF LITTLE OR NO WATER FOR LONG PERIODS OF TIME. IT WOULD APPEAR THAT THE TWO INCH LINE IS INADEQUATE TO PROVIDE WATER FOR THE NUMBER OF CONSUMERS THAT THE CITY HAS ALLOWED TO TAP ON TO THE SMALL LINE IN THIS ELEVATED SECTION. THE LAND WAS DONATED AND A LARGE RESERVOIR PROMISED BUT NOW THE RESIDENTS HAVE NO INFORMATION AS TO WHETHER THE RESERVOIR AND PUMPING STATION WILL BE CONSTRUCTED. MANY OF THE RESIDENTS HAVE BEEN WITHOUT WATER FOR SIX WEEKS OR MORE. GREAT HARDSHIP RESULTS FROM INADEQUATE PRESSURE. THE RESIDENTS NEED THE RESERVOIR WITHA MAIN LINE OF AT LEAST SIX INCHES AND SOME PUMPING FACILITIES TO INCREASE THE PRESSURE. THE SIX INCH LINE AND THE PUMPING STATION ON THE DEAVERVIEW ROAD SIDE DOES NOT NOW BENEFIT THE CEDAR HILL ROAD - DEAVERVIEW MOUTAIN AREA. IT IS RESPECTFULLY REQUESTED THAT WE BE GIVEN INFORMATION AS TO THE PLANS THE CITY WATER DEPARTMENT HAS FOR THIS AREA AND THIS SITUATION.

NAME	ADDRESSES
Thomas A Smith	Rt 9 Box 552F Bvl. NC.
Donna C Smith	Rt 8 Box 552F Asbe NC 28804
Donald Statham	Vionmont Dr. Asheville NC

TO: ALL MEMBERS OF THE ASHEVILLE CITY COUNCIL
FROM: MEMBERS OF THE ASHEVILLE POLICE DEPARTMENT

WE, THE UNDERSIGNED MEMBERS OF THE ASHEVILLE POLICE DEPARTMENT, WISH TO EXPRESS OUR DISAPPOINTMENT IN THE ASHEVILLE CITY COUNCIL BY THEIR VOTE TO RE-INSTATE KENNETH C. EDWARDS TO OUR DEPARTMENT.

JOE BRADY - RECRUITMENT OF CHIEF OF POLICE

Mr. Joe Brady requested that the Council and the City Manager thoroughly review the qualified applicants for Chief of Police in the Asheville Police Department. He said he felt sure there was a qualified person in the department.

PETITION FROM FRATERNAL ORDER OF POLICE - RE: K. C. EDWARDS

Mr. Cecil Burnett, President of the Fraternal Order of Police, presented the following petition and documents relative to the reinstatement of K. C. Edwards:

(See next page)

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I was driving on Biltmore Avenue on May 30, 1975, about 4:00 in the morning when I was stopped by an Asheville policeman, who I later learned was Officer K. C. Edwards and was asked for my drivers license. I told him that I did not have them with me and he called in on his radio and told me that my license had been revoked. I was then arrested and my car was picked up by a wrecker and I was taken to the Magistrates office in the Court House. Officer Edwards told the Magistrate that I should be recognized and I was released. He then offered to drive me to where I was staying and I agreed. The officer and I drove to the Travel Inn Motel and he told me that if I had sex with him, he would testify in court that there were several people in the car, a lot of moving around and that no one admitted to driving, and that if he testified this way I would win the case. Officer Edwards and I went to my room, room 101, after parking the car about 4 or 5 places from my room and had sexual relations. We were in my room about 15 minutes when we saw lights reflect on the windows and we got up and looked out and saw another police car outside. The police car turned around and left. Officer Edwards immediately started getting dressed and told me that he thought it was Captain Best in the other police car. As soon as he was dressed, Officer Edwards left. About 2 weeks later I saw the officer who arrested me driving around the motel and we talked. I reminded him of the deal that we had made and he acted like he didn't remember it and told me he didn't remember the deal. I went to court on June 2, 1975 and Officer Edwards was there against me and my case was continued until June 17, 1975. Officer Edwards and I talked and he said he would ask the solicitor to go easy on me and I told him that he better not appear against me on the next court date or I would reveal the deal that we had made and the reason for making the deal. Sometime between the first time I went to court and the second time I went to court, Edwards called the Travel Inn Motel and left a message for me to call him at the Buncombe County Ambulance Service where he was working another job. I returned his call and agreed to meet him at the Court House. I went to the Court House around midnight and was taken upstairs on the elevator to the office of the ambulance service. Edwards and I went into a back room where there was a bed and had sex and we were there for about 1 hour. Edwards told me he would not appear in court against me. I went back to court on June 17, July 14 and July 18, 1975, and did not see Officer Edwards in court and the case was postponed until August 8, 1975. Between July 18 and August 8, 1975, he came to the motel and talked with me and told me that if I would go to bed with him again, he would tell the Court that I had moved to Florida, and then attempt to take the warrant from the court files. He left his car in the rear of the motel and we entered room 147 and had sex. I did not appear on August 8, 1975, in court and recently when checking with the police department, I was told that there was a warrant out for my arrest.

Janice Nash Banks

Janice Nash Banks

PRESENTED WITH PETITION TO COUNCIL BY THE FATERNAL ORDER OF POLICE ON 2/23/77.

Buncombe County
Asheville, N. C.

PRESENTED WITH PETITION TO COUNCIL
BY THE FATERNAL ORDER OF POLICE ON 2/23/71

Arrest No. 327

COMPLAINT AND INVESTIGATION REPORT

[redacted] Larceny of U Haul Trailer

[redacted] Property of U Haul Co. of Southern Calif. 1538 Strathern St. Glen Nuys, Cal.

[redacted] B. H. Fulcher — Persons Attacked

[redacted] Phone 2[illegible]-5[illegible]

[redacted] Date — Property Stolen U Haul Trailer Lic. # GP[illegible]531 California Class Trailer AC 59 Model

[redacted] B. H. Fulcher

[redacted] Phone 2[illegible]-5[illegible] — Serial # LV[illegible] How Attacked

[redacted] 9:45 a.m. 8-4-70

[redacted] Sheriff's Office — Means of Attack

[redacted] In person

[redacted] Captain Laws — Object of Attack

[redacted] $ 300.00

[redacted] $

[redacted]

[redacted] INVESTIGATION: (State fully all circumstances of investigation, description of suspects, action taken, witnesses interviewed, etc.)

[redacted]y of U Haul Trailer, lic. number GP[illegible]531 California, class trailer AC 59 [redacted]l, property of U Haul Co. of Southern California, 1538[illegible] Strathern St. Glen [redacted], California. Serial # of this trailer LV[illegible]. [redacted] trailer was found in the garage at 76 Spooks Branch Road, at the home of [redacted]eth Edwards a member of the City Police Department. Trailer had been re-[redacted]ted, numbers had been ground off, tag is missing and Kenneth Edwards admits [redacted]as sold tires and wheels off this trailer. He said he figured they would [redacted] the sale of the trailer, since they had U Haul on them. The complainant, [redacted]. H. Fulcher, telephone # 2[illegible]-5[illegible], talked to Mr. Edwards and Mr. Edwards [redacted] to pay all costs and any damage done to the trailer. This department [redacted]t bringing any prosecution. Mr. Edwards did tell he found this trailer [redacted]near city dump and he had had it in his possession approximately 3 wks. [redacted]ated that any license plate was on the trailer when he pulled it to his [redacted]. U Haul people are going to pick the trailer up today. Mr. Edwards stated [redacted]this may cost him his job and asked us to keep this quiet, as much as possible. [redacted]sed Mr. Edwards that he was a police Officer and if he was asked about this [redacted]ent, I would not lie for him.

[redacted] Shall this Charge be Active ☐
[redacted] Cleared — Exceptionally Cleared ☑
Inactive (Not Cleared) ☐

Signed J. E. Laws
Investigating Officer

Date 8-4- 1970

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City of Asheville

ASHEVILLE, NORTH CAROLINA

February 23, 1977

Representative James Clark
House Representative
Legislative Building
Raleigh, North Carolina 27611

Dear Jamie:

Yesterday I read in the Institute of Government legislative bulletin that you had introduced House Bill 230, a local bill applying only to Buncombe County, requiring a moratorium on further annexation and/or incorporation until July 1, 1979. So far I have not received a copy of the bill but the Asheville City Council has previously discussed the negative effects of legislation which applies only to Buncombe County. In particular, I am referring to our opposition to the proposed House Bills 44 and 45 and the 1933 Sullivan Act. Copies of those City Council resolutions are attached.

Since this is your first year in the General Assembly you may not be aware of a 1975 House Bill that created the Asheville-Buncombe Local Government Study Commission. Briefly this legislation put a moratorium on annexation and/or incorporation in Buncombe County until February 1, 1977 and until such time as a study was made by a commission to be named by the 1975 North Carolina General Assembly delegates, the County of Buncombe and all of the municipalities in Buncombe County. This committee of twenty-six (26) met for seventeen months studying the local governments and it was their conclusion that "The Commission has examined the state's policy on municipal annexation and finds that the statutes adequately protect individual citizens and property owners and are necessary to the orderly growth of our cities and towns and the proper development of our community. The Commission recommends, therefore, that the moratorium on use of the "standards and services" method be ended and that the county's cities and towns annex territory whenever appropriate and in accordance with state law."

To the members of the Asheville-Buncombe Local Government Commission and the Asheville City Council the proposed directive is clear, follow current state law, end the moratorium, and no further legislation is needed. We hope

He also invited all Council members and their wives to attend a retirement party for Chief J. C. Hall, Bill Allison, and Sgt. Rhew on March 11, 1977, at 6:30 at the Holiday Inn - West.

Mayor Ochsenreiter told Mr. Burnett that Council will consider the matters presented and decide what response, if any, to make.

DOWNTOWN ADVISORY COMMITTEE

Mayor Ochsenreiter thanked the members of the Mayor's Downtown Advisory Committee for their efforts. He said it was his recommendation that Council will move forward in establishing a formal Downtown Advisory Committee for the revitalization of downtown.

REGIONAL AIRPORT MEETING

Mayor Ochsenreiter reported that Councilman Michael, the City Manager, and himself had attended a meeting on the Regional Airport Concept. He said it was a very successful meeting with the WNC representatives. He said another meeting is planned in early April to discuss the concept in detail.

SOUTHERN RAILWAY MEETING - RAILROAD CROSSING AT BILTMORE

Mayor Ochsenreiter reported that he, along with the City Manager, met with Southern Railroad officials regarding the problems of the railroad crossing at Biltmore. He said recommendations were discussed and the City Manager would be giving a report on the findings in the near future.

LETTERS TO LEGISLATORS - RE: HOUSE BILL 44, 45, AND 230 - ANNEXATION - EXTRATERRITORIAL JURISDICTION

Vice-Mayor Horton requested that the following letters be made a part of the minutes.

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CITY OF ASHEVILLE

ASHEVILLE, NORTH CAROLINA

EUGENE G. OGHENEMEITEN, JR.
MAYOR

February 23, 1977

Representative Mary Nesbitt
Legislative Building
Raleigh, North Carolina 27611

Dear Mary:

On Thursday, February 17, 1977 the Asheville City Council passed two resolutions opposing legislation which involved your sponsorship.

1. Resolution opposing House Bill 44 of the General Assembly of North Carolina, Session 1977, an act to require approval by County Commissioners or a referendum before a municipality may adopt or amend an ordinance to exercise the powers granted in Article 19, Chapter 160A of the General Statutes in the Extraterritorial jurisdiction and to prohibit charging of fees for appeals.

2. Resolution opposing House Bill 45 of the General Assembly of North Carolina, Session 1977, an act to require approval by the County Commissioners or a referendum before a municipality may annex pursuant to Part 2 and Part 3 of Article 4-A of Chapter 160A of the General Statutes.

Media accounts of our action and rumors have a way of distorting and magnifying out of context what personal communications can resolve, so let me briefly describe our intent. Due to the mandates of the 1933 Sullivan Act the City of Asheville has had to finance the supply, maintenance and engineering of a countywide water system for years until recently at the expense of the City of Asheville resident paying for the bonds to supply the water and the County residents paying consumption rates equal to those paid by City residents. This is the only place in the State of North Carolina that this situation exists and this situation is the direct result of well intentioned local legislation designed to meet the problems of the 1930's.

that the seventeen months of hard work by this broadly representative group of citizens has not gone for naught and we hope that the members of the Buncombe County Delegation will follow recommendations of the Commission and the feelings of the Asheville City Council.

There has been some rumor that it is the intent of the City of Asheville to immediately annex large tracts of land. This is strictly a rumor. We have no intention of any annexation except for the possibility of "rounding out the City Limits" to include some commercial and residential property which is logically now receiving city services, such as Beaver Lake Golf Course and the Hilton Inn. Quite frankly, with the financing needed to make the police-fire pension actuarially sound and other drastically needed capital projects, the City of Asheville cannot finance the capital expense required by law to annex large tracts of land.

I hope these comments will lead you and the other members of the delegation to the decision of not moving forward with local legislation that is not supported and applicable on a statewide basis.

Very truly yours,

Eugene C. Ochsenreiter, Jr.
Mayor

ECOJr/cah

cc: Bill B. Horton, Vice-Mayor
Ralph D. Morris, Councilman
J. W. Hoyle, Councilman
Gene E. Rainey, Councilman
Otis B. Michael, Councilman
JoAnn H. Swilling, Councilwoman
I. C. Crawford, Senator
Robert Swain, Senator
Claude DeBruhl, Representative
Gordon Greenwood, Represenative and Chairman of Committee on House Bill 230
Mary Nesbitt, Representative
R. Curtis Ratcliff, Chairman Buncombe County Commissioners
Carey Owen, Buncombe County Commissioner
Doris Geizentanner, Buncombe County Commissioner
Bill Oglesby, Buncombe County Commissioner
Zeb Sheppard, Buncombe County Commissioner
League of Municipalities

Enclosures: 1) Resolution opposing House Bill 44 of the General Assembly of North Carolina, Session 1977, an act to require approval by County Commissioners or a referendum before a municipality may adopt or amend an ordinance to exercise the powers granted in Article 19, Chapter 160A of the General Statutes in the Extraterritorial jurisdiction and to prohibit charging of fees for appeals.

Adjournment.

Eugene S. Schroeder
MAYOR

William F. Malecek
CITY CLERK

The City Council viewed House Bills 44 and 45 as the same type of restrictive legislation and therefore felt it necessary to discuss the bills publicly and to voice our concerns by resolution.

I hope that you and the other members of the delegation will thoroughly consider our concerns and that you will not pursue the passage of these two Bills or any other local Bill that would cause growth and financial constraints to the City of Asheville residents.

Very truly yours,

Eugene C. Ochsenreiter, Jr.
Mayor

ECOJr/cah

cc: Vice-Mayor Bill B. Horton
Councilman Ralph D. Morris
Councilman J. W. Hoyle
Councilman Gene E. Rainey
Councilman Otis B. Michael
Councilwoman JoAnn M. Swilling
Senator I. C. Crawford
Senator Robert Swain
Representative James Clark
Representative Claude DeBruhl
Representative Gordon Greenwood
R. Curtis Ratcliff, Chairman, Buncombe County Commissioners
Commissioner Carey Owen
Commissioner Doris Geizentanner
Commissioner Bill Oglesby
Commissioner Zeb Sheppard
League of Municipalities

Enclosures: 1) Resolution opposing House Bill 44 of the General Assembly of North Carolina, Session 1977, an act to require approval by County Commissioners or a referendum before a municipality may adopt or amend an ordinance to exercise the powers granted in Article 19, Chapter 160A of the General Statutes in the Extraterritorial jurisdiction and to prohibit charging of fees for appeals.

2) Resolution opposing House Bill 45 of the General Assembly of North Carolina, Session 1977, an act to require approval by the County Commissioners or a referendum before a municipality may annex pursuant to Part 2 and Part 3 of Article 4-A of Chapter 160A of the General Statutes.

Councilwoman Swilling moved to direct the City Clerk to send a letter to the Asheville Area Civic Center Commission stating Mrs. Peeke's request to Council for their information and consideration and to also send a copy of the City Council minutes of February 24, 1977 to the Commission which stated Council's feelings about Mrs. Peeke's request. This motion was seconded by Councilman Morris and carried unanimously.

RESOLUTION NO. 77-29 - RESOLUTION REQUESTING THE BUNCOMBE COUNTY LEGISLATIVE DELEGATION TO INTRODUCE LEGISLATION INTO THE GENERAL ASSEMBLY AMENDING CHAPTERS 242 AND 243 OF THE PUBLIC LOCAL LAWS OF 1939, AS HERETOFORE AMENDED, SO THAT THE POLICEMEN'S PENSION AND DISABILITY FUND AND THE FIREMEN'S PENSION AND DISABILITY FUND CAN BE CLOSED TO FUTURE PARTICIPATION AND PLACED ON AN ACTUARIALLY SOUND FINANCIAL BASIS AND SO THAT THE CITY COUNCIL CAN BEGIN NEW ACTUARIALLY SOUND PENSION PLAN FOR FUTURE EMPLOYEES

5. Consideration was given to a resolution requesting the Buncombe County Legislative Delegation to introduce legislation into the General Assembly amending Chapters 242 and 243 of the Public Local Laws of 1939, as heretofore amended, so that the Policemen's Pension and Disability Fund and the Firemen's Pension and Disability Fund can be closed to future participation and placed on an actuarially sound financial basis and so that the City Council can begin new actuarially sound pension plan for future employees.

The City Manager read the resolution and explained that the document detailing the description of the changes to be made in the law has been circulated amongest the employees of the Police and Fire Department.

He then read the following letter from John R. Young, President of the Fraternal Order of Firefighters:

DATE: March 3, 1977

MEMORANDUM TO: Asheville City Council

FROM: John R. Young, President
Fraternal Order of Firefighter's

SUBJECT: Asheville Firemen's Pension and Disability Fund

At a Meeting February 25, 1977, City Manager Ben Richelove, Mike Smith, and representatives from the Fire and Police Departments agreed, the City freeze the present Fire and Police Pension Plans, with the present number of Firemen and Policemen under these Pension Plans.

It was also agreed, the City of Asheville would pay into these pension plans enough money to meet the standards of Actuarial Soundness set forth in N. C. General Statutes 160-A-163 and that this money would be used only to pay benefits for participants, retired participants or their beneficiaries.

Since this meeting 137 firemen have been contacted personally and all are in agreement with the City freezing these present pension plans and setting up a new plan for future firemen.

J. R. Young
J. R. Young

Thursday - March 3, 1977 - 7:30 o'clock p. m.

Regular Meeting

Present: Vice-Mayor Bill B. Horton, Presiding; Councilmen J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Ralph D. Morris, Jr., Councilwoman JoAnn M. Swilling, Corporation Counsel William C. Moore, Acting City Manager Kenneth M. Michalove, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Eugene C. Ochsenreiter, Jr.

APPROVAL OF MINUTES

1. Approval of minutes of February 24, 1977 meeting.

Upon motion of Councilman Michael, seconded by Councilwoman Swilling, the minutes of the February 24, 1977 meeting were unanimously approved as submitted.

REPORT ON STORM DRAINAGE PROBLEM - PROPERTY OF THOMS CABLEVISION

2. Vice-Mayor Horton said at the February 24, 1977 meeting Mr. John Jerose brought to the attention of Council a storm drainage problem located around the Cablevision property. He said the Mayor had instructed staff to look at the situation and report back to Council their findings. He asked the City Manager if the report was available.

The City Manager reported that the staff was in the process of obtaining the circumstances surrounding the storm drainage problems in the area as well as the City policy on such matters. He said the report should be available within two weeks.

DEAVERVIEW ROAD - WATER PROBLEMS

3. Upon request of the Vice-Mayor, the City Manager reported that he had met with Mr. Haynes on Friday, February 25, 1977 and toured the area. He said he was beginning meetings with the Water Department, Planning Department, and the Inspection Division on the matter. He said the Water Department had been in the area during the past week and was able to increase the pressure by 30 lbs. by manipulating valves. He said he felt the City had done as much as could be done for the time being.

MRS. DOROTHY PEEKE - USE OF THOMAS WOLFE AUDITORIUM - N. C. SYMPHONY CONCERT

4. Councilwoman Swilling said at the February 24, 1977 meeting Mrs. Dorothy Peeke, an Asheville school teacher, appeared before Council requesting the use of the Thomas Wolfe Auditorium for the Asheville City school children to hear the N. C. Symphony in April. She said Council had referred Mrs. Peeke to the Asheville Area Civic Center Commission regarding her request. She said it was her understanding that Mrs. Peeke was unable to attend the Commission's meeting.

RESOLUTION NO. 77-31 - RESOLUTION AMENDING AND APPROVING PROGRAM BUDGET CHANGES IN THE ASHEVILLE COMMUNITY DEVELOPMENT REHABILITATION GRANT PROGRAM CONTRACT

7. Consideration was given to a resolution amending and approving program budget changes in the Asheville Community Development Rehabilitation Grant Program Contract.

The City Manager read the resolution. He said during Council's work session it had been decided to add areas outside the Community Development area however, HUD has informed the City that the area outside the Community Development area could not be included. He said this resolution would offer no budget changes but would merely raise the income levels of applicants to $5,000 instead of $4,000 and raise the maximum grant to $5,000 instead of $3,500.

Logan Delany, Community Development Coordinator, said, these changes should allow for better use of the money. He said the cost of rehabilitation has gone up since the inception of the Grant Program as has the income of the families and individuals in need of grant funds for rehabilitation. He said the list of families of $4,000 or less with homes requiring $3,500 or less to bring them to the minimum property standards had nearly been exhausted.

Larry Holt, Deputy Director of the Asheville Housing Authority, said approximately 36 families will be included in the grant program by these changes.

The City Manager said Mr. O'Neil Maney of the Asheville Housing Authority said these amounts are consistent with other cities in North Carolina participating in the Grant Program.

Councilman Michael emphasized that the $5,000 income level is based on adusted net income rather than the gross income.

Upon motion of Councilman Morris, seconded by Councilman Rainey, Resolution No. 77-31 was unanimously adopted.

Complete text of Resolution No. 77-31 will be found in Resolution Book No. 9 at page 219.

RESOLUTION NO. 77-32 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT FOR ENGINEERING SERVICES WITH TALBERT & COXE ASSOCIATES, INC. FOR IMPROVEMENTS TO THE ASHEVILLE AIRPORT

8. Consideration was given to a resolution authorizing the City Manager to enter into contract for engineering services with Talbert & Coxe Associates, Inc. for improvements to the Asheville Airport.

The City Manager read the resolution and explained that the contract calls for the consultant's services to include the necessary studies and investigation to develop the data needed to prepare the Airport Master Plan and Report as outlined in the Scope of Work which accompanied the City's Airport Master Planning Grant Application. Further, the Plan and Report shall be done in accordance with FAA Advisory Circular 150/5060, Airport Master Plans and Order 5900.1, Planning Grant Program Handbook. FAA Forms 5090-1, 2, 3, and 4 will be completed and furnished to FAA as a part of this contract. These services shall include conferences with the appropriate City and State officials, and other interested local and State parties, preparation of the actual Airport Master Plan and

He said it was his understanding that the Police Department has also prepared a similar letter.

Vice-Mayor Horton commented that Council had been working for over two years to get the Police and Fire Pension Plan resolved in such a manner to preserve the benefits and maintain the funding in such proportion that the City taxpayers could afford. He then reviewed the background details leading up to the proposed legislation. He said Council had met with the delegation on several occasions regarding the proposed plan.

Councilman Rainey said it was his hope that the Buncombe County delegation would support the proposed plan.

Councilwoman Swilling and Councilman Hoyle expressed their appreciation to the staff for working with the employees on the matter and expressed appreciation to the employees for their acceptance of the proposed plan.

Upon motion of Councilman Michael, seconded by Councilman Hoyle, Resolution No. 77-29 was unanimously adopted.

Complete text of Resolution No. 77-29 will be found in Resolution Book No. 9 at page 217.

RESOLUTION NO. 77-30 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE LEASE AGREEMENTS FOR SPACE IN THE ASHEVILLE AIRPORT TERMINAL BUILDING

6. Consideration was given to a resolution authorizing the Mayor to execute lease agreements for space in the Asheville Airport Terminal Building.

The City Manager read the resolution and explained that this resolution involved the leases for the gift shop location and space in the baggage room and right to conduct limousene service for the Asheville Airport.

The City Manager advised that proper publication pursuant to Section 7 of the Charter Appendix-Related Laws relative to the leases had been made.

At the request of Council, the City Manager reviewed the details of the lease agreements as well as the differences in revenue from the previous lease of 1972-1977. He said the lease agreements are on a 5-year basis. He also reviewed the option to renew or terminate clause of the leases. He said the Airport Manager conducted a survey of other airports and these leases are consistent with the other airports.

Upon motion of Councilman Hoyle, seconded by Councilman Michael, Resolution No. 77-30 was unanimously adopted, with Councilman Morris abstaining from the vote.

Complete text of Resolution No. 77-30 will be found in Resolution Book No. 9 at page 218.

RESOLUTION NO. 77-35 - RESOLUTION OF INTENT TO CLOSE ALLEY AND CALLING A PUBLIC HEARING ON THE QUESTION (REQUESTED BY SEABORN PARKS FOSTER - SPRING STREET)

11. Consideration was given to a resolution of intent to close alley and calling a public hearing on the question, requested by Seaborn Parks Foster.

The City Manager read the resolution.

Councilman Morris moved for the adoption of Resolution No. 77-35 scheduling the public hearing for March 31, 1977. This motion was seconded by Councilman Michael and carried unanimously.

Complete text of Resolution No. 77-35 will be found in Resolution Book No. 9 at page 224.

RESOLUTION NO. 77-36 - RESOLUTION OF INTENT TO CHANGE NAMES OF SOME STREETS AND CALL FOR OBLITERATION OF OTHER STREETS IN THE RENEWAL AREA, N. C. R-13 AND CALLING A PUBLIC HEARING ON THE QUESTION

12. Consideration was given to a resolution of intent to change names of some streets and call for obliteration of other streets in the Renewal Area, N. C. R-13 and calling a public hearing on the question.

The City Manager read the resolution and explained that this resolution derived from a request by Beverly-Hanks Associates as well as other businesses in the area.

Councilman Rainey expressed concern about the residents living on these streets, particularly on Poplar Street.

The City Manager advised that the owners/residents on these streets would be contacted prior to the public hearing.

Councilman Michael moved for the adoption of Resolution No. 77-36 scheduling the public hearing for March 31, 1977. This motion was seconded by Councilman Morris and carried unanimously.

Complete text of Resolution No. 77-36 will be found in Resolution Book No. 9 at page 226.

PETITION - RESIDENTS OF CANDLER KNOB ROAD OFF DEAVERVIEW ROAD - WATER PROBLEMS

The City Manager read the following petition from residents of Candler Knob Road off Deaverview Road relative to their water problems:

Report, preparation of the Environmental Assessment Report, coordination with the Federal Aviation Administration as the work progresses so that, upon completion the Plan and Report can be approved by FAA.

The City Manager said the services would be $55,645.00 with the majority to be paid for by a Planning Grant previously received. He said Talbert & Coxe Associates have been involved with the Airport since its inception. He said the Regional Airport concept officials, which met for the first time last week, will also be a part of the Airport Master Plan.

Upon motion of Councilman Michael, seconded by Councilwoman Swilling, Resolution No. 77-32 was unanimously adopted.

Complete text of Resolution No. 77-32 will be found in Resolution Book No. 9 at page 220.

RESOLUTION NO. 77-33 - RESOLUTION ACCEPTING THE DEDICATION AND QUITCLAIM DEED WITH REFERENCE TO PROPERTY IN THE CIVIC REDEVELOPMENT PROJECT N. C. R-13

9. Consideration was given to a resolution accepting the dedication and quitclaim deed with reference to property in the Civic Redevelopment Project N. C. R-13.

The City Manager read the resolution and explained that this would complete the legal language of land conveyance in order to officially close out Civic Redevelopment Project N. C. R-13.

Mr. Larry Holt, Deputy Director of the Asheville Housing Authority, described the location of the streets.

Upon motion of Councilman Hoyle, seconded by Councilman Rainey, Resolution No. 77-33 was unanimously adopted.

Complete text of Resolution No. 77-33 will be found in Resolution Book No. 9 at page 221.

RESOLUTION NO. 77-34 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE EASEMENT IN FAVOR OF THE CAROLINA POWER AND LIGHT COMPANY

10. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute easement in favor of the Carolina Power and Light Company.

The City Manager read the resolution and explained that Carolina Power and Light Company is requesting this easement in order to update an existing power line on Kimberly Knoll.

Councilman Rainey said he would like to see Carolina Power and Light Company install their lines underground.

Upon motion of Councilwoman Swilling, seconded by Councilman Michael, Resolution No. 77-34 was unanimously adopted.

Complete text of Resolution No. 77-34 will be found in Resolution Book No. 9 at page 223.

Vice-Mayor Horton instructed the City Manager to follow through with investigations relative to the petition.

MRS. COY JOHNSON - 26 FOURTH STREET - WATER PROBLEM

Mrs. Coy Johnson of 26 Fourth Street in Oakley complained to Council because she has had no water since January due to frozen water lines on the City's side. She said since she has had no water she has received two water bills and she was informed that the bills were sent according to law. She said if that is the case the law should be changed. She said she would like immediate attention to her problem.

The City Manager explained that the minimum water change is set by ordinance and can only be changed by Council. He said Mrs. Johnson's water bill would be adjusted when the meters are read. He said bills for January and February were estimated due to frozen meter taps.

Assistant City Manager Wolcott said he would take care of Mrs. Johnson's frozen water line.

The City Manager suggested that he research the minimum water bill charge and make a recommendation to Council regarding same at Council's Tuesday agenda meeting.

Councilman Rainey requested that the City Manager also report on the Metropolitan Sewerage District charge on the water bill and research as to where the minimum water charge came from.

RON HARRIS - JUSTICE RIDGE ROAD - WATER PROBLEM

Mr. Ron Harris, said he was representing several waterless citizens. He said in the fall of 1976 the group requested from Council and the County Commissioners that something be done to improve the water system on Justice Ridge Road. He said Council granted the new system, however the project has never been started.

The City Manager said the money was appropriated and the City went through a bid process and then the City felt like the job could be handled with City forces rather than contracting the job. However, about that time weather conditions took most of the city forces time and the job could not be started. He said this matter would be given further consideration and an answer should be ready in a week to ten days.

JOE ROTOWITZ - 51 DILLINGHAM ROAD - COMPLAINT RE: STREETS AND SIDEWALKS

Mr. Joe Rotowitz, 51 Dillingham Road, complained to Council about the street condition at 51 Dillingham Road. He said it was a very flat portion of the street and when it rains it fills up with water and icys over. He said he had requested assistance with the problem for 3 or 4 years. He also complained of inadequate fire protection on Dillingham Road, due to no fire hydrant.

Received 2/28/77 City Clerks Office - 11:23 mm

ASHEVILLE, N C

February 25, 1977

WE, the undersigned residents of Candler Knob Road, off Deaverview Road, West [redacted]sheville, N C Buncombe County demand immediate attention be given to the water situation in our area. The water pressure is so low, if we have any water at all, that it is resulting in damages to our appliances and causing unsanitary living conditions. The signatures below represent the entire families on our road.

Mr & Mrs James Elkins
Mr & Mrs Johnny Hyatt II
Mr & Mrs Earl Hollifield
Mr & Mrs Floyd Angel
Annie Fletcher
Della E Griffin
G M Angel
Jane Roach
Ted Brooks
Richard Jones
[redacted] & Mrs Henry Hollifield
Mr Larry Ward
Mr & Mrs F C Hollifield
Mr & Mrs J B Benson
Mrs Betty Coleman
Boyd Childers
[redacted] Seay
[redacted]ndra Dillingham
Richard Washburn
Ann Washburn
B F Coffey Benson
Hazel Gibson
[redacted] Ann Ledford
Mr & Mrs Robert Perry
Mr Wilson Owen
Mr & Mrs Tommy Coy

REPORT OF VICE-MAYOR HORTON - "KISS" CONCERT - MARCH 1, 1977

Vice-Mayor Horton said he had received several disturbing reports from people who attended the "Kiss" concert on March 1, 1977 at the Asheville Civic Center. He said based on these reports, he concluded that the building was overcrowded, overwarm, and the crowd was over offensive. He said since this is the second time for community embarrassment due to a rock concert he felt this matter should be carefully studied by the City Council and the Asheville Area Civic Center Commission.

Vice-Mayor Horton then presented the following request of the City Manager:

Champion Papers
Division of Champion International

Date 3-3-77

To Ken Michalove

From Bill B. Horton

Subject Report on "KISS" Concert at Civic Center, 3-1-77.

Dear Ken:

For my personal information, and so that it might be made known publicly to the citizens of Asheville, and in order that this information be available to all members of City Council for their consideration, will you please seethat answers to the following questions are provided.

(1) What was the attendance at the "KISS" Concert held on March 1:
(a) Paid.
(b) Unpaid.

(2) What form of seating was used and why?

(3) What is the maximum seating capacity for such a performance if reserved seating is used with everyone theoretically remaining in his seat?

(4) Were complaints made to any Civic Center staff member of alleged possession and use of alcohol or drugs, or disorderly conduct, or use of abusive and vulgar language so as to create a nuisance to others in the audience?

(a) If so, what was done about these complaints?

(5) Were any persons ejected from the Civic Center for the possession or use of alcohol or drugs or for disorderly or abusive conduct?

Mr. Rotowitz also complained of the street conditions downtown as well as the sidewalk conditions. He cited such places as in front of the old S & W Cafeteria, Lexington Avenue, and Starnes Avenue. He said this should be put on some type of street program before the spring or summer when tourist arrive.

Councilman Rainey said he felt these problems should be looked into as well as attention to the proposed weed ordinance and a garbage ordinance to deal with non-containerized garbage blowing downtown.

Arthur Brooks said he was in a meeting with Quality Forward and these same problems were discussed. He said Southside Avenue at Beech Hill was a dumping area. He said he would like for the Sanitation Department to pick up this trash and place a "No Dumping" sign on the property. He said Quality Forward as well as several of the city staff are planning to attend a workshop on how to make a beautiful city, which he felt would be very helpful. He also said the trash on Sweeten Creek Road was discussed during the Quality Forward meeting.

PROCLAMATION - GIRL SCOUT WEEK - MARCH 6 - 12, 1977

Vice-Mayor Horton read a proclamation proclaiming March 6-12, 1977 as Girl Scout Week in the City of Asheville.

COUNCILMAN MICHAEL - RE: NEWS REPORT BY DIRECTOR OF AVIATION - AIRPORT EMPLOYEES LIVING IN HENDERSON COUNTY

Councilman Michael expressed concern about Gary Taylor, Director of Aviation, stating on a T. V. interview that airport employees may be required to move back into the County of Buncombe or lose their jobs. He said this statement may jeopardize the City's chances of establishing better communication and cooperation between the WNC counties regarding participation in a Regional Airport concept. He said it was his understanding that a city policy was previously established that no department head or employee of the City of Asheville were to make any statements about the policies of the City, which included the Civil Service Commission unless they first consulted the City Manager. He said the City Manager was not aware of this news statement and he felt Mr. Taylor should be censored for this statement.

Councilman Michael moved that no statements shall be given relative to the City of Asheville's rules, regulations and decisions by city employees unless they first consult the City Manager and the City Council.

Vice-Mayor Horton said he did not feel a motion was necessary because this was an accepted policy procedure.

Councilman Rainey said it should be understood that this procedure is established to prevent confusion on policy matters between department heads and the City Manager.

Thursday, March 10, 1977 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilmen J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, Acting City Manager Kenneth M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilwoman JoAnn M. Swilling

APPROVAL OF MINUTES

1. Approval of minutes of March 3, 1977 meeting.

Upon motion of Councilman Michael, seconded by Councilman Hoyle, the minutes of the March 3, 1977 meeting were unanimously approved as submitted.

RECOGNITION OF RETIRED CITY EMPLOYEES

The City Manager recognized four recently retired City employees who worked a total of 116 years for the City of Asheville. W. B. Allison worked 31-1/2 years for the Asheville Police Department; Charles R. Rhew worked 25-1/2 years for the Asheville Police Department; Jesse C. Metcalf worked 23-1/2 years for the Sanitation Department; and Thomas A. Yarborough worked 35-1/2 years for the Street Department. The City Manager gave the background of each employees job classification, length of service, promotions, and retirement dates.

Mayor Ochsenreiter, on behalf of the Council, thanked the employees for their dedication and service to the City of Asheville.

PUBLIC HEARING - AMENDING ORDINANCE NO. 322 - SIGN AND OUTDOOR ADVERTISEMENT REGULATIONS

2. A public hearing was held relative to amending Ordinance No. 322, as amended to incorporate revised Sign and Outdoor Advertisement Regulations for the City of Asheville and its one mile extraterritorial jurisdiction.

Mayor Ochsenreiter opened the public hearing at 3:08 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mayor Ochsenreiter stated that the ordinance would be read in its entirety before any comments would be accepted and then anyone with comments or suggestions concerning the sign ordinance should present them in writing at the end of the meeting or within the next two days. He said then the Planning Staff and Council will review the comments before the second reading of the ordinance.

The City Manager, Corporation Counsel and Planning Director read the ordinance.

Mayor Ochsenreiter then asked for a motion relative to the ordinance, stating that comments would be received after the roll call vote on the first reading of the ordinance.

(6) What specific steps were taken to prevent illegal possession or use of alcohol or drugs on the Civic Center premises for this performance?

(7) Both daily newspapers quoted a staff member as saying, "Everything went real smooth." In your opinion, did everything "go real smooth" during the "KISS" concert?

(8) Please inquire and advise what policy restrictions are being utilized in other Civic Arenas in our region for crowd control and control of alcohol and drug abuse, smoking, etc. at Rock Concerts.

If practicable, will you please respond to this request by Thursday, March 10.

Bill B. Horton
Vice Mayor

The City Manager advised Vice- Mayor Horton that due to staff workload the report might not be ready by March 10 but he would do his best to have the report ready. He said he had not received any calls regarding the "Kiss" concert one way or the other and he stated that if anyone had any information they should call the City Manager's office and leave the information.

Joe Rotowitz said 70% of the attendance at the "Kiss" concert was children under 15 and alcoholic beverages should not be allowed. However, it would take 700-800 policement to enforce the smoking law and he felt the police at the concert did the best they could. He said if too many restrictions were placed on the concerts you might as well close the Civic Center .

John Jerose, a member of the Asheville Area Civic Center Commission, said he had also received several complaints regarding the "Kiss" concert. He said he did not feel the commission could look into the situation by March 10 due to a budget session planned by the Commission. However, the Commission would be addressing this situation.

Vice-Mayor Horton commented that the request was directed to the City Manager. However, the Commission would be furnished a copy of the answers to the request for their information.

Adjournment.

Bill B. Horton
MAYOR

Marian F. Holcomb
CITY CLERK

Mr. Mike Summey, of Summey Outdoor Advertising, also objected to the Section dealing with "non-conforming" signs. He said amortization in any form without compensation is not fair and if this section is left into the ordinance his company would have to test the ordinance in court.

Max Coffey, Porta Sign Company, objected to the prohibition against flashing lights on portable signs and the requirement of a minimum clearance of 14' feet from the ground.

E. R. McCarthy said this ordinance should not apply to signs required by the City or any other governmental agency. He also commented that the word "lot" in the ordinance should be described in another manner for defining footage.

Mayor Ochsenreiter closed the public hearing at 4:26 o'clock p. m.

PUBLIC HEARING - CLOSING OF PORTION OF CLUB VIEW ROAD

RESOLUTION NO. 77-37 - RESOLUTION TO CLOSE PORTION OF A STREET (Club View Road).

3. A public hearing was held relative to closing a portion of Club View Road.

Mayor Ochsenreiter opened the public hearing at 4:27 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication. The advertised notice taking the form of Resolution No. 77-13.

The City Manager then read the resolution to close portion of a street, known as Club View Road.

Jack Westall, representing the petitioners, presented photographs to explain the closing of the portion of Club View Road. He said it was felt that this closing would be beneficial to traffic flowing on Club View Road. He said the Grove Park Inn, adjacent property owner, supports the resolution. He said he maintained that the City would be obligated to pave over the grass portion of the turnaround to square off the street.

Mayor Ochsenreiter closed the public hearing at 4:33 o'clock p.m.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Horton, Resolution No. 77-37 was unanimously adopted.

Complete text of Resolution No. 77-37 will be found in Resolution Book No. 9 at page 229.

RESOLUTION NO. 77-38 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF INTERIOR THROUGH THE RECREATION DIVISION OF THE DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES OF THE STATE OF NORTH CAROLINA FOR A YOUTH EMPLOYMENT, CONSERVATION AND ENVIRONMENTAL EDUCATION PROGRAM FOR THE SUMMER OF 1977

4. Consideration was given to a resolution authorizing the Director of Parks and Recreation to enter into an agreement with the Department of Agriculture and the Department of Interior through the Recreation Division of the Department of Natural and Economic Resources of the State of North Carolina for a youth employment, conservation and environmental education program for the summer of 1977.

Councilman Rainey moved for the adoption of Ordinance No. 945. This motion was seconded by Councilman Michael.

On a roll call vote of 5-0, Ordinance No. 945 passed on its first reading.

Mr. Michael Summey requested that Council take a 5 minute recess to discuss the Mayor's suggestion for amendments to the sign ordinance.

COMMENT BY COUNCILMAN MICHAEL - COMMUNITY DEVELOPMENT FUNDS FOR REHABILIATION OF SUBSTANDARD HOUSES

Councilman Michael commented that most of the $200,000 appropriated from the Community Development Budget for the rehabilitation of substandard houses had not been spent. He said, an investigation revealed that a lot of the houses to be rehabilitated were not owner occupied and the owners could not qualify for grants due to net incomes exceeding $5,000. He requested that the City Manager meet with a HUD representative to see if this problem could be resolved in some manner to offer the grants to tenants.

PUBLIC HEARING ON SIGN ORDINANCE CONTINUED

Council reconvened the meeting at 4:08 o'clock p. m.

Councilman Michael was excused from the meeting at 4:08 o'clock p. m.

Mr. George Gontero, of Lamar Dean Outdoor Advertising Co., Inc., said his company would not accept "amortization without just compensation". He said he was in agreement with all aspects of the proposed ordinance except the section providing for Non-Conforming signs to be removed or brought into compliance within three (3) years from the effective date of the ordinance.

Mrs. Samuel Bingham said she felt Mr. Gontero's request could be handled through the Board of Adjustments.

Mike Traber, Executive Director of Quality Forward, read a statement urging adoption of the ordinance as presented. She said the new ordinance reflects Quality Forward's goals.

Lee Thompson of Exxon, objected to the 40-foot height restriction for free-standing signs. He said this restriction would place eight (8) of Exxon's signs into nonconformance.

Robin Daniel of the League of Women Voters, said her organization was pleased that Council was addressing Asheville's need for such an ordinance. She urged its approval without delay.

Ernest A. Hammill cited several sections that needed language clarification. He said he would present those, in writing, to the Council.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 77-40 was unanimously adopted.

Complete text of Resolution No. 77-40 will be found in Resolution Book No. 9 at page 233.

CITY MANAGER'S REPORT ON "KISS" CONCERT

The City Manager read the following report from Civic Center Manager Jim Evans relative to the "Kiss" Concert held in the Asheville Civic Center on March 1, 1977:

March 10, 1977

MEMORANDUM TO: Ken Michalove
Acting City Manager

FROM: Jim Evans
Civic Center Manager

Listed below are the answers to the eight questions from Vice-Mayor Horton regarding the KISS concert, March 1 1977.

1. a. paid attendance: 7,772
   b. unpaid attendance: 129

2. Festival seating was used because this was the promoter's requirement. This is what other buildings use and this is the way the rock fans wish to enjoy concerts. (Festival seating means no seats on the main Arena floor area. This gives a seating capacity of approximately 6,400 and leaves the Arena floor open for people to stand.)

3. The maximum seating capacity for this performance if reserved seating was used is 7,654. (Permission was received from the Fire Marshall to allow 8.000 tickets to be sold for this event due to the additional room available because of festival seating.)

4. There were no complaints made to any Civic Center staff member of illegal possession and use of alcohol or drugs, or disorderly conduct, or abusive or vulgar language during the concert nor have we received any by mail or telephone since that date. The only complaint we have received to date was before the concert began when a women complained to Sonny Hollifield of the crowded conditions in the lobby area prior to the doors opening and people pushing in an attempt to gain entrance to the building. There was one isolated case that was viewed by a member of my staff. where one individual used the lobby area as a public restroom. This incident was related to a policeman who investigated same but was unable to locate the individual who had done this.

The City Manager read the resolution and explained that this would be the third year for the City to participate in the program and there would be no cost to the City, all services would be in-kind.

Upon motion of Councilman Morris, seconded by Councilman Rainey, Resolution No. 77-38 was unanimously adopted.

Complete text of Resolution No. 77-38 will be found in Resolution Book No. 9 at page 231.

RESOLUTION NO. 77-39 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE RIGHT-OF-WAY AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A WATER LINE ON STATE ROAD 3521 AND STATE ROAD 3522, FOR THE WESTINGHOUSE ELECTRIC PLANT IN SKYLAND, NORTH CAROLINA

5. Consideration was given to a resolution authorizing the Mayor to execute right-of-way agreement with the North Carolina Department of Transportation for a water line on State Road 3521 and State Road 3522 for the Westinghouse Electric Plan in Skyland, North Carolina.

The City Manager read the resolution and explained that the encroachment agreements are for a water line to be constructed on Old Shoals Road and Beale Road to serve the Westinghouse Electric Plant in Skyland.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, Resolution No. 77-39 was unanimously adopted.

Complete text of Resolution No. 77-39 will be found in Resolution Book No. 9 at page 232.

PUBLIC HEARING SCHEDULED - REZONING PROPERTY ON HAYWOOD STREET - SEABORN P. FOSTER

6. Consideration was given to a motion scheduling a public hearing relative to rezoning property on Haywood Street from R-3 Residential District to CR Commercial Regional District, property owned by Seaborn P. Foster.

The City Manager read a letter from the Planning and Zoning Commission which recommended the approval of the petition submitted by Mr. Seaborn P. Foster for the rezoning of Lot 3, Sheet 3, Ward 4. The Commission also recommended to Council that Lots 4, 5, 6, 7, 9, 10, 11, and 4'1/2 be rezoned from R-3 Residential District to CR Commercial Regional District.

Vice-Mayor Horton moved to schedule a public hearing on the matter for March 31, 1977. This motion was seconded by Councilman Rainey and carried unanimously.

RESOLUTION NO. 77-40 - RESOLUTION ELECTING MEMBER OF BOARD OF EXAMINERS FOR POLICEMEN'S AND FIREMEN'S PENSION AND DISABILITY FUND (Dr. Bruce E. Elliston)

7. Consideration was given to a resolution electing member of Board of Examiners for Policemen's and Firemen's Pension and Disability Fund. (Dr. Bruce E. Elliston)

CITY MANAGER'S REPORT - A. M. PULLEN AND COMPANY REPORT ON SHILOH-OAKLEY PROJECTS COST OVERRUN

The City Manager reported that he had furnished members of Council a copy of the report from the A. M. Pullen and Company regarding an investigation into the cost overruns on the Shiloh-Oakley Public Works Projects. He said he had requested the City staff to look into the items mentioned in the report and to meet with the contractor to resolve any problems.

CLAIM - S. M. SCHOCHET - THE BOOTERY

The City Manager presented a claim received from S. M. Schochet for water damage to The Bootery at 16 Patton Avenue.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM AMENDMENT - DR. W. P. CAVE, HOLLY McKEE, DR. JOE B. ROBERSON, JR., AND DENTAL ASSOCIATES, INC.

The City Manager presented an amended claim received from Morris, Bolding, Blue and Phillips on behalf of Dr. W. P. Cave, Holly McKee, Dr. Joe B. Roberson, Jr., and Dental Associates, Inc. relative to electrical damage in thawing water pipes.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - HILLIARD MASSEY

The City Manager presented a claim received from Mr. Hilliard Massey for water damage.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - ARNOLD JONES & SON, INC. - RESIDENCE ON PATTON CEMETARY ROAD

The City Manager presented a claim received from Arnold Jones & Son, Inc. for water damage to a new residence on Patton Cemetary Road.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

FLOOD INSURANCE STUDY - TENNESSEE VALLEY AUTHORITY

The City Manager reported that a letter had been received from the Department of Housing and Urban Development advising that the Federal Insurance Administration has executed a contract with the Tennessee Valley Authority to conduct a flood insurance study for the City of Asheville. The study will begin immediately and is scheduled for completion in June,1978. This study will provide the technical information needed to establish actuarial flood insurance rates (rates which reflect true flood risk) and provide a basis for the community's flood plain management program.

5. To my knowledge one person was ejected from the Civic Center and arrested for the possession of marijuana. Twenty police officers were utilized for this concert in addition to twelve doorguards. Prior to the concert I met with Miles Webb, head of security, and laid out the location of each police officer and told him that the officers were employed by the Civic Center and the promoter for the purpose of building security and to assure that those attending the concert act in an orderly manner. I further explained to him that any actions beyond this should be a police matter and handled by the City of Asheville Police Department.

6. Upon my instructions, police officers were stationed at the ticket entrance to watch for any persons possessing alcohol. Anyone bringing alcohol into the building was told that they would have to take it back to their vehicle or leave it in the custody of the Civic Center until after the concert. A total of two bottles of beer were left in the custody of the Civic Center and upon not being retrieved after the concert were destroyed. No persons were searched as they entered the building.

7. In my opinion every facit of the KISS concert went extremely well. There were no crowd control problems other than prior to opening the doors and the massive number of people who were here at this time acted in an extremely orderly manner. There was only minimun damage as a result of the concert (hardware was broken on one exit door and several toilet tissue dispenser broken off from the wall). This is not an unusual amount of damage for a crowd of this size at any type function. I commend the police officers who worked this function for the excellent manner in which they handled the crowds.

8. As soon as I receive the present policies in other coliseums in our area relative to rock concerts I will report to you in full on question #8.

I have been instructed by the Civic Center Commission to report to you that they have not had time to study these questions and provide you with a report and this is their intention to have this item on the agenda at the March 14th meeting.

The City Manager further advised that his office had not received any calls regarding the concert.

Vice-Mayor Horton said he felt rock concerts should be looked at as a "very special type situation". He said a firm operating policy should be established for such situations. He said that he believes there was more that went on than was reported. He asked what procedures are followed for making any necessary arrests at such events and what instructions are given to the police officers. He said perhaps the responsibility of the police officers should be defined.

Thursday - March 17, 1977 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, Acting City Manager Kenneth M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

APPROVAL OF MINUTES

1. Approval of minutes of March 10, 1977 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, the minutes of the March 10, 1977 meeting were unanimously approved as submitted.

PUBLIC HEARING - ARROWHEAD APARTMENTS PROPOSAL

2. A public hearing was held relative to the proposed Arrowhead Apartments to be located on Wood Avenue.

Mayor Ochsenreiter opened the public hearing at 3:02 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, commented that he had received one verbal objection to the project from Mrs. Nancy Burrell of 8 Cherrio Lane.

Frank Jemison, President of Alco Properties, Inc., developer of the proposed project, gave a brief history of the project to be developed. He said since the objectors at the last meeting based their objections on occupancy by children, Alco, with HUD's approval, has withdrawn all the family units previously proposed to be built at Arrowhead. Instead, Alco is now proposing that there be 75 efficiency units for elderly, 25-1 bedroom units for the elderly and 16 - 1 bedroom regulars, with 10 per cent (10%) of the units designed for the handicapped. He said this composition would add no children to the area schools and would help meet Asheville's need for elderly units. He said he felt the impact to the area would be positive. He commented that bus service would be available to the proposed project. The project will be a low density one, built on a beautiful, wooded site with areas for shuffleboard and other group activities.

Mr. Jemison commented that the area is properly zoned and meets all code requirements. He said the funds for development of these housing units, through Section 8 Housing funds, have been reserved for over 18 months and HUD wants to know whether Alco Properties will be able to use the allocation. If the project is cancelled the funds would be recaptured by HUD and could possibly be allocated for some other area other than Asheville.

Councilman Rainey asked Alco Properties for a commitment or guarantee that the elderly would be given priority to the 16-1 bedroom regulars.

PROCLAMATION - EMPLOY THE OLDER WORKER WEEK - MARCH 13 - 19

Mayor Ochsenreiter proclaimed the week of March 13 - 19, as Employ the Older Worker Week.

RALPH BISHOP - METER FEEDING - CLARIFICATION

Mr. Ralph Bishop requested a clarification of "meter feeding". He said it was his understanding that Council had deleted "meter feeding" from the parking ordinance. His complaint was based on his receiving a parking ticket for meter feeding.

MEETING WITH LEGISLATIVE DELEGATION - PENSION PLAN

Upon inquiry of Vice-Mayor Horton, Mayor Ochsenreiter announced that the legislators had requested that the Council meet with them in Raleigh on Tuesday night and Wednesday morning, March 16, 1977, for a work session on the proposed police and fire pension plan.

COMMENTS BY VICE-MAYOR HORTON - BIDDING PROCEDURES

Vice-Mayor Horton said he had received an advertisement for bid form from Biltmore Iron and Steel Company for galvanized corrugated steel pipe. The bid form was sent from the City of Asheville Purchasing Division. He said the form had a notation on it that Biltmore Iron and Steel Company wished to have their name removed from the mailing list because they did not wish to bid against their competitors who were not local businesses or local taxpayers.

Vice-Mayor Horton expressed concern that the bidding goes out to people that are not truly competitive to local bidders. He requested that the City Manager forward the advertisement for bid to the Purchasing Division and asked the City Manager to review this matter.

Adjournment.

Eugene S. Ochsenreiter
MAYOR

Marian D. Rabenau
CITY CLERK

Lamar Dean Outdoor Advertising Company

March 11, 1977

Mr. Verl Emrick
Planning Director
P.O. Box 7148
Asheville, N.C.

Dear Verl:

Enclosed please find my recommendations for Sec. 30-9-5, Nonconforming Signs per the Mayor's request.

Attached please find a letter from our home office explaining the new type of molding we will be using on our poster panels and our paint units in the City of Asheville in the future.

The observation reports are filled out by each Lamar Dean employee when he sees that maintenance is needed on one our units.

Verl, please show all this information to City Council members before the next reading of the Ordinance.

Thank you.

LAMAR DEAN OUTDOOR ADVERTISING
COMPANY OF NORTH CAROLINA, INC.

George

George A. Gontero
General Manager

GAG/jjn

cc: Carl Bogle

172 SWANNANOA RIVER ROAD / P.O. BOX 448 / ASHEVILLE, NORTH CAROLINA 28802 / 704-252-3874

Mr. Jemison gave Councilman Rainey his guarantee that Alco Properties, Inc. would give priority to the elderly for the remaining 16-1 bedroom regulars. He also commented that under the guidelines of the U. S. Department of Housing and Urban Development, which will subsidize the apartments under its Section 8 program, no children above the age of three will be permitted to live in the one-bedroom units. This will eliminate any possibility of school-age children in the project.

Councilman Michael questioned whether or not the approval of the project would affect the elderly projects proposed for Battery Park and Oteen VA Hospital. He said from a survey of the elderly people in Asheville it was determined that Oteen VA Hospital was preferred.

Mr. Jemison commented that he felt Asheville has a need for all three elderly projects.

At the request of Council, David Jones, Executive Director of the Asheville Housing Authority, reported that their office has approximately 418 active applications on file for elderly units. He said the Asheville Housing Authority is now constructing 114 elderly units, but there is a definite need in Asheville for elderly units. He commented that he has found that isolating the elderly people from the younger people has proven to be successful.

Mr. Ray Barr, Mrs. Cecilia Rhodes, and another Oakley resident, all said they felt the site was an undesirable location for the elderly, since it is adjacent to a railroad track, a heavy industrial area and the Oak Knoll project. The main reason seemed to be the presence of two housing complexes in the area already.

After discussion, Mayor Ochsenreiter closed the public hearing at 4:20 o'clock p. m.

Councilman Rainey moved for the approval of the proposed Arrowhead Apartment project to be located on Wood Avenue. This motion was seconded by Councilwoman Swilling.

Councilman Morris requested a roll call vote on the matter.

On a roll call vote of 5-1, the motion passed with Councilman Michael voting "no".

ORDINANCE NO. 945 - ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Sign Ordinance)

3. Consideration was given to the second reading of Ordinance No. 945, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Sign Ordinance)

Mayor Ochsenreiter stated that the ordinance was previously read on first reading and members of Council have been furnished with a copy of the ordinance and the ordinance would not be re-read in its entirety unless there was a specific request to do so.

Verl Emrick, Planning Director, presented the following comments received relative to the proposed sign ordinance:

358

January 21, 1977

To: All Plant Managers

From: Mike Ohland

Enclosed are some photos and drawings of painted bulletins and poster panels done in rough sawn cedar. Please pass the blueprints and one copy of this memo along to your superintendent so he can refer to them when building units like these. The photos are for your lease department to use.

PAINTED BULLETINS

The apron is 45' long for a 48' paint unit. Starting with the center of the first board in the center of the paint copy, working out from the center each way leave 3/8" space between each board. The rough sawn cedar boards are 5/8" thick by 11 5/8" wide. Run the board up behind the section 3" so there isn't any daylight between the apron and the section; then run the boards down past the platform brackets about 3". Also paint the toeboards a sandlewood color to match the cedar prior to installing the cedar stain on all the boards. Use Olympic Stain #716, which is a clear natural sealer. The stringers for the apron are 2 x 4's painted a sandlewood color, and the boards are nailed to the stringers with a coated nail so no rust will run down the face of the apron.

We will install this base on all new painted bulletins. Paint the steel beams #114 medium brown.

POSTER PANELS

Also enclosed is a template for the jagged edge rough sawn cedar trim for poster panels. Use a 1 x 12 x 12 and a 1 x 12 x 14 for the top and bottom trim and a 1 x 12 x 14 for each column. Build out the top and bottom trim with a 4" cedar block at each bracket point, then overlap the end columns over the top and bottom trim, firring out the center with two cedar blocks. Use two 1/4" carriage bolts at each bracket so the boards won't warp.

Install this trim on new poster panels, specifically in "bedroom community" areas. Paint the beams #114 medium brown.

If you have any questions, please give me a call.

m E Ohland

Vice President, Operations
Major Media, Inc.

MEO:jn

cc: R. O. Maegele

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Sec. 30-9-5. Nonconforming Signs

A. After the effective date of this Ordinance, it shall be unlawful for any person to erect or place any sign which does not conform to the requirements of this Section.

B. A nonconforming sign my be continued but shall be maintained in good condition, and it shall not be:

(1) changed to another nonconforming sign;

(2) structurally altered (except to meet safety requirement);

(3) altered so as to increase the degree of nonconformity of the sign;

(4) expanded;

(5) reestablished after its discontinuance for sixty (60) days;

(6) continued in use after cessation or change of the business or activity to which the sign pertains; or

(7) reestablished after damage or destruction if the estimated cost of reconstruction exceeds seventy-five (75%) percent of the appraised replacement cost (as determined by the Building Inspector).

The third area is the Non-Conforming Signs to be removed or brought into compliance within three years. This will definitely place a hardship on our Company, and dealers. In our opinion, these signs mean so much to the success of these stations. To comply with this ordinance as written, would mean that we would have to remove the signs, since trying to reduce these to the height allowed would make the signs useless. In our opinion, the volume of these stations would be affected to the point of closing, which would definitely not help the economy in Asheville, North Carolina.

I will appreciate very much if you will pass a copy of this letter on to the City Council prior to the next meeting. I do appreciate all the help that you can give us in these three critical areas that is mentioned in this letter.

Yours very truly,

H. D. Moore
Senior Marketing Representative
Real Estate

HDM/sap

cc: City Councilmen

EXXON COMPANY, U.S.A.
POST OFFICE BOX 420 - CHARLOTTE, NORTH CAROLINA 28201

MARKETING DEPARTMENT
SOUTHEASTERN REGION

March 11, 1977

Received
MAR 14 1977
ASHEVILLE PLANNING
AND
ZONING COMMISSION

Mr. Veryl R. Emrick, Jr.
Planning Director
City of Asheville
P. O. Box 7148
Asheville, North Carolina 28807

Proposed Sign Ordinance
Asheville, North Carolina

Dear Mr. Emrick:

Reference is made to the City of Asheville proposed Sign and Outdoor Advertising Ordinance. As I mentioned at one of the planning meetings, this revised ordinance is a big improvement over the first proposed ordinance, and I know you spent many hours on this project.

We do have at least three areas of the new revised ordinance that will affect us badly. These are located under Section 30-3-3 District Sign Regulations, Required Setbacks, Free Standing Signs. Section 30-9-2 Use Regulations,which states that our sign shall not exceed 40' in height. In Section 30-9-5 Non-Conforming Signs, which states shall be removed or brought into compliance herewith within three years from the effective date of the ordinance.

First of all the two recent signs were installed at Expressway and Charlotte Streets, and Expressway and Merriman Avenue. We secured permits on both of these and we feel that both signs will be affected by the required setback.

We have eight signs that will be affected in height which are over 40'. These are as follows:

1. Expressway and Merriman Avenue approximately 90'.
2. Expressway and Charlotte Street approximately 105'.
3. Cox and Southside Street approximately 80'.
4. 873 Merriman Avenue approximately 75'.
5. Tunnel Road and White Pine Street approximately 70'.
6. Tunnel Road and Parkway approximately 70'.
7. Smokie Park Highway approximately 80'.
8. I-40 & Hwy. 19-23 approximately 80'.

5.) Sec 30-3-3(B)(6) read off premisis advertising signs over three hundred square feet be allowed to abut, but not encroach upon the established right-of-way of the nearest public street or highway, but in no case be closer than 30' from the edge of the pavement of said street or highway.

6.) Sec. 30-3-3(B) (6,7,8,& 9) be changed to Sec. 30-3-3(B) (7,8,9,10).

7.) Sec. 30-9-5(A) The last sentence be deleted.

8.) Sec. 30-9-5(B) be changed to read "A non-conforming sign may be continued, but shall be maintained in good condition and it shall not be:"

9.) A new sub paragraph be added as Sec. 30-9-1(A)(8):

"No person, firm, or corporation shall engage in the business of placing or maintaing off premisis advertising signs without first obtaining an outdoor advertising license which must be kept in force at all times when off premisis advertising is being maintained in the City of Asheville. To obtain and to renew said license the licensee must submit a location list of all outdoor advertising structures under his control within the jurisdiction of this ordinance"

Verl Emrick, Planning Director, said amendments, proposed by members of Council, were not yet finalized but would be presented at the next reading of the ordinance.

Upon inquiry of Council, Mr. Emrick explained that the fee schedule which requires higher fees for sign building than for other types of construction was done partly to provide additional revenues to offset the expense of enforcing the ordinance and possibly as a deterrent to larger signs.

Michael Summey, of Summey Sign and Outdoor Advertising Company, insisted that if sign builders are going to have to pay higher fees, other builders should have to so too.

Jane Bingham said the signs are a privilege that the city is granting and the city has the right to decide how much this privilege is worth and charge for it. She said the fee schedule does not necessarily have to be the same as for building contractors.

George Gontero, of Lamar Dean Outdoor Advertising Company again said that his company could not accept any ordinance calling for amortization without compensation and if the amortization goes into the ordinance his company would have no alternative except to go to court. He cited a number of cases in which the courts have ruled in favor of outdoor advertising companies because just compensation was not granted.

Sunney T.M.

sign & outdoor advertising co.
U.S. HWY. 70 WEST
P.O. BOX 1368
BLACK MOUNTAIN, N.C. 28711
PHONE: 704-669-6695 • 704-669-8746

Received
MAR 11 1977
ASHEVILLE PLANNING AND ZONING COMMISSION

March 11, 1977

To: Mayor Ochsenrieter
Members of the Asheville City Council

Re: Suggested changes to the proposed City of Asheville Sign and Outdoor Advertising regulations.

1.) Sec. 30-9-1(A)(3)(a) be changed to allow 180 days to begin construction rather than 60 days. This would be in keeping with the time period presently used for all other building permits.

2.) Sec. 30-9-1(A)(5) be changed to the same fee schedule currently used for all other building permits or in the alternative the current fee schedule be changed to the one in this section.

3.) Sec. 30-3-3(B)(4) read: off premisis advertising signs, 75 square feet per face, or less shall be allowed to abut, but not encroach upon the established right-of-way of the nearest public street or highway, but in no case be closer than ten feet from the edge of the pavement of said street of highway.

4.) Sec. 30-3-3(B)(5) read: off premisis advertising signs, three hundred square feet per face or less, shall be allowed to abut, but not encroach the established right-of-way of the nearest public street or highway, but in no case be closer than twenty feet from the edge of the pavemcnt of said street or highway.

over the southeast, competing for awards and prizes. These aircraft would be on display Saturday and Sunday, free of charge to the public. All activities would culminate in an "old-fashion style" air show on Sunday afternoon.

Last year the Western N. C. Pilots Association presented an outstanding air show featuring the U. S. Army Silver Eagles and Golden Knights under extremely adverse weather conditions, and, thanks to the cooperation of airport personnel, the air show was a tremendous success, in spite of the weather.

Your consideration in the above matter and an early approval will expedite booking the outstanding aviation performers which we have tentatively contacted for the above date. Once again, our Association will cooperate fully with the FBO, City of Asheville and Buncombe County authorities and the Department of Aviation, and will work closely with these people to see that the week-end goes along smoothly.

Thank you for any consideration in helping us celebrate the 50th anniversary of modern aviation.

Amogene Norwood,
President

cc: Mr. Ken Michaelove, Acting City Manager
Mr. Gary Taylor, Director of Aviation

Councilman Michael urged that the City Manager receive a report on this matter at an early date.

The City Manager advised that a report would be ready at next week's meeting.

RESOLUTION NO. 77-41 - RESOLUTION AUTHORIZING DIRECTOR OF FINANCE TO SELL SURPLUS PROPERTY

4. Consideration was given to a resolution authorizing the Director of Finance to sell surplus property.

The City Manager read the resolution and explained that this resolution was to sell an old, inoperable and obsolete Rectigraph #2251 Copy Camera in the Division of Inspections and Demolitions.

Upon motion of Councilman Morris, seconded by Councilman Michael, Resolution No. 77-41 was unanimously adopted.

Complete text of Resolution No. 77-41 will be found in Resolution Book No. 9 at page 235.

Mayor Ochsenreiter announced that a work session between the Council members and the Planning and Zoning Commission would be held next Tuesday, March 22, 1977 to discuss the amendments suggested.

Councilman Rainey suggested that Mr. Emrick review the Black Mountain Sign Ordinance in relationship to political signs before the work session.

Council also discussed the possibility of changing the setback provisions to require that the distance be measured from the pavement rather than from the right-of-way, since several of Asheville's major thoroughfares are not in the center of their respective rights-of-way. It was the consensus of Council to discuss this provision at the work session.

Vice-Mayor Horton requested that Mr. Emrick obtain the front footage of Mom and Pop's Restaurant and Shoney's on Tunnel Road.

Councilman Morris moved to continue the second reading of Ordinance No. 945 until March 24, 1977. This motion was seconded by Councilman Michael and carried unanimously.

AMOGENE NORWOOD - WNC PILOTS ASSOCIATION, INC. - REQUEST FOR AIR SHOW

Mrs. Amogene Norwood, President of the Western North Carolina Pilots Association read the following letter requesting permission to conduct an air show the week-end of May 21-22, 1977:

WESTERN NORTH CAROLINA
PILOTS ASSOCIATION, INC.

P. O. BOX 6617
W. ASHEVILLE, N. C. 28806

March 17, 1977

Hon. Gene Ochsenreiter, Mayor
Asheville City Council

May 20, 1977 commemorates the 50th anniversary of Charles Lindbergh's historic solo flight non-stop from New York City to Paris, France. On May 20, 1927 the course of world history was changed and the birth of modern aviation as a means of rapid transit of globe shrinking proportions was begun.

In commemoration of this historic event, the Western N. C. Pilots Assn. requests permission from the Asheville City Council, through its Department of Aviation, to conduct a Lindbergh Memorial Air Show the week-end of May 21-22, 1977. We propose a Saturday and Sunday celebration through the cooperation of the Department of Aviation and the FBO commemorating the progress of modern aviation with static displays of classic and antique aircraft, replicas and "home builts" from all

ASHEVILLE CONVENTION AND VISITORS BUREAU VOTED INTO INTERNATIONAL ASSOCIATION OF CONVENTION AND VISITOR BUREAUS

Councilwoman Swilling read the following letter:

March 17, 1977

Mayor Eugene C. Ochsenreiter, Jr.
Office of the Mayor
City of Asheville
Asheville, North Carolina 28801

Mayor Ochsenreiter:

It is with extreme pleasure that I inform that on Monday, March 14, the Asheville Convention & Visitors Bureau, representing the City of Asheville, was voted into the membership of the International Association of Convention and Visitor Bureaus.

The significance of this can best be expressed by the fact that there are only 109 member bureaus throughout the world. Included are cities such as San Francisco, Los Angeles, Chicago, Atlanta, London, San Salvador, and Montreal. Our membership in this organization will give Asheville the credibility much needed in once again attracting large national, international, and regional conventions.

I wish to express my sincere appreciation to you and the members of Council for your support of the Convention Bureau. Without this support we could not have possibly advanced so far in such a short period of time.

Cordially,

Dick Trammell

Dick Trammell, Manager
Convention & Visitors Bureau

DT/nsh

Councilman Michael was excused from the meeting at 5:10 o'clock p. m.

ORDINANCE NO. 946 - AN ORDINANCE AMENDING AND APPROVING COMMUNITY DEVELOPMENT BUDGET CHANGES IN THE CITY OF ASHEVILLE'S GENERAL FUND BUDGET, 1976-1977, TO INCLUDE CONSULTANT SERVICES WITHIN THE COMMUNITY DEVELOPMENT PLANNING BUDGET

5. Consideration was given to an ordinance amending and approving Community Development Budget changes in the City of Asheville's General Fund Budget, 1976-1977 to include consultant services within the Community Development Planning Budget.

The City Manager read the ordinance and explained that this ordinance would be transferring $10,000 from the Nasty Branch improvement fund to the Community Development planning budget to provide for the environmental reviews required before work can start on the Carroll Avenue access project, School Playgrounds, Appalachian Way-Huffman Road Fire Lines, Chestnut Street Water Line and Housing Incentive Program. He said these reviews should be completed within the next sixty (60) to ninty (90) days.

Vice-Mayor Horton moved for the adoption of Ordinance No. 946. This motion was seconded by Councilwoman Swilling.

On a roll call vote of 5-0, Ordinance No. 946 passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 946. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 946 passed on second reading.

Vice-Mayor Horton moved to suspend the rules and proceed to the third and final reading of Ordinance No. 946. This motion was seconded by Councilman Rainey and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 946 passed on third and final reading.

Complete text of Ordinance No. 946 will be found in Ordinance Book No. 7 at page 121.

SALE OF PARCELS 34 AND 124 IN EAST RIVERSIDE URBAN RENEWAL PROJECT N. C. R-48

6. Consideration was given to a motion relative to the sale of Parcels 34 and 124 in the East Riverside Urban Renewal Project N. C. R-48.

The City Manager read a letter from the Housing Authority of the City of Asheville requesting approval of the sale of Parcel 34 and 124 in the East Riverside Urban Renewal Project N. C. R-48. Parcel 34 would be sold to Mr. and Mrs. Robert Dorn for $350.00 and Parcel 124 would be sold to Mr. and Mrs. Bruce Kennedy for $2,300.00. Both redevelopers are adjacent property owners who plan no construction but intend to use the property in connection with their existing residence.

Councilwoman Swilling moved to approve the sale of Parcels 34 and 124 in the East Riverside Urban Renewal Project N. C. R-48 as recommended by the Housing Authority of the City of Asheville. This motion was seconded by Vice-Mayor Horton and carried unanimously.

BIDS - CONSTRUCT BALLFIELD LIGHTING SYSTEM AT LIVINGSTON STREET PARK FOR PARKS AND RECREATION DEPARTMENT

9. Consideration was given to bids received March 11, 1977 to construct ballfield lighting system at Livingston Street Park for Parks and Recreation Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by M. B. Haynes Electric Corporation in the amount of $14,582.00.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, M. B. Haynes Electric Corporation, in the amount of $14,582.00. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Bid Summary

Bidder	Bid
M. B. Haynes Electric Corporation	$14,582.00
Electrical Constructors of America	16,480.00
Asheville Electric Company	15,720.00

BIDS - ONE (1) ENGINE ANALYZER FOR MOTOR TRANSPORT DIVISION

10. Consideration was given to bids received March 14, 1977 for one (1) engine analyzer for Motor Transport Division.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the only responsive bid received from Sun Electric Corporation in the amount of $6,236.00. He also commented that Sun Electric Corporation has a local service representative to service the equipment.

Councilman Hoyle moved to accept the recommendation of the Purchasing Agent and award the bid to the Sun Electric Corporation in the amount of $6,236.00. This motion was seconded by Councilwoman Swilling and carried unanimously.

BIDS - GALVANIZED CORRUGATED STEEL PIPE FOR PARKS AND RECREATION DEPARTMENT

11. Consideration was given to bids received March 14, 1977 for galvanized corrugated steel pipe for Parks and Recreation.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Southern Tank & Culvert Company, Inc. in the amount of $7,640.00. He said Vice-Mayor Horton had made an inquiry into this bid at last weeks' meeting and in response to that inquiry said the advertisement for bids for this pipe was in compliance with General Statutes of North Carolina, Section 143-129 which regulates bidding procedures and standards in awarding the contract to be followed by Local Governments in North Carolina.

Vice-Mayor Horton commented that it was his understanding that the local businessmen do not like to bid against their own suppliers because it puts them at a disadvantage. He further requested that the local businesses receive a copy of the list to whom the bid advertisements were mailed to let them know they were on the list. He said perhaps they could meet together to determine what, if anything, needs to be done about this type of bidding.

Mr. Dick Trammell, Manager of the Convention and Visitors Bureau of the Asheville Area Chamber of Commerce, said Asheville has been working on receiving this membership for over five (5) years. He briefly gave the criteria for receiving membership into this Bureau. He said he felt this membership would give Asheville the credibility much needed in attracting large national, international, and regional conventions.

Councilman Morris requested that a copy of the letter be presented to each Council member.

Councilwoman Swilling expressed appreciation to Mr. Dick Trammell and the Chamber staff for their efforts in Asheville receiving this membership.

BIDS - UNIFORMS FOR ASHEVILLE FIRE DEPARTMENT

7. Consideration was given to bids received March 11, 1977 for uniforms for Asheville Fire Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Asheville Army Store in the amount of $5,042.92.

Vice-Mayor Horton moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Asheville Army Store, in the amount of $5,042.92. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

Bidder	Bid
Asheville Army Store	$5,042.92
Stinnette Uniform Sales	5,407.10

BIDS - CONSTRUCT BALLFIELD LIGHTING SYSTEM AT MURPHY-OAKLEY PARK FOR PARKS AND RECREATION DEPARTMENT

8. Consideration was given to bids received March 11, 1977 to construct ballfield lighting system at Murphy-Oakley Park for Parks and Recreation Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by M. B. Haynes Electric Corporation in the amount of $14,582.00.

Upon inquiry of Councilman Rainey, Mr. Ray Kisiah, Parks and Recreation Director, said M. B. Haynes Electric Corporation was in compliance with the Davis Bacon Act in relationship to the Apprenticeship Program. He said M. B. Haynes Electric Corporation was on the eligible list to receive federal contracts.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, M. B. Haynes Electric Corporation in the amount of $14,582.00. This motion was seconded by Councilman Morris and carried unanimously.

Bid Summary

Bidder	Bid
M. B. Haynes Electric Corporation	$14,582.00
Electrical Constructors of America	16,480.00
Asheville Electric Company	15,720.00

CLAIM - JOHN W. CROMWELL

The City Manager presented a claim received from Mr. John W. Cromwell for damages to his car.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

REPORT ON MEETING WITH LEGISLATORS - PENSION BILL (POLICE AND FIRE)

Councilwoman Swilling reported that several Council members and city staff met with the Legislators on Wednesday, March 16, 1977, regarding the proposed police and fire pension bill. She said the meeting was very productive and informative and led to an assurance by the legislators that they will introduce the pension bill needed so that the city can set up an actuarially sound pension program for the police and firemen.

Councilman Morris commented that they had also met briefly with Mr. Thomas Bradshaw, Secretary of Transportation, regarding Valley Street and the Carroll Street Bridge.

Mayor Ochsenreiter said Mr. Bradshaw would be in Asheville next week to discuss Valley Street.

DISCUSSION - RESIDENCE OF AIRPORT EMPLOYEES

Mayor Ochsenreiter said for several weeks Council has received information from citizens, the media, and the Civil Service Board regarding the fact that certain city employees employed at the Asheville Airport live outside of Buncombe County. He suggested that prior to the City Council making any formal decision in this matter that the Council ask the Civil Service Board to make a thorough study of this problem and make their recommendations to the City Council if any changes in the existing rules are to be considered. He further suggested that the City Manager and the City Attorney provide the Civil Service Board with any staff assistance that the Civil Service Board may need in completing this study. He said his reason for making this suggestion is that the Civil Service Board is the chief vehicle for adopting and making changes in rules affecting the classified service.

Vice-Mayor Horton moved to request the Civil Service Board to make a thorough study of this problem and make their recommendations to the City Council if any changes in the existing rules on residency are to be considered. He further moved that the Civil Service Board present their recommendations to Council prior to May 4, 1977. This motion was seconded by Councilman Hoyle and carried unanimously.

RALPH BISHOP - METER FEEDING - CLARIFICATION

Mr. Ralph Bishop said he had not received a satisfactory answer to his request for a clarification of meter feeding. He asked Councilwoman Swilling what her intentions were when she moved to delete "meter feeding" from the parking ordinance.

After discussion, Mayor Ochsenreiter informed Mr. Bishop that he would receive an answer to his question at next week's Council meeting.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Southern Tank and Culvert Company, Inc. in the amount of $7,640.00. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

Bidder	Bid
Asheville Steel Company	$8,982.00
Wheeling Corru. Company	8,600.00
Southern Tank and Culvert Company	7,640.00
Armco Steel Corp.	11,861.00
Silverman Company	8,601.87
Biltmore Iron and Metal Company	No Bid

RESOLUTION NO. 77-42 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH HOBSON CONSTRUCTION COMPANY, INC. FOR THE PROJECT KNOWN AS HAYWOOD-SHELBURNE 12-INCH AND 16-INCH WATER MAIN AND DEAVERVIEW 10-INCH CONNECTION

12. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Hobson Construction Company, Inc. for the project known as Haywood-Shelburne 12-inch and 16-inch water main and Deaverview 10-inch connection.

The City Manager read the resolution. He said Council had previously authorized $217,000.00 for the project and the low bid of Hobson Construction Company amounted to $206,718.00. He further commented that when Council was considering this project a 14" water line was proposed, however after having an engineering firm study the project it was determined that a 16" line would fill the need better than a 14" line. Therefore, the bids were advertised for a 16" line. He said he felt the project should be completed with the appropriated amount but it may become necessary to appropriate extra money for the project.

Upon motion of Councilman Rainey, seconded by Councilwoman Swilling, Resolution No. 77-42 was unanimously adopted.

Complete text of Resolution No. 77-42 will be found in Resolution Book No. 9 at page 236.

CLAIM - MS. NANCY J. HEWITT

The City Manager presented a claim received from J. Lawrence Smith, Attorney for Ms. Nancy J. Hewitt.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - MRS. DONALD BROOKSHIRE

The City Manager presented a claim received from Mrs. Donald Brookshire for water damages.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

Thursday - March 24, 1977 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Corporation Counsel William C. Moore, Acting City Manager Kenneth M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Ralph D. Morris, Jr.

APPROVAL OF MINUTES

1. Approval of minutes of March 17, 1977 meeting

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Swilling, the minutes of the March 17, 1977 meeting were unanimously approved as submitted.

ORDINANCE NO. 945 -AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended (Sign regulations)

2. Councilman Michael moved to continue the second reading of Ordinance No. 945, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" as amended relative to sign regulations until the meeting of March 31, 1977. This motion was seconded by Councilman Hoyle and carried unanimously.

RESOLUTION NO. 77-43 - RESOLUTION APPROVING FAIR MARKET VALUE OF PARCEL NUMBER 16 OF REAL PROPERTY TO BE PURCHASED FOR THE DEVELOPMENT OF MONTFORD RECREATION COMPLEX

3. Consideration was given to a resolution approving fair market value of Parcel Number 16 of real property to be purchased for the development of Montford Recreation Complex.

The City Manager read the resolution.

Ray Kisiah, Director of Parks and Recreation, advised that Council had previously, by resolution, established a fair market value of $15,500 for Parcel Number 16. However, additional information provided by the property owner appeared to be justification for more equitable compensation for the parcel. He said an adjusted Fair Market Value of $17,350 for Parcel Number 16 has been recommended by the Review Appraiser.

Mr. Kisiah reviewed, by the use of a map, the location of Parcel Number 16.

After discussion, Councilwoman Swilling moved to adopt Resolution No. 77-43. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Complete text of Resolution No. 77-43 will be found in Resolution Book No. 9 at page 237.

Councilman Rainey requested the City Manager to find out who is responsible for putting "Meter Feeding" on the parking tickets when it was deleted from the ordinance.

COUNCIL COMMENDED MICHAEL SMITH, PERSONNEL DIRECTOR, FOR EFFORTS IN THE PENSION BILL

Mayor Ochsenreiter commended Personnel Director W. Michael Smith for his untiring efforts in the pension bill situation, both at Wednesday's day-long session with the legislators and during the three years of work that led up to it. He further requested that the City Manager put a notation in the Personnel Director's file of this commendation.

Adjournment.

Eugene S. Ochsenreiter
MAYOR

William D. Metcalf
CITY CLERK

As you know from the record, the reason for the discharge was intoxication. I don't think the facts are really contested at all at the Civil Service hearing. Ray Kisiah testified. A number of people testified. I didn't see any real contridiction of the testimony. I think the facts are more less subtle. And those facts are that in November of 1975, Fred was suspended for one week for drinking. He was suspended for drinking at the Annual Convention of the Parks and Recreation Society at their party. In 1976, he was discharged for drinking at the party after the Annual Convention of the North Carolina Parks and Recreation Society. All the evidence and I brought the Board's attention at that time to the work record of Fred Brewer, the only infraction other than these two was an infraction for not following proper purchasing procedures. Other than that, his annual ratings were superior or satisfactory in all regards. We brought in a number of people, Senior Citizens from the Center, and I would like to bring to the Council's attention that we didn't subpeona those people to come. Fred went over there and asked if anyone would come and help him and I think ten to twenty people appeared on his behalf and a couple of these testified as character witnesses and their testimony about Fred's work was that he greets everybody with a smile, he does a good job, we're happy to see him, we want to help him. That was the feeling of people that work with him. There's no evidence that I could see in the record of any infraction of any rule while he's on his job. Now, Mr. Kisiah testified about what his work was. He said that Mr. Brewer's work is to provide a diversified program of activities for Senior Citizens and other age groups as may come to his particular recreation center and to supervise the staff under his direction at the center, to organize, promote and direct activities specifically for Senior Citizens. Recreational activities in the broad sense of the term. This is what Fred was hired to do. There is no indication that he neglected his work, that he drank of the job, that he neglected anyway his responsibilities to the City. The problem with Fred is that he's an alcoholic. And he's not an alcoholic in the sense of a man who gets up in the morning and has a drink, drinks at lunch, drinks in the afternoon and about 5:00 drops out. Fred is a periodical alcoholic. We had Mr. Wright testify, who is the Director of the Alcoholics Anonymous Group here in town at Trinity Church. He testified that this type of activity, this sort of annual, occasional drinking, that that's not uncommon. That that is a true alcoholic is a person who in the face of alcohol cannot resist it. Now Fred testified under oath and I had no reason not to believe him that the only times he became drunk in this period were the two times at the Annual Convention. In 1975 he got drunk and he was discharged for a week and he said that had an impact on him, that he talked to his wife and he swore he would never drink again. And he didn't for the entire year. Now when the Annual Convention came up, Ray, I think, performed his job properly. He said Fred don't drink, when you go to the meeting, don't drink. Now telling an alcoholic not to drink, I think does very little good because he's not dealing in the same framework that we're dealing. He's dealing with a serious illness. Now

HEARING ON APPEAL OF DISCHARGE OF FRED C. BREWER

4. A hearing was held on the appeal of the discharge of Fred C. Brewer.

Mayor Ochsenreiter stated that members of Council ha received and read the brief from the Civil Service Board. He said there would be presentation by Mr. Brewer's Attorney as well as the City Attorney.

Mayor Ochsenreiter: The public hearing will be opened at 3:06.

Mr. Vaughn: Mayor and members of Council . . .

Councilman Michael: May I ask a question before he starts? Does the same ground rules apply - are we to consider only the question as to whether we are going to approve or disapprove the Civil Service ruling?

Mr. Moore: That is correct.

Mr. Vaughn: May I ask a clarification of that? Understanding the circumstances of this case, I think if you have read the record, you'll see some extenuating circumstances. Would it be proper for the Council to consider something other than a mere reversal of the ruling?

Mr. Moore: No, it would not. Under Section 38 it says the City Council shall at regular session vote on the approval or disapproval of the same - that is the report of the Civil Service Board. It shall require the affirmative vote of five (5) members of the Council to disapprove the report. Lacking such five (5) votes, the report shall be approved. In either event, the action of the City Council is final.

Councilman Rainey: I haven't been a part of this conversation between the lawyers but let me ask if it would be possible to continue the hearing under certain circumstances.

Mr. Moore: I don't think so.

Councilman Rainey: Well, okay.

Mr. Moore: What sort of circumstances are you talking about, Dr. Rainey?

Councilman Rainey: Well, maybe I can explain them as we go along - I'm not sure. We'll have to see what this kind gentlemen does over here.

Mr. Vaughn: Thank-you. This matter arose on the discharge of Fred Brewer. Mr. Brewer is seated on the front row here and I know with the work load you have, you may not have read the entire record. I will just go over a few of the major points to familiarize everyone of the framework I think we should work in. Now, Mr. Brewer was employed on May 6, 1972 with Model Cities. He was employed there, he moved to the supervisor of one of the swimming pools of the City. Then he went to the Senior Opportunity Center on Grove Street as the supervisor. He was in that position until November 23, 1976 when he was discharged.

What I would think the City needs to do is to adopt a policy that is an alternative from the firing situation. An alternative that allows a supervisor like Mr. Kisiah the option which he doesn't have now to tell someone whom he believes has a drinking problem to obtain help. Go to the Mental Health Clinic, the alcohol program, voluntarily, we have no way to compel someone, but give them the option of seeking help. Now, if we can maintain a man that major industry has for a long time recognized this problem, and they have human reclamation projects. And when they have an executive or an employee or functionary who has a drinking problem, they don't fire him, they don't take a man with 20 years experience in the space industry or some type of industry and kick him out the door. Instead you save him, you help him with his problem and then he helps the corporation with their work. I think this is what the City needs to do. Fred has not only a great deal of experience in this field, but Fred has the type of personality that can go into the Senior Opportunity Center and do good for the people there. There are a couple of people that came to that meeting of the Civil Service Board and one elderly man said, I said what do you do with Fred. Oh, he plays pool with me. He said well, sometimes he'll play pool with me cause if he has any work to do he'll say no I'll get to you later but eventually he gets back to him and plays a game of pool with him. That's part of his work. His work is to operate a recreational center for the elderly members of our city, citizens of our city have a place to go, be entertained, to enjoy that day and in many cases they have their only decent meal during the day. Now, I think, what we should do and I'm recommending this not only as Fred's attorney but as a citizen, I think we need to start an alternative to the firing of people with problems. I think we shouldn't say to a man who has an illness, and alcoholism is a serious illness, that you drink, you're worthless, get out. I don't think that's the tact we should take. I think the wiser tact would be to say, Fred, we believe you have a drinking problem, let's develop some force for you in rehabilitation that will solve your problem. Now Fred has an option there, either to do something about his problem or be fired. And I think the City must maintain the right to fire when an employee does not function properly. I don't think we're at that point yet with Fred. That's what I am recommending. I am recommending that we reverse the Civil Service Board not to tell them that under these circumstances you're dead wrong and we're exactly right, but to tell them that when a situation is created where we have a useful person in the City who can be saved, let's save them if we can, if he wants to be saved. So Mayor and members of the Council, this is what I'm recommending. I think Mr. Buchanan and I talked the day of the hearing, I don't think there's really any contest to the facts, but I do think there should be a serious question as to the result of it. Thank you very much.

Mr. Buchanan: Members of the Council, the Administrative Head, Mr. Kisiah, discharged Mr. Brewer in November, 1976. After this discharge occured, Mr. Brewer requested a formal hearing by the Civil Service Board. This hearing was conducted in January of this year. At the hearing, Mr. Vaughn was present. At that hearing, we had a number of witnesses testify on Mr. Brewer's behalf. Mr. Brewer himself testified, the City also had witnesses

the General Assembly in this State has faced this problem and I think that's what the City Council needs to do. There's Chapter 122 dealing with Mental Health. In one part of it, 35.13, they allocated a half million dollars per biennium to deal with the problems of alcoholism. These are problems that affect not only workers in the City, but industry all throughout our society. The problem of alcoholism is a tremendous problem. Another part of that section directs the Department of Human Resources to study the problem, make an evaluation and decide how the State can deal with the problem of alcoholism. Now we are not offering an excuse for what Fred did cause I don't think there's an excuse but there's a reason. And what the City Council should do is weigh that reason in the light of the best interest of the City and the best interest of the employees of the City. Now when the further we got into the case, I had some serious doubts. I was hired as an attorney and I frankly had some serious doubts about whether or not this incident at this time constitutes a violation of his work responsibility. Despite the fact that Mr. Kisiah said well, this was part of this job, you're on duty 24 hours a day, I don't think that's true. I don't think we can make our employees indentured servants. To be ready at every beckoned call. I think we hire them for a job. If we hire a man to clean the streets, after he finishes cleaning the streets, he can do what he wants to. If we hire a man to run a Senior Opportunity Center, he should run the Senior Opportunity Center. And that's what Fred did, but I don't think that is the crucial point in this case. I think we're dealing more with a social moral issue of what we should do with people who are ill who work for the City. And I think Fred is ill. Now Fred testified back in January. He's willing to be sworn and testify again. Since this incident, he testified at the hearing that this was the first time he realized he had a problem. And since then, he joined Alcoholics Anonymous. Mr. Wright testified that he'd been to every meeting. Fred testified that he had not had a drink. Matter of fact, Fred said something that I thought was interesting. He said Ya know, every year I look forward to Christmas and he was discharged just before Christmas. That every Christmas . . .

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. . . that this did not affect his work. It didn't affect his duty at the center, the way he treated people there, how he performed his specific duties for the City. The only complaint that we have in the record, the only complaint that exists in fact is the conduct at the Annual Convention. Now, I would think that if we had an employee who drinks once a year at the Annual Convention, that the obvious solution is to say, Mr. Brewer, this year do not come to the Annual Convention. And with that we would obviate the problem. We would have a man then who can maintain his job, do a great service to the City, pay the mortgage on his home, and support his family. Now I want to move just away from Mr. Brewers problem to the bigger problem. According to the articles I've read on alcoholism it is a permeating problem. I don't know whether it affects only Fred in the City or whether we have 50 or 100 or 200 alcoholics working in the City. But I do know that this problem can destroy a man's life. It can destroy his ability to work, his ability to maintain his home, his ability to look after his children.

at the Civil Service Board hearing testified that yes, they had received this instruction. They complied with that instruction, they did not drink and no other employees of the City who were performing their official responsibilities drank at this meeting. Then the Board concluded appellant breached the specific and expressed orders referred to in the next proceeding paragraph by consuming alcoholic beverages on November 8, 1976 while at said conference and while on duty as an employee of the City of Asheville. Then the Court concluded as a matter of law that the appellant's conduct constituted a violation of Rule 21 entitled "Intoxicants of the Board." Now, that rule is an expressed rule. Number 21 says that employees are positively prohibited from drinking alcoholic beverages while on duty or prior to going on duty. This is important because not all acts of misconduct are dealt with specifically in expressed rules. But when this matter was inacted, the official rule of the Civil Service Board, it was felt that this was such a serious matter that it would be an absolute unquestioned prohibition that if an employee while performing his duties, if that employee consumes alcohol, he has violated the expressed Rule Number 21. Now, Mr. Kisiah was the man who had to make the decision. He realized that a violation had occurred. He realized that his direct order had been breached. Now, he is not a mean person, he is not out to punish anyone. But he was the departmental head of that department. He was the superior and he had to make the decision and he made it to terminate Mr. Brewer. Mr. Brewer exercised his right, asked for a full formal hearing and that was granted. The Board listened to all of the oral testimony and substantiated and affirmed what Mr. Kisiah had done. In conclusion, I would like to only state that the report itself is proper in form, that in view of the transcript and the evidence, it is based upon competent and legally effective evidence. Thank you.

Councilman Michael: May I ask a question?

Mayor Ochsenreiter: Let's get the ground rules established Ken as far as additional questions by any members of the Council.

Mr. Moore: Council is to make a decision here, Mr. Mayor, based on the transcript and on the arguments of Council. To go into any further evidence at this time is totally outside of the purview of the ordinance.

Councilman Michael: I don't want to ask anything about . . .

Mr. Moore: He asked me what the ground rules were and I am trying to make it clear.

Councilman Michael: What year was Rule 21 made?

Mr. Buchanan: I don't know from my own personal knowledge, Sir, but Mr. Smith has indicated that this was part of the original and that was inacted, I understand, in 1953.

Councilman Michael: This rule was inacted about 25 years ago?

Mr. Buchanan: Yes.

present, they testified and Mr. Vaughn had the opportunity, and did in fact, cross-examine all of the witnesses presented. This was a full, open, and completely fair judicial proceeding conducted by the Civil Service Board. After that proceeding was concluded, after Mr. Vaughn had completed his arguments, such as the arguments today, to the Board, and after I presented certain arguments to the Board, they signed and entered their formal report. And in this report they made a number of findings of fact which were based on the evidence that was sworn and presented to them. And these findings included some that I would like to read to you today. The finding number 2 says during November of 1975, Ray L. Kisiah the Administrative Head of the department of which appellant, that is Mr. Brewer, worked, suspended appellant for one week because appellant was intoxicated while on duty as an employee of the City of Asheville. The Board then found at the time of his suspension for one week during November of 1975, appellant was warned by Ray L. Kisiah as follows "I feel this action is necessary to impress upon you the seriousness of your offense and to warn you should a similar incident occur during the conduct of your duties, your services with this department and the City of Asheville will be terminated immediately." The Board then found on November 8, 1976, approximately one year later, appellant attended the North Carolina Recreation and Parks Society Annual Conference at the Great Smokies Hilton Inn in Asheville. Appellant was required to attend this conference as part of his duties as an employee of the City of Asheville and while at this conference he was on duty as an employee with an assigned task to perform. The transcript of the sworn evidence in this case will show the Council that this was a proceeding or conference sponsored by the City of Asheville. The City of Asheville was the host of this matter and it was designed to function for the City and the employees of the City who participated in that conference had specific task and duties to perform. They were required to be there. The Board then found on November 8, 1976 appellant became intoxicated at said conference while on duty as an employee of the City of Asheville and the odor of an intoxicant on appellant was detected by Ray L. Kisiah. At this time, appellant was unable to perform any of his duties as an employee. Due to his intoxicated condition appellant stumbled and fell to the floor at said conference and was unable to leave the Great Smokies Hilton Inn without physical assistance. Again, this was not a wind-up cocktail party or a social function. This was part of Mr. Brewer's expressed duties and responsibilities as an employee in the department under the direction and supervision of Mr. Kisiah. The Board found that prior to November 8, 1976, Ray L. Kisiah gave to appellant specific and express orders that appellant was not to consume any alcoholic beverages while at said conference. Now, Mr. Kisiah was aware of the circumstance that occured in 1975. He tried to work with Mr. Brewer, he warned him, he warned him in expressed terms, he made that in part of a letter also to Mr. Brewer that this can not happen again and if it does happen again I have no alternative but to terminate you. Prior to November, 1976 at this conference the evidence shows, which is sworn in your transcript, that Mr. Kisiah took Mr. Brewer aside and again individually, man-to-man, said do not drink, it cannot be permitted. In addition to that, Mr. Kisiah gave the exact same instruction to other employees at a group meeting where Mr. Brewer was present. The other employees who were present

thing. Each alcoholic displays somewhat different tendencies and the individual attitude and personality of the employee who is an alcoholic needs to be taken into consideration, whether or not he can stop. In the past when I've had to deal with these problems, I prefer to get the advise of clinical persons trained in the field to consult with the employee and to give me some, their own estimation of whether or not the employee probably could get over the problem or not.

Councilwoman Swilling: But if a city employee has been dismissed under Rule Number 21 then they are not prohibited from being re-employed by the City at another date? Is that correct?

Mr. Mike Smith: That is correct.

Mayor Ochsenreiter: Any other questions pertinent to the . . . needed. If not we'll close the . . .

Councilman Rainey: I have some! One is, what was on the card for reprimand. It comes up every time or several times in the hearing and someone, it seems like everyone, is waving it around, of course, I can't see it. Are there reprimands on the card for reprimand in the file?

Mayor Ochsenreiter: In the personnel file.

Mr. Buchanan: For Mr. Brewer specifically. There was only one question and that dealt with purchasing in which was really not material as to the specific matter before the Board at that time. I think that the purchasing procedures was the only other matter in the file that the Board even considered and that was very minor and non-material to what the problem was before the Board at that time.

Mayor Ochsenreiter: But there is a notation in his file about the other, or there isn't.

Mr. Buchanan: There is some, if I recall correctly, there was a letter or memo or something. This was not an exhibit, this was not a exhibit introduced by the City. I think the only reference to that . . .

Mayor Ochsenreiter: We're not allowed to go into a man's personnel file.

Mr. Buchanan: The only question is to that I believe might be raised by Mr. Vaughn to show that he had other than this one situation, a good work record.

Mr. Kisiah: As the transcript would show, I testified in the hearings about his record. During the hearing there was a previous suspension for violation of Rule 21.

Mayor Ochsenreiter: That's what we'll do.

Mr. Buchanan: But that's the November, 1975 one.

Councilman Rainey: What I'm referring to is on Page 6 of the transcript, where Mr. Vaughn says "If it pleases the Board, I would like to introduce the personnel record card and draw the Boards attention to the reverse side of the card for reprimands against this

Councilman Michael: Well, I put on my other hat as a physician. At that time, I don't think that alcoholism was considered an illness, I think it was considered as a breach of, well, drinking was considered a breach of conduct in just about any job. Since that time, I think that we have found that it is an illness. It is not curable. When someone becomes an alcoholic, they're always an alcoholic. As they take the first drink they, they're going to have to have the second one, they're totally irresponsible, from that time on. I know that the only thing I can address myself to is whether the Civil Service Board decision was right or wrong. But I think all the rules and regulations need to be updated and reviewed from time to time. And, again I go back to my statement I made to Mr. Edwards was being tried. If you're going to apply this rule just for drinking to this one particular person, then I think out of necessity it has to be applied to all. I think we might lose quite a few of our City employees. I notice that Council was asked if this could be continued and a re-evaluation. Well, this was not asked. I would like to ask if the Civil Service Commission could not re-evaluate Rule Number 21 relative to its application in 1953 and its application in 1977. At that time, I think that drinking was considered a criminal offense. I think now drinking is considered a sickness in some people and in other people it is not a sickness. But in no case is drinking at this time considered a criminal offense according to medical interpretation. . .

Mr. Buchanan: Dr. Michael, that is correct, but it is an illness . . .

Councilman Michael: . . . legal interpretation at this time.

Mr. Buchanan: and I believe everyone recognizes that it is an illness and everyone is very sorry that the situation arose. Mr. Brewer for example testified that he had a man from the Alcoholics Anonymous there to testify that yes, he had sought help. He was trying to correct his problem. And everyone prays and supports him in his effort to correct the problem. And it was a situation that no one had an ax to grind, I don't believe, that it was a matter that action had been taken by the departmental head based upon the rules and regulations, they had to consider whether or not that action was proper as a matter of law and they made that decision. And of course, in doing so it was a very hard and difficult task not only for the Board, but particularly for Mr. Kisiah who had to make the original decision. Obviously, he's not a physician and obviously as a departmental head he's not able to really solve this problem for Mr. Brewer, but as a departmental head, he too had a problem that he had to deal with and he had to make that hard and difficult choice which he did. And I know that he would probably preferred not to have been put in the situation to have to take the action, but he did and the Board considered that and they considered the other matters too about seeking help in fact, that alcohol problems are an illness and something perhaps that Mr. Brewer needs help with.

Councilwoman Swilling: I would like to ask Mr. Smith a question. Mr. Smith, if a person is dismissed under Rule Number 21 after their termination are they prevented from re-employment with the City at a later time?

Mr. Mike Smith: Nothing would prevent it. Drinking is the most individual sort of

the social part of the conference. That strains a bit and certainly if the social is considered part of the conference, I think it must be left to our personnel director to come up with a policy statement so that we understand this. So that when we have our employees getting ready to go to a convention or to a conference, the statement can be placed in their hands what is expected of them, rather than having it delivered to them verbally in a one-shot deal in a jumbled sentence that takes some 13 lines to give it. It sort of reminds me of, this 24 hour business osrt of reminds me of my high school football coach whom I played for at 135 pounds soaking wet, that he would say to us in practice, "I don't want you to think about girls while you're here." And then he would pause a minute and say, "as a matter of fact, I don't want you to think about girls anytime." Well, a 24 hour prohibition is very difficult to justify and obviously the coach's prohibition was more often observed in the breach. Or the police chief that says my officers should not be seen drinking beef off duty. We need, and I would only suggest it, we need to develop a policy covering employees attending a convention. At one conference Mr. Brewer is able to drive himslef home, at the other conference he is not. It seems to me that we'll have to be a little more specific in that regard.

I found Mr. Brewer, in owrking with him in Model Cities and as Chairman of the Model Cities Commission, to be a capable and concerned man. In fact, I found that the more I saw of him, the more I respected him and certainly the more I liked him. And the summary on Page 18 by Mr. Kisiah that his work was satisfactory, and, indeed, service did improve at the Senior Opportunity Center is certainly a tribute to him. I find Mr. Kisiah's actions going a second mile. He's more than lenient with his employees. It's certain that he is understanding or he tries to be understanding in a very difficult situation.

This brings me to the second policy need in which Mr. Vaughn and Dr. Michael have referred to and I'm not sure we can find our way into this second policy at midstream. We do lack a medical policy that businesses have. We do not have the capability, evidently except for what Mike was mentioning a minute ago, to call in consultants to tell a person that he is on leave for "X" amount of time and upon medical confirmation of the fact that he has solved or cured this in a medical sense, cured this disease then he can return or she can return to his or her regular job. Now, what I'm asking here is within the confines of what we face, can we continue this hearing for six months if Mr. Brewer can present to us medical evidence that he has been cured of the disease of alcoholism? Is that possible?

Mr. Moore: No, Sir.

Mayor Ochsenreiter: From a medical point of view, Otis has already said that this is sort of like anything else, I guess you make an analysis and it's been made by Dr. Michael that alcoholism is not a curable disease. It is not my observation, I was repeating what Otis has said.

Councilman Rainey: What do these businesses do then. I saw a glorified movie one time at a Rotary Club on this subject and was very impressed with it. Didn't sleep through it and watched it all and here they were doing it. They actually had medical doctors that would certify that an employee could come back to work.

employee." We may mark that - Mr. Buchanan Exhibit "A" Mr. Brewer. Now, I take it there is nothing on that side or is there something on that side?

Mr. Buchanan: There is only on that card the reference to the November of 1975 suspension for one week. And this was the one that was referred to in the report.

Mayor Ochsenreiter: Dr. Rainey, let's make sure of what we are allowed to do in our questioning. I don't think we're allowed to do anything, are we?

Mr. Moore: Well, what you do, you've had the report, you make your decision based on the report. You're not allowed to go into any additional or extraneous evidence outside the record.

Mayor Ochsenreiter: I'm not saying you are or not, I'm just saying you have to get it clear, Gene, so that we . . .

Councilman Rainey: No, I'm not going to get extraneous at all.

Mayor Ochsenreiter: Okay.

Mr. Moore: The only thing you can consider is what's in the record and what is come up to you.

Mayor Ochsenreiter: I just want to make sure that all Council members know what we are allowed to do and not to do.

Councilman Rainey: That's all I got is just the record. Now, I think personally, that we have to come down hard on the consumption of alcoholic beverages on the job. I don't think the City from a personal point of view could do anything else and this is what I think presents the dilemma of Fred Brewer's case.

I think, too, that we obviously have a weakness in our personnel, we have two weaknesses, two kinds of kinks in the armor in our personnel policy: One, a policy covering employees attending conferences and conventions. I assume there is no written policy on employees attending conferences and conventions. I think the problem is pointed up by Mr. Kisiah trying to explain on that day as he was quoted on Page 9 in a sort of jumble of sentences (which is all right, jumbles are all right) but he says at the bottom of that Page 9 "I specifically stated that our staff was not to engage in any alcoholic beverages that is was - that is was a work job for them and that they should remember that while, again, it would be a great temptation to visit with many of their friends and I certainly did not want to put a damper on that, nevertheless, they must remember that for this conference, we were the host and they were expected to assist with the presentation of the conference and not to participate in alcoholic beverages to the point - certainly not to the point that they would not be available for any assistance." That's a mouthful. That's one sentence. Now, it seems to me that we have a problem for any employees and we don't want to get into a Catch 22 situation where an employee that attends a conference should know the ground rules involved. He's certainly not on duty 24 hours a day. I agree with Mr. Vaughn in that regard, but to pass that type of verbal prohibition and then have your employees serve liquor 10 minutes out of the hour is obviously a type of contridicition that we have some problems with. On one occasion, Ray mentions we consider

him in the future, because . . . I think what I'm suggesting is that his job be held for him, under these conditions. If you have someone in the Sanitation Department, for instance, that is an alcoholic and drinking on the job, it's not enough to say "if we catch you again at this we will fire you." Essentially what we should say to this individual is "you are hereby suspended and your job will be held for you for X number of days and if you can present evidence of (or we won't use the word 'cure', lets use the word 'arrest') your alcoholism then you will be brought back into the same job." Now that essentially is what businesses or industry have learned to do and I'm wondering if we can do it. Now we're trying to make policy in midstream which is not sometimes a good way to make policy, sometimes you have to make it out of necessity, I suppose.

Councilman Michael: Might it be possible to, I'd still like to postpone this decision as to whether I approve or disapprove of the Civil Service recommendation. Would it be possible to postpone our decision and I know I'm not allowed to do this but ask Mr. Kisiah if he would maybe re-assign Mr. Brewer to another position, since he does not think Mr. Brewer can handle that position adequately. This is done frequently and watch him closely and report back to the Civil Service Commission and if he does the same thing, let him go.

Mr. Mike Smith: I'm not sure what can be done, Dr. Michael.

Councilman Michael: I'm not either, I just hate to make a decision.

Mr. Buchanan: . . . one other problem too on the postponement or continuous for say six months or however long, then you have another collateral legal question and that is what's the status of Mr. Brewer in that interim period in the event, for example, he report some future day when we approve - then we have a question of reimbursing him for back pay and fringe benefits and that sort of thing so it could create a situation where not only . . . job but the City has to subsidize his treatment . . . if something along this line. So I'm just raising that question because it's very familiar.

Mr. Vaughn: Just a moment, I discussed the problem of back pay with Fred, we're making no claim of back pay. Fred wants a job. We can turn him loose and like Dr. Michael said he's down the tubes. He'd gladly, I think, waive his fringe benefits and back pay and that's a tremendous, I think, loss for him personally. I think one problem that Bill Moore may be anticipating is whether or not at this stage the Council can do anything but either approve or reject. Now, I think there is a legal question here as to Rule 21. The difference between an alcoholic on the job with a drinking problem and a person who drinks on the job. A person who drinks is not necessarily an alcoholic. I think what the Council could do is to clarify that policy through a ruling that Rule 21 does not apply to people who are subject to the illness of alcoholism. That if a person drinks on the job who is not an alcoholic then he is susceptible to being fired. I think we have a man who is an alcoholic whose drinking does not follow this type of pattern that he would be subject to a reclamation type proceeding. Now, if it's a clarification of that ruling, I think the Council could refer this matter back to the Civil Service Board with that

Councilman Michael: Cause, the degrees of alcoholism and once you have lot what we call your reality testing ability due to alcohol, then you are classified as an alcoholic. And, the organic make-up changes are just like smoking. If I were to go back to smoking now, I would smoke a pack of cigarettes a day. One cigarette would lead to another because my system is made up at this time to crave tobacco at all times. Mr. Brewer's system has been changed organically so that if he takes another drink at any time in his life, he will have to take that second. If he continues with Alcoholics Anonymous they help each other and many people have returned to work, full-time activity and productivity. But still, if they take that first drink, they will take the second and third one.

Mayor Ochsenreiter: I think it has been indicated as a matter of general personnel policy, and Mike you can correct me, that that would not be a factor based on some of the general information we've had here. If someone did no matter what the problem was and this is one of the problems a personnel could have, if this met the satisfaction of our hiring system at the time and we felt like that individual could be or had been rehabilitated, he could be placed in a similar job or a job for the City. This would not be something that would prohibit him from being rehired.

Mr. Mike Smith: Yes, that's right, it would not. And as Dr. Michael indicated, my knowledge from an employee relations point of view of alcoholism is one that it is not curable. If you have alcoholics, you do drink. In those cases where alcoholics can successfully stop drinking, it's largely a question of motivation . . . it's very hard work, the cure rate is rather low. In those cases where it is successful, it is largely motivation.

Councilman Michael: At the same time, if we uphold the firing of Mr. Brewer then he's going to go down the tube. I think that in the vain of what Dr. Rainey said, if we could postpone this for six months or so and require that Mr. Brewer be re-evaluated by the Civil Service Commission and by Mr. Kisiah and a report be given by the representative of Alcoholics Anonymous that he is attending their meetings and that he is not drinking, maybe we've helped one person. But I think we have quite a, I can't say for sure, but we may have quite a few alcoholics that work for the City. And if we start firing all of them and some of them are probably in very high positions and decide that we're going to try to help them and say suspend them or put them on notice that they have to get reports back from their doctor or from the Alcholics Anonymous or what have you, that they are receiving treatment the same as someone that stays out of work for a month or two, they've got to get a statement from their physician stating that their blood pressure is being treated and they won't pass out from . . . or something like that and get periodic check-ups. We do this for other diseases and I would like to see it done for alcoholics.

Councilman Rainey: I think the key though is that the employee be given a leave of absence from his job. It's not a matter of the employee coming back to his job, and I'm not recommending that on part of Mr. Brewer, I think I would like to see him return to his job after a leave of absence in which he can have treatment for his medical problem. At that point, I would hope that he could return to his job. That's different from saying we might re-hire

whatever, the Council could approve or disapprove.

Councilman Rainey: Would Mr. Brewer sign an affidavit which he would forego any back pay and all of the benefits during that period of time?

Mr. Vaughn: Yes, sir.

Councilman Rainey: Would six months be too long a period of time?

Mr. Vaughn: He's been out since November, that's four months at this stage.

Mr. Michalove: I want to comment that we may have the idea that it's unusual to have a Rule 21 dismissal in the City. Just ask Mike how many approximately we've had in the last year. What would you say Mike?

Mr. Mike Smith: At the minimum, we've had twenty.

Mayor Ochsenreiter: How many?

Mr. Mike Smith: Twenty and I'd like to, I don't want to complicate things but from personnel management point of view drinking on the job, making the rules such as Dr. Rainey suggests or making the policy I fully support, making a rule to cover every case is quite difficult because as I indicated before each alcoholic's case is a little different. There are chronic alcoholics. Let me point out if a person drinks while he's at work or before he comes to work, he is an alcoholic. Now he may only take one drink, but if he's so far down the road that he feels the need to be irresponsible enough to drink while he is at work or before he comes to work, he has a drinking problem. The City of Asheville is no different than any other organization the size of the City of Asheville. There are a certain percentage of employees who do drink and I think we need a humane and reasonable policy to help salvage those employees if they are salvageable and it's largely within themselves to do it. They can only state that the City cannot make an alcoholic a non-drinking alcoholic. They must do it themselves. Number 2, we do need stringent rules so that when people fragrantly drink on the job and show that they cannot stop from drinking on the job, we must discharge them and we must not re-employ because in a way tolerating the use of alcohol on the job or re-employment, consistent re-employment after dismissal really sustains the alcoholic to believe that he can drink and still live a normal life. Again, the cure of alcoholism is largely motivation. And it can be positive or it can be negative.

Councilman Michael: Mike, the only thing I'm saying that among the twenty that have been dismissed this past year, and I don't know this but I would wager that Mr. Brewer is the highest paid of the twenty.

Mr. Mike Smith: Yes, sir.

Councilman Michael: Now, you get into the problem of an investment. We've invested alot of money and alot of training with this man. And it's not the same as firing a guy that digs ditches because we have no investment, we can get somebody immediately to replace him. I think that when you get to a certain level that rehabilitation has got to play a part, whether it be alcoholism

clarification. That Rule 21 should not apply to an alcoholic.

Councilman Rainey: Mike, that's not my problem, frankly. Because I think Rule 21 ought to apply to an alcoholic and frankly this is what you can use as part of the encouragement for an individual to solve his problem. What we're lacking here is a policy that spells out the following provisions; 1) We have an individual who has a problem of drinking alcoholic beverages on the job, 2) That individual is told that he will be given a leave of absence for X number of time to see if he can bring that under control. At the end of that time if he has not then he is dismissed. Now, I don't think that we can be... I think we have to be hard as far as this problem is concerned. I think we have to be lenient as far as the individual trying to solve that problem is concerned. Now if the individual doesn't want to solve it, and I'm satisfied in my own heart what you've said about... described here about Mr. Brewer that he's trying to solve it. But if he doesn't want to solve it, well then I think Rule 21 ought to be in vote.

Mr. Vaughn: I agree there should be some termination policy. My feeling is that it should be differentiated from Rule 21. That we should have a policy that allows an alcoholic to seek treatment, to seek some arrest to that problem. If he fails to do that, I think he has made the knowing choice then and would be subject to termination.

Mr. Moore: The ordinance says the City Council shall at a regular session vote on the approval or disapproval of the same and it shall require the affirmative votes of five (5) members of Council who disapprove the report. It says they shall vote on the approval or disapproval.

Mayor Ochsenreiter: Doesn't say can.

Mr. Moore: Doesn't say can or may, it says shall. And that's exactly what it means. It means you shall.

Mayor Ochsenreiter: That's the reason for the hearing.

Mr. Moore: That's the whole reason for the hearing. Now, I can't, I agree with Mr. Vaughn but at the same time I've got to give you what the ordinance is saying. It says you shall vote.

Mayor Ochsenreiter: Well, it's rather a difficult decision for Council cause here we are in midstream trying to establish a policy and we have known not particularly of one case but some cases in this area and we haven't addressed ourselves to it and here we are at this particular point and I'm sharing that because I'm part of the team who made this calculation and we've known some problems along this area and still haven't done anything about it. So, if there's nothing else. . .

Mr. Vaughn: The ordinance says that you shall vote. If the matter is continued it doesn't say which meeting that the vote . . . at some point the Council must make a decision. I think that's to the benefit of an appealing party as well as the City. Now, we would not object to a continuous to a later date and at that point I think if Mr. Brewer could present himself as rehabilitated, arrested

Mayor Ochsenreiter: What'd you say, prior to 1975?

Mr. Buchanan: Prior to 1975 there was questions, there were occasions testified to prior to 1975.

Mayor Ochsenreiter: What page is that on in the transcript?

Mr. Buchanan: Mike has referred me to Page 34. This is one of the witnesses also employed with the City of Asheville . . . Mrs. McDaniels.

Councilman Rainey: Well, I had a question about that testimony. She smelled it on his breath, is that not right?

Mr. Buchanan: Well, that creates a . . . presumption in Rule 21, the odor of alcohol under Rule 21 says the odor of any intoxicant upon the breath of any employees shall be sufficient grounds for disciplinary action by the department head. The mere detection of alcohol . . .

Councilman Rainey: The department head didn't smell it, according to the transcript.

Mr. Buchanan: But in the case, no disciplinary action was taken.

Councilman Rainey: Yea, right - So, I know Mrs. McDaniels, she's a very straight forward honest woman, so I don't question her testimony. I just question whether or not you can tell intoxication by this method.

Mr. Buchanan: They don't talk about intoxication but the rule says employees are positively prohibited from drinking alcoholic beverages while on duty or prior to going on duty. It does not say they have to have a certain blood alcohol level content or that they have to be intoxicated. It says the consumption, whether it be a glass or case, whether at work or going home to work, or before leaving home any fact that you can see.

Mr. Vaughn: If it pleases the Council, I asked . . . what an investigation would be, and there's never an indication that investigation . . . any reason for a reprimand. . . Again, the whole position of Mr. Kisiah's action focused not on any prior occasion . . . the focus of the hearing . . . on what occurred in November of 1975 and then what occurred on November of 1976. These are the two occurrences that were dealt with primarily were questioned about. The issue . . . this incident occurred after 8:00 p.m. . . . in this segment. All the incidences of drinking that occurred here . . . the Annual Convention . . . is social part of . . . his duty there taking up tickets or whatever his assignment was until the time the dance started and this was at the Smokies Hilton over here.

Councilman Hoyle: And this happened in 1975?

Mr. Vaughn: 1976

Councilman Hoyle: Oh, it also happened in 1976 again. At the same type of convention.

Mr. Vaughn: The same type of convention. Evidently the City sponsored a drinking party.

or whether it be heart disease, whether it be diabetes or whatever disease. At lower levels, I agree that there is no problem. You dismiss this person and you have no investment, but the City of Asheville is a business like everything else and I think that we have got to do like other businesses and consider rehabilitation of alcoholics who have a sickness. The same as we do the rehabilitation of the police chief that might have a heart attack or what have you.

Mr. Mike Smith: Certainly your ideas about rehabilitation of workers is worthwhile, some of the persons even though they may have been lower paid have had certain skills that the City, the City suffered a loss when they lost those skills. So I certainly, I would think that a policy ought to cover all levels of employees, not just the higher paid employees who might have higher skills.

Councilman Michael: I didn't mean it that way. I meant that rehabilitation should be implemented wherever possible.

Councilman Rainey: I don't know where we are, I would like to, Dr. Michael carried on a sort of dog and pony show here, and I'd like to see us continue this hearing till the new Council comes in.

Mayor Ochsenreiter: I think one of the problems are we've got a department head involved in making a decision, we've got a policy that twenty people have already been fired on, we've got some sympathetic observations, Fred is a well-liked individual, but we run the risk, whether it was Fred or anyone else, trying to be rehabilitate an individual which I've spent lot of time on different causes of doing this.

Councilman Hoyle: Let me ask a question. On your 21, it strictly says that's the law. Right there it is. Okay. Let me ask another question. On November, 1975 Mr. Kisiah you suspended him, would you tell me exactly why you suspended him? Was he drinking on the job, while he's on the job from 8 till 5? Was he? Yes sir, was he drinking on the job between the hour of 8 to 5? Can I ask that question?

Mr. Buchanan: It may present a legal problem in having Mr. Kisiah . . . interested party it may present a legal problem in having him give his unilateral views at this time outside of a formal hearing, sworn testimony and the right to cross examine, so I think . . .

Councilman Hoyle: I just question, I was looking over here, it says he was drinking at probably another convention in 1975 then another year later he was drinking again. Now my question, has he been drinking on the job.

Mr. Buchanan: If I could just say as far as the transcript is concerned, the only evidence of drinking and we made inquiries into, the only evidence of drinking that was presented to the Board for their consideration was the occurrence that occurred in November, 1975 and then after the warning over one year later approximately 1 year later in November 1976. As far as the evidence shows, there was no drinking in that interim period, there was testimony, I believe, prior to . . . the transcript, I believe that between November, 1975 and November of 1976, if my memory's correct there was no evidence of the drinking.

Councilman Michael: Well, you know I disapprove. I disapprove on the basis that Rule 21 is no longer, in my opinion, applicable because when it was made drinking was not an illness and now it is the same as other illnesses. And I think that all employees should be given an opportunity for rehabilitation prior to being dismissed. I'm not voting against the Civil Service, well, in essence I am voting against the Civil Service but I am mainly voting against Rule 21 and I would recommend the Civil Service Board re-evaluate this rule with the help of the Blue Ridge Mental Health Center or some other medical facility that will give them input as to the modern treatment of alcoholism.

Mayor Ochsenreiter: The vote sustains the recommendation passed for by the Civil Service Board.

RESOLUTION NO. 77-44 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH HUNTLEY CONSTRUCTION COMPANY, INC. FOR THE PROJECT KNOWN AS JUSTICE RIDGE ROAD WATER LINE

6. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Huntley Construction Company, Inc. for the project known as Justice Ridge Road Water Line.

The City Manager read the resolution.

Upon inquiry of Council, Associate City Manager William F. Wolcott, Jr., said construction could begin in as little as two weeks, with the project expected to take from three to four weeks to complete.

Upon motion of Councilman Michael, seconded by Councilman Hoyle, Resolution No. 77-44 was unanimously adopted.

Complete text of Resolution No. 77-44 will be found in Resolution Book No. 9 at page 239 .

Bid Summary

Huntley Construction Company	$28,958.50
Hobson Construction Company	29,145.00
Wells & West, Inc.	31,582.50
W & W Contracting Company, Inc.	32,277.00

RESOLUTION NO. 77-45 - RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION FOR A FEDERAL GRANT WITH THE NORTH CAROLINA DIVISION OF LAW AND ORDER FOR THE POLICE-SCHOOL LIAISON OFFICER PROJECT

7. Consideration was given to a resolution authorizing the Mayor to file an application for a federal grant with the North Carolina Division of Law and Order for the Police-School Liaison Officer Project.

[redacted] Ochsenreiter: I believe that was out of order, Mike.

Mr. Vaughn: I think what happened in this case, the question I raised was that in the hearing . . . the City employee to serving alcohol, it was the needs of the Parks and Recreation people for one hour to take part.

Mayor Ochsenreiter: As an example, a couple times this year I went to an Easter service as the Mayor to represent the City to give welcome. At the breakfast I ended up serving hash, so it can happen whether your higher paid or lower paid, anything else. That's not very hard to do. I think we've discussed it and we'll close the public hearing at 4:07 and have Mr. Wolcott to call role. We'll wait, I beg your pardon, we'll wait till Otis gets back. Dr. Michael has been excused for two minutes.

Councilman Rainey: Could we have a little recess?

Mayor Ochsenreiter: We'll have a 3 minute recess, 3 minutes and 15 seconds.

RECESS

Mayor Ochsenreither: For the Council to vote on revolves around the decision and I think the word is we uphold, we approve or disapprove the Civil Service Board's recommendation regarding Mr. Fred C. Brewer. It's a roll call vote.

The City Clerk then called the roll on the approval or disapproval of the Civil Service Report.

Councilman Rainey: Well, in light of the evidence and in the absence of an alternative - I approve.

Councilman Hoyle: Approve.

Councilwoman Swilling: With the Council's approval of this Civil Service ruling Mr. Brewer is placed in a very peril situation but I feel like that Rule 21 is in black and white and it is set up and that the city employees are aware of this rule and that their knowledge, their job depends on this rule and it has been explained to all employees. I would hope and urge that the Council would seek through the Civil Service Board some type of plan and program to be work with people in this situation. I vote approved of the Civil Service Board Report.

Vice-Mayor Horton: I'd like to just state simply that I hope we can work on a alcohol rehabilitation policy in the immediate future because most businesses and industry have one and it is effective. I think it would have avoided this particular abrupt situation that we have here and yet apparently since Rule 21 addresses itself specifically to the situation that has been judged, I think we have no alternative but to approve the rule. I approve.

Councilwoman Swilling commented that she would like to proceed with an ordinance amendment deleting meter feeding in its entirety and to review the legal possiblity of putting in two hour parking meters.

Ralph Bishop said it was his understanding that all phases of meter feeding were deleted during the reading of Ordinance No. 914.

Councilwoman Swilling and Councilman Rainey said it was their intention in voting for Ordinance No. 914 to have "meter feeding" deleted altogether.

The City Manager read excerpts of the minutes dealing with Ordinance No. 914 relating to meter feeding, particularly with reference to Sections 28-115, 28-117, and 28-119. He said these sections were not a part of Ordinance No. 914 and if it was Council's intent to delete meter feeding altogether then these sections should have been deleted from the Code of Ordinances.

Mayor Ochsenreiter requested the city staff to review the ordinances then Council would take what action would be necessary to conform to Council's original intent.

Ralph Bishop asked if he would have to pay his penalty for meter feeding.

AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY REPORT

Mr. Samuel N. Graves, Personnel Analyst, presented members of Council with the Affirmative Action and Equal Employment Opportunity Report. He said the report would provide a historical basis in order for Council to have the benefit of what has been done in the past, as well as what is to be done in the future, in order for Council to address the area of affirmative action and equal employment opportunity.

Mr. Graves said the report contains a chronological listing of some of the major things, since 1970, that have been provided to this particular area, statistical information relative to the breakdown by sex and race by each department, and exhibits leading up to the adoption of the plan. He requested that Council members review the contents of the report which will be given further consideration at a joint meeting between the Civil Service Board and City Council at a later date.

Councilman Michael said he had reviewed the report and he was not satisfied with the program to date in that there has not been an appreciably increase in the number of blacks being employed.

Mr. Graves commented that the City Manager's hiring freeze greatly affected the program. He also said the rules of the Civil Service Act need to be reviewed as it relates to this particular matter.

Councilman Michael noted the various departments where no blacks were employed.

Councilman Rainey requested that Mr. Graves furnish a comparison of the total number of whites, blacks and others as well as males and females working as of January 1, 1976 opposed to January 1, 1977 in administrative positions versus non-administrative positions. He said this should show how the affirmative action program is progressing.

The City Manager read the resolution and explained that this was the second year funding for this project. He said the matching fund this year is 30% and next year it would require, if funded, that the City match it by 70%. The contents of the program consist of two officers employed full time to work in the Asheville City School system. The total amount of the grant is $31,461 with the federal providing $20,450; the state $1,573 and a local match of $9,438. He said if the City could not provide the local match in July, 1977 the project would not be funded.

Lt. Whitney Davis of the Asheville Police Department and Project Director, spoke very favorably about the program and urged Council to continue it not only this year but in the years to come. He said this program gives a closer contact with the Police Department and the school children.

Upon motion of Councilman Rainey, seconded by Councilman Hoyle, Resolution No. 77-45 was unanimously adopted.

Complete text of Resolution No. 77-45 will be found in Resolution Book No. 9 at page 240.

BIDS - INSTALL RESILIANT TILE FLOOR AT HILLTOP RECREATION CENTER

8. Consideration was given to bids received March 11, 1977 to install resiliant tile floor at Hilltop Recreation Center for Parks and Recreation Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the only bid submitted, Holladay Paint and Carpet Company in the amount of $14,800.00. He said purchasing procedures provided for in G. S. 143-132 have been complied with.

Councilman Michael commented that he would be meeting with Ray Kisiah, Parks and Recreation Director, concerning the feasibility of the use of Hilltop Recreation Center and he would give Council members a report of this meeting.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to Holladay Paint and Carpet Company in the amount of $14,800.00. This motion was seconded by Vice-Mayor Horton and carried unanimously.

RALPH BISHOP - METER FEEDING

In response to a request of Mr. Ralph Bishop, during the meeting of March 17, 1977 for a clarification of meter feeding, the City Manager said the City staff understood from the minutes of the Council meeting at the readings of Ordinance 914 where meter feeding was taken out that the Council understood that meter feeding was covered under another section and that the City should proceed to enforce meter feeding. He said in order for the City to stop enforcing meter feeding, a Council action would be necessary which would request the Police Department not enforce Section 28-115, 28-117, and 28-119, otherwise they would have to continue enforcing meter feeding. He said it was his understanding that the intent of the enforcement of meter feeding was to prevent employees in downtown businesses from using on-street parking that is designed for the public that shop. However, in the enforcement there is some difficulty in determining who owns the car, whether it is an employee of a downtwon business or a shopper. He said whatever Council's direction may be, the City staff will move ahead. He said one suggestion had been made to put in two hour parking meters and this would have to reviewed. He said if the ordinance is to be amended to delete meter feeding an ordinance amendment would be necessary.

Thursday - March 31, 1977 - 3:00 o'clock p. m.

Regular Meeting

Present: Vice-Mayor Bill B. Horton, Presiding; Councilwoman JoAnn M. Swilling, Councilmen J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, Acting City Manager Kenneth M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Eugene C. Ochsenreiter, Jr.

APPROVAL OF MINUTES

1. Approval of minutes of March 24, 1977 meeting.

Upon motion of Councilwoman Swilling, seconded by Councilman Hoyle, the minutes of the March 24, 1977 meeting were unanimously approved as submitted.

Vice-Mayor Horton announced that Mrs. Mary Means will be in Asheville next week. She is the Mid-West Director of the National Trust for Historical Preservation and will be presenting a program April 5, 1977 at 12:30 p. m. at the Smokey Mountain Inn on the Plaza. He said the occasion will be sponsored by Quality Forward, French Broad Garden Club, and the Asheville Area Chamber of Commerce.

ORDINANCE NO. 945 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended (Sign regulations)

2. The City Manager requested a continuance of the second reading of Ordinance No. 945, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended relative to sign regulations until the meeting of April 7, 1977, pending information from the Attorney General's office.

Councilman Morris moved to continue the second reading of Ordinance No. 945 until the April 7, 1977 meeting. This motion was seconded by Councilwoman Swilling and carried unanimously.

PUBLIC HEARING - CHANGING NAMES OF SOME STREETS AND CALLING FOR OBLITERATION OF OTHER STREETS IN THE RENEWAL AREA N. C. R-13

3. A public hearing was held relative to changing names of some streets and calling for obliteration of other streets in the Renewal Area N. C. R-13.

Vice-Mayor Horton opened the public hearing at 3:12 o'clock p. m.

The City Manager stated that the advertised notice to the public was published, which took the form of Resolution No. 77-36, and the affidavit of publication. He also read an affidavit from Larry Ward, in the Planning Division, stating that the resolution was posted on the streets in question. He said the following streets were proposed to be changed:

1. The section of Woodfin Street extending easterly from Charlotte to the N. C. Department of Transportation right-of-way line be renamed Woodfin Place.

AIR SHOW - WEST ASHEVILLE OPTIMIST CLUB AND CIVIL AIR PATROL

The City Manager reported that at last weeks meeting a request was received from the WNC Pilots Association for an air show on May 21, 1977 and May 22, 1977. He said in checking into this it was found that the Optimist Club and the Civil Air Patrol had been working with the Director of Aviation for sometime to plan an air show on May 15, 1977. He presented a letter from the Director of Aviation requesting that the West Asheville Optimist Club and the Civil Air Patrol be granted permission to hold an air show on May 15, 1977 with a secondary date of May 22, 1977 in case of rain. He said this required a lot of planning and apparently this group has been working on this sometime prior to the request of the WNC Pilots Association. He said it was his understanding that Councilman Michael had talked with the President of the WNC Pilots Association and they have agreed to let the West Asheville Optimist Club and the Civil Air Patrol have the dates for the air show. He said WNC Pilots Association have started plans to hold an air show in the fall.

Councilman Hoyle moved to approve the request of the West Asheville Optimist Club and the Civil Air Patrol to hold an air show at the Asheville Airport on May 15, 1977, with a secondary rain date of May 22, 1977. This motion was seconded by Councilman Rainey and carried unanimously.

Upon inquiry of Councilwoman Swilling the City Manager advised that the procedure for requesting approval of an air show, would be for the organization to work out the details with the Director of Aviation and then he would bring the request to Council.

CLAIM - REV. G. A. McCURRY - BILTMORE HOLINESS TEMPLE

The City Manager presented a claim for water damages received from Rev. G. A. McCurry of the Biltmore Holiness Temple.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

E. R. McCARTHY - COMMENTS RE: CITY CONVENTIONS - TOW-AWAY ZONES

Mr. E. R. McCarthy asked if the citizens of Asheville were paying for the drinking parties sponsored by the City as described by Attorney Vaughn in Mr. Fred Brewer's appeal. He said this matter should be looked into.

Mayor Ochsenreiter commented that he did not think the City of Asheville is sponsoring drinking parties at such conventions.

Mr. McCarthy also reminded Council that the Police Legal Advisor had not presented the survey from other cities relative to tow-away zones as promised.

The City Manager said he had requested a delay on this matter as well as others until more important matters could be resolved.

Councilman Rainey requested that a policy be established on employees attending conferences and conventions.

Adjournment.

Eugene D. Ochsenreiter
MAYOR

William J. Holcomb
CITY CLERK

UNITED STATES POST OFFICE

ASHEVILLE, NC 28801

OUR REF: 6:REB:ha DATE: March 30, 1977

SUBJECT: Street Name Changes P.O.CL:

TO: City of Asheville
Division of Planning
P. O. Box 7148
Asheville, NC 28807

Dear Sirs,

The following comments are furnished relative to Resolution No. 77 - 36 passed by City Council March 3, 1977.

With the exception of Item No. 3 of this resolution, name changes as proposed would create no substantial problems in mail delivery other than that customers would be required to change their mailing addresses.

The renaming of Popular Street to be known as College Street would create a problem. At present due to changes in streets, there are three sections of College Street. One section running from the center of town to the Valley Street/Oak Street intersection (numbered 1 - 205), another running from Pine Street to a dead - end at the crosstown expressway (numbered 315 - 334), and still another running from the intersection of Mountain Street to the top of Beaucatcher Mountain (numbered 400 - out). This proposal would create still another section of College Street with insufficient numbers remaining to properly number the new section. It would also create two sections of street running parellel to each other named College Street.

We would suggest that a change be made to this resolution renaming the section (College Street from Pine Street to the Expressway) North College Street. This would avoid duplicate streets and provide sufficient numbers for the new section of College Street from Valley Street to the tunnel. We would also suggest that if the plan is adopted that the existing numbers (315 - 334) in use on this portion of College Street not be reassigned to the new section.

If we can be of any assistance in this matter, please call us at 258 - 2850, Extension 630.

R E Blankenship

R. E. Blankenship
Supt./Delivery & Collection
Asheville, NC 28801

2. The extension of Woodfin Street southerly along the former alignment of Oak Street to College Street be named Woodfin Street.

3. Poplar Street, extending College Street from the intersection of Valley/ Woodfin Streets easterly to the mouth of Beaucatcher Tunnel, be renamed College Street..

4. The new street extending southerly from the intersection of Charlotte Street and (Old) Woodfin Street to College Street be named Charlotte Street.

Verl Emrick, Planning Director, said in addition to posting the notices on the streets, notices and requests for comments were mailed to each of the property owners that join the streets in question. He said commenters were received from Jack Bryant, Bryant Construction Company, First Baptist Church, the Post Office and the Allen Center.

March 18, 1977

Members of City Council
City of Asheville
Asheville, North Carolina

Dear Councilman:

We are writing in regards to your letter of March 14, 1977 notifying property owners of the proposed street name changes in the renewal area; in particular, Woodfin and Oak Streets.

As you know, the partnership of One Oak Plaza has under construction a million dollar office building on the corner of Oak and Poplar Streets. We have chosen to call this building One Oak Plaza thinking that it would be located at One Oak Street since the First Christian Church, diagonally across the street, is listed as 20 Oak Street.

We realize that the overall project is what is important; not our particular building. However, if it would not hinder the master plan, we would like to request that the name of Oak Street be retained or that the new name be Woodfin-Oak Street. In this way, our building will retain its original identity.

Any consideration you can give to this request will be appreciated.

Sincerely yours,

Wallace N. Hyde, General Partner
One Oak Plaza

Jack E. Bryant, General Partner
One Oak Plaza

Moultrie H. Truluck, Gen. Partner
One Oak Plaza

C. Mitchell Hatchett, Jr.
General Partner, One Oak Plaza

The City Manager said this request originated from a letter from Beverly-Hanks, Inc. and was in keeping with the plan for Renewal Area N. C. R-13.

November 22, 1976

Mr. Eugene Ochensenreiter, Jr.
Mayor
City of Asheville
City Hall
Asheville, North Carolina 28801

Dear Gene:

I would like to suggest to the City that they give consideration to the renaming of Poplar Street to College Street. As you are aware, College Street presently stops at Valley Street and from Valley Street to the Tunnel is Poplar Street. With the planned opening of the Tunnel into Poplar Street at the completion of the open cut it seems appropriate to me that Poplar Street become an extension of College Street to the Tunnel.

In directing persons to our Executive Park complex, it is much easier for them to find us at the corner of Charlotte and College rather than the corner of Charlotte and Poplar. I would appreciate very much your giving the above request serious consideration.

Yours very truly,

BEVERLY-HANKS & ASSOCIATES

George W. Beverly, Jr.

sw

Copies to: Ernest Ward, City Manager
W. F. Wolcott, Jr.

allen center... 331 college street, asheville, n. c. 28801 (704) 253-3378

March 30, 1977

Mr. Larry P. Ward
Transportation Planner
Planning and Zoning Commission
The City of Asheville
City Hall
Asheville, North Carolina 28801

Dear Mr. Ward:

We appreciate your notification concerning the city council's resolution #77-36 to change some street names. We would like to see the following addition made to the proposed resolution to appear between points four and five. Resolve that the section of College Street extending easterly from the intersection of Pine and Woodfin Place (old Woodfin Street) to the North Carolina Department of Transportation right-of-way be closed as a public street and the property deeded equally to the property owners abbuding the street.

We feel that this addition to the resolution will further minimize confusion. Thank you for your consideration.

Sincerely,

David D. Marks

DDM:mj

The Assistant City Manager said the North Carolina Department of Transportation is considering installing a ramp from College Street to the end of Poplar Street, giving College Street a new access route to replace the one that was cut off when construction began on the open cut.

The City Manager suggested that, in light of the proposal by the State, that Council postpone action on the resolution until a later date. He said the City could give their requests to the State for consideration.

David Jones, Executive Director of the Housing Authority, said all these changes were part of the overall redevelopment plan for N. C. R-13.

After discussion, Vice-Mayor Horton closed the public hearing at 3:29 o'clock p. m.

Councilwoman Swilling moved to continue consideration of the resolution until further information could be obtained. This motion was seconded by Councilman Hoyle and carried unanimously.

PUBLIC HEARING - CLOSING OF SPRING STREET

RESOLUTION NO. 77-46 - RESOLUTION TO CLOSE AN ALLEY (SPRING STREET)

4. A public hearing was held relative to the closing of Spring Street.

Vice-Mayor Horton opened the public hearing at 3:32 o'clock p. m.

The City Manager stated that the advertised notice to the public was published, which took the form of Resolution No. 77-35, and the affidavit of publication. He also read a letter dated March 25, 1977 from Thomas W. Bradshaw, Jr., Secretary for the North Carolina Department of Transportation stating that they had no objection to the closing of Spring Street.

Verl Emrick, Planning Director, reviewed the location of Spring Street, by the use of a map. He said he could see no problems with the closing of the street.

Mr. Ralph Hill, attorney representing Mr. Seaborn P. Foster, petitioner, presented an affidavit signed by Mr. Foster stating that the streets were posted with the resolution of intent in accordance with the provisions of the law.

Councilman Michael was excused from the meeting at 3:38 o'clock p. m.

Vice-Mayor Horton closed the public hearing at 3:40 o'clock p. m.

The City Manager read the resolution closing Spring Street.

Councilman Michael returned to the meeting at 3:43 o'clock p. m.

Upon motion of Councilman Morris, seconded by Councilman Rainey, Resolution No. 77-46 was unanimously adopted.

Complete text of Resolution No. 77-46 will be found in Resolution Book No. 9 at page 242.

HOUSING AUTHORITY OF THE CITY OF ASHEVILLE
ASTON PARK TOWERS 704 - 253-3806

March 30, 1977

Mr. Ken Michalove
Acting City Manager
City of Asheville
P. O. Box 7148
Asheville, North Carolina 28807

Re: Response to Memorandum 3/23/77
Street Name Changes
Civic Redevelopment Project

Dear Sir:

In response to the above referenced memorandum, please be advised that the Housing Authority of the City of Asheville continues to endorse the Redevelopment Plan for Civic Redevelopment Project approved by the City Council on the 2nd day of August, 1962, as amended. This plan calls for the new street running from Broadway to College being named Woodfin Street;and Poplar Street as improved, being named College Street. The Housing Authority however, feels that the naming of streets is a function or responsibility of the City Council and as such, would not object to a deviation from the plan for street names that seems reasonable and necessary by the City Council.

If additional information is needed, please advise.

Very truly yours,

Lawrence D. Holt
Deputy Executive Director

LDH/jh

The City Manager read the ordinance. He said the $17,000 appropriation taken from the Nasty Branch Study Project will be used to contract Environmental Review Assessment Services for the Third Year Community Development Social Service projects in which prompt start up by July 1, 1977 is judged necessary for continuity and maintenance of an acceptable spend rate for Third Year Community Development Projects. The $2,650 appropriation from the Citizen Participation Project will provide a permanent staff position for an Environmental Specialist charged with the responsibility to provide and maintain environmental review information necessary for Community Development Project approval in the future.

Councilman Rainey moved for the adoption of Ordinance No. 948. This motion was seconded by Councilwoman Swilling.

On a roll call vote of 5-0, Ordinance No. 948 passed on first reading.

Ccuncilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 948. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 948 passed on second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 948. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 948 passed on third and final reading.

Complete text of Ordinance No. 948 will be found in Ordinance Book No. 7 at page 124.

RESOLUTION NO. 77-47 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE NECESSARY DOCUMENTS TO SELL A PORTION OF CITY PROPERTY ON GASTON AND LIVINGSTON STREETS TO THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE

7. Consideration was given to a resolution authorizing the Mayor to sign the necessary documents to sell a portion of City property on Gaston and Livingston Streets to the Housing Authority of the City of Asheville.

The City Manager read the resolution.

Upon motion of Councilman Hoyle, seconded by Councilman Michael, Resolution No. 77-47 was unanimously adopted.

Complete text of Resolution No. 77-47 will be found in Resolution Book No. 9 at page 244.

RESOLUTION NO. 77-48 - RESOLUTION AUTHORIZING THE AMENDMENT OF GRANT AGREEMENT FOR FEDERAL AND STATE PROJECT #6-37-0005-03, AIRPORT IMPROVEMENTS

8. Consideration was given to a resolution authorizing the amendment of Grant Agreement for federal and state project #6-37-0005-03, Airport Improvements.

The City Manager read the resolution.

PUBLIC HEARING - REZONING PROPERTY ON HAYWOOD STREET - R-3 RESIDENTIAL DISTRICT TO CR COMMERCIAL REGIONAL

ORDINANCE NO. 947- AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

5. A public hearing was held relative to rezoning property on Haywood Street from R-3 Residential District to CR Commercial Regional District, property owned by Seaborn P. Foster.

Vice-Mayor Horton opened the public hearing at 3:44 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing.

Verl Emrick, Planning Director, reported that the Planning and Zoning Commission voted to recommend approval of the petition submitted by Mr. Seaborn P. Foster to rezone Lot 3, Sheet 3, Ward 4, from R-3 Residential District to CR Commercial Regional District. He said the Commission also voted to recommend that Lots 4, 5, 6, 7, 9, 10, 11, and 4-1/2, be included to be rezoned from R-3 Residential District to CR Commercial Regional District.

The Commission voted to recommend this rezoning for the following reasons:

1) The site is contiguous with existing CR Commercial Regional District;

2) The property, due to its close proximity to Patton Avenue, is not well suited for residential development; and

3) The present zoning, which divides the property into two classifications, restricts the most reasonable use of the property.

He reviewed the location of the property in question and the surrounding zoning classifications. He said Mr. Foster wants to sell the property to a business organization for the construction of a storage warehouse. He said no objections have been received.

Mr. Fred Brown spoke in favor of the rezoning.

Vice-Mayor Horton closed the public hearing at 3:50 o'clock p. m.

The City Manager read the ordinance rezoning the property as recommended by the Planning and Zoning Commission.

Councilman Morris moved for the adoption of Ordinance No. 947. This motion was seconded by Councilwoman Swilling.

On a roll call vote of 5-0, Ordinance No. 947 passed on its first reading.

ORDINANCE NO. 948 - AN ORDINANCE AMENDING AND APPROVING COMMUNITY DEVELOPMENT BUDGET CHANGES SET FORTH IN THE CITY OF ASHEVILLE GENERAL FUND BUDGET 1976-77 TO SUPPORT HUD ENVIRONMENTAL REVIEW REQUIREMENTS

6. Consideration was given to an ordinance amending and approving Community Development Budget changes set forth in the City of Asheville General Fund Budget 1976-77 to support HUD Environmental Review Requirements.

RESOLUTION NO. 77-50 - RESOLUTION APPOINTING MEMBERS OF ASHEVILLE SCHOOL BOARD

10. Consideration was given to a resolution appointing Mrs. Linda C. Winner, Mrs. Walter J. Boggs and Mr. Everett W. Clark, Jr. as members of the Asheville School Board.

The City Manager read the resolution.

Councilman Michael said he approved of all these appointments but he felt in the future Council should eliminate appointments as long as six years. He requested that the City Manager investigate the possibility of reducing the six year terms and report this information back to the Council.

Councilwoman Swilling commended Mrs. William T. Pennell for an outstanding job as Chairman of the Asheville School Board.

Councilman Rainey and Councilwoman Swilling requested that a joint meeting and work session be set up with the Council and the Asheville School Board to discuss the legislation that set up the Board in light of a discussion at a recent meeting with the Buncombe County Commissioners regarding Consolidated School Districts, Special School tax, and the reducing of some of the cost involved.

Councilman Michael said one of the reasons he would like to have the terms reduced is the fact that after Council appoints a member to this Board Council has absolutely no authority concerning this Board. He said perhaps a joint meeting would solve some of the problems.

Upon motion of Councilwoman Swilling, seconded by Councilman Rainey, Resolution No. 77-50 was unanimously adopted.

Complete text of Resolution No. 77-50 will be found in Resolution Book No. 9 at page 248.

RESOLUTION NO. 77-51 - RESOLUTION OF INTENT TO CLOSE A PORTION OF ASHELAND AVENUE AND ALL OF CROSS STREET, WALLACK STREET, SHORT McDOWELL, AND TWO (2) UNNAMED ALLEYS AND CALLING A PUBLIC HEARING ON THE QUESTION

11. Consideration was given to a resolution of intent to close a portion of Asheland Avenue and all of Cross Street, Wallack Street, Short McDowell, and two (2) unnamed alleys and calling a public hearing on the question.

The City Manager read the resolution and explained that the closing of these streets were in keeping with the original East Riverside Urban Renewal plan.

Councilman Hoyle moved for the adoption of Resolution No. 77-51 setting the public hearing date for May 5, 1977. This motion was seconded by Councilman Morris and carried unanimously.

Complete text of Resolution No. 77-51 will be found in Resolution Book No. 9 at page 249.

The City Manager said the Grant Agreement would be amended by adding a special condition which would permit minority business enterprises to have a maximum opportunity in bidding for work to be done under the Agreement.

Upon motion of Councilman Rainey, seconded by Councilman Hoyle, Resolution No. 77-48 was unanimously adopted.

Complete text of Resolution No. 77-48 will be found in Resolution Book No. 9 at page 245.

RESOLUTION NO. 77-49 - RESOLUTION ESTABLISHING A STORM DRAINAGE AND SUB-SURFACE DRAINAGE POLICY FOR THE CITY OF ASHEVILLE AND THE PROPERTY OWNERS OF THE CITY OF ASHEVILLE

9. Consideration was given to a resolution establishing a storm drainage and sub-surface drainage policy for the City of Asheville and the property owners of the City of Asheville.

The City Manager read the resolution and explained that this policy was not a new policy but a written-down version of the City's existing storm drain policy.

Councilman Rainey said the problem is that, in most cases, the property owners do not know that there is a storm drainage system on their property. He said he felt that the City should accept some responsibility for informing the citizens of the City of the storm drainage systems that do exist. He suggested an amendment that would require the City to have a map of the entire storm drainage system by a certain date, after which it would be the responsibility of the seller in any land transaction to tell the buyer of any storm drainage system that exist on the property.

Councilman Morris suggested that, since this policy has already been in effect, that Council go ahead with the adoption of the resolution as presented and ask the City Manager to consult with the Engineering Department to determine a feasible and reasonable mapping of storm drainage systems.

The Assistant City Manager said the City has maps that substanially show the City's drainage systems, but to go on private property searching for drainage lines would be difficult as it would require the cooperation of a lot of people.

Councilman Michael said he felt this resolution was a start in establishing a written policy on storm drainages. He said it could be amended at a later date when further problems arise.

The City Manager said this would also help to avoid problems in the future and past problems could be considered on an individual basis.

Councilman Rainey said he still felt the City should provide some type of system to notify the property owners of these storm drains.

After discussion, Councilman Michael moved for the adoption of Resolution No. 77-49. This motion was seconded by Councilwoman Swilling and carried unanimously.

Complete text of Resolution No. 77-49 will be found in Resolution Book No. 9 at page 246.

EXTRATERRITORIAL ZONING JURISDICTION - DISCUSSION - PUBLIC HEARING SET RELATIVE TO REVOKING THE CITY'S RIGHT TO ENFORCE EXTRATERRITORIAL ZONING

Councilman Rainey moved to schedule a public hearing on April 21, 1977 to discuss the following items:

1) Amend the Asheville Zoning Ordinance (Ord. 322, as amended) Section 30-1-3 Jurisdiction;

2) Amend the Asheville Subdivision Regulations (Ord. 424), Section 26-1, Purpose; and

3) Amend Section 30-4-1 Use Districts, where it refers to the Zoning Map.

He said the purpose of this public hearing will be to discuss whether the City of Asheville should revoke the extraterritorial zoning jurisdiction in the one-mile perimeter. This motion was seconded by Councilwoman Swilling.

Councilman Morris said it was his understanding that Council was in the process of negotiating with the County on this matter and he thought Council was waiting for the County to decide what they wanted to do relative to the extraterritorial zoning jurisdiction. He said he felt like the County wanted the City to tell them to take over the one-mile perimter and this could be done without a public hearing.

Buddy Gooden, of Gooden Mobile Homes and President of the WNC Mobile Home Association, said it was his understanding from the County that the legal process involved was for the City to voluntarily relinquish their extraterritorial zoning rights in the one-mile perimeter. He said most of the problems he has encountered with the City's zoning jurisdiction deals with the misinterpretation of the rules of North Carolina. He cited the problem of home owners not being permitted to install their own plumbing hook-ups even if they know how to do the job properly. He said he has been told by the State insurance department in Raleigh that the rules do not prohibit such individuals from doing the work themselves. He said the city inspectors have caused hardships by imposing these unnecessary expenses on home owners.

Vice-Mayor Horton asked the City Manager to make a note of the points raised regarding inspections and get an interpretation on why the City's interpretation differs from that of the county and state.

Councilman Morris said he would like to see the County take over the enforcement of zoning regulations in the one-mile perimeter but he was concerned about what would happen if the County didn't assume the zoning responsibility as soon as the City relinquished it.

Councilman Michael made a substitute motion that the City not exercise its prerogative in the one-mile perimeter extraterritorial zoning area and that the County be requested to take this over. He said under the authority granted in the General Statutes the City has the prerogative of exercising zoning authority in the one-mile area. He said he did not see the necessity of holding a public hearing.

Councilman Rainey cited the many costs involved by the City enforcing these regulations in the one-mile area.

PROCLAMATION - APRIL - FAIR HOUSING MONTH

Vice-Mayor Horton proclaimed the month of April as Fair Housing Month.

CLAIM - LAWRENCE GILLIAM

The City Manager presented a claim received from Lawrence Gilliam for damages.

Vice-Mayor Horton referred the claim to the Corporation Counsel for investigation and recommendation.

MINIMUM WATER RATES DISCUSSED - WAIVING OF RATES NOT RECOMMENDED

The City Manager reported that several weeks ago the waiving of minimum water charges was discussed during a Council meeting. He said Council had several requests to waive the charges. Since that time the problem has been studied as to why the City has the minimum water rate and what some other water systems are doing regarding the waiving of the minimum charge. He said after going through this study he felt that the waiving of the minimum rate would not be advisable. He said other water systems such as Black Mountain, Woodfin, Hendersonville, and Waynesville do not waive the minimum. He said the Water Department is making adjustments allowed by law and within the bounds of the Water Department policy when an excess amount of water was used during the recent cold weather. He also said in the next few weeks he would be assessing what the problems were this winter so that the City could avoid many of these problems in the future.

Councilman Michael agreed with the City Manager's recommendation and said he felt it was fair and equitable to pay a minimum water charge due to the cost involved in furnishing the water. He again noted that the Sullivan Act needed to be repealed in order for the City to give better water service.

STATEMENT BY MRS. VIDA REID - RE: EXTRATERRITORIAL ZONING JURISDICTION

Mrs. Reid read a statement urging Council to let the County enforce zoning in the one mile perimeter.

(Mrs. Reid's statement is on file in the Office of the City Clerk)

Vice-Mayor Horton told Mrs. Reid that Council was in the process of working with the County Commissioners on this matter and a decision should be forthcoming in the near future.

RALPH BISHOP - METER FEEDING

Mr. Ralph Bishop again appealed to Council relative to a clarification of deleting "meter feeding". He also complained about the parking meters being entirely removed from the Battery Park area when the Pack Square area still had parking meters.

Vice-Mayor Horton explained that the City Manager was in the process of studying the parking situation and a report should be available in the near future.

PERSONNEL AND PAYROLL POLICIES FOR PART-TIME EMPLOYEES - REQUEST BY COUNCILWOMAN SWILLING

Councilwoman Swilling also requested the City Manager to furnish Council members with information relative to any changes in personnel and payroll policies for part time employees.

Adjournment.

Paul Hilton

Eugene S. Ashworth
MAYOR

William F. Malcolm
CITY CLERK

Vida Reid, Manager and part owner of Town and Country Mobile Home Park, also had complaints about the way the City's inspectors enforce the state building codes within the one-mile area.

Councilwoman Swilling said she felt a public hearing, with citizens input, would help the Council to decide whether or not to give up this enforcement.

E. R. McCarthy told Council the inspections needed to be looked into, not only in the one-mile perimeter. He said such over-regulations occur in the City as well. He cited an unsuccessful attempt to get permission to do his own electrical work.

Councilman Hoyle also agreed to go ahead and relinquish the right to enforce the zoning in the one-mile area. He said he did not see the necessity of holding a public hearing.

Verl Emrick, Planning Director, said according to state law, any change in the zoning ordinance requires the holding of a public hearing. He said in order for Council to relinquish their rights the zoning ordinance would have to be amended.

Vice-Mayor Horton ruled that Councilman Michael's substitute motion died for lack of a second. He instructed the Corporation Counsel to review the legal technicalities in this matter.

Vice-Mayor Horton then called for a vote on Councilman Rainey's original motion to schedule a public hearing on the matter for April 21, 1977, which motion carried unanimously.

HILL TOP CENTER - COMMENT BY COUNCILMAN MICHAEL

Councilman Michael said he felt at last week's Council meeting there was a misinterpretation of his statement regarding Hill Top Center. He said he wanted to make it clear that he has no intention of pursuing the closing of Hill Top Center.

MOTOR POOL OF CITY VEHICLES - COMMENT BY COUNCILMAN MICHAEL

Councilman Michael requested the City Manager to pursue his request, make about a year ago, that a motor pool be established for city vehicles.

REHABILITATION GRANT PROGRAM - COMMENT BY COUNCILMAN MICHAEL

Councilman Michael requested the City Manager to research the guidelines of the Rehabilitation Grant Program. He said it was his understanding that a $5,000 net income was required to qualify for a grant loan. However, it has come to his attention that the $5,000 was gross income instead of net income, which presented a hardship on people to obtain a grant loan. He said if this was the case, he would like to request that the amount be increased to $10,000 gross or $5,000 net income.

PERSONNEL POLICY AT CIVIC CENTER - REQUEST BY COUNCILMAN RAINEY

Councilman Rainey requested that the City Manager furnish Council members with information, at next Tuesday's work session, about the changes in personnel policies at the Civic Center.

RESOLUTION NO. 77-53 - RESOLUTION OF APPRECIATION TO WILLIAM M PEYTON FOR SERVICES AS CHAIRMAN OF THE CITY OF ASHEVILLE PARKS AND RECREATION ADVISORY BOARD

5. Consideration was given to a resolution of appreciation to William M. Peyton for services as Chairman of the City of Asheville Parks and Recreation Advisory Board.

The City Manager read the resolution.

Councilman Rainey took his seat at 7:45 o'clock p. m.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, Resolution No. 77-53 was unanimously adopted.

Complete text of Resolution No. 77-53 will be found in Resolution Book No. 9 at page 255.

Council commended Mr. Peyton for an outstanding job as Chairman of the Parks and Recreation Advisory Board.

Mr. Peyton said he was glad to have participated in the betterment of Asheville through the recreational division.

PRESENTATION OF 1976 AIR SAFETY AWARD TO THE ASHEVILLE MUNICIPAL AIRPORT PERSONNEL - SOUTHEASTERN AIRPORT MANAGERS' ASSOCIATION

6. The City Manager presented the 1976 Air Safety Award to the Asheville Municipal Airport personnel from the Southeastern Airport Managers' Association.

Mayor Ochsenreiter extended his congratulations to Mr. Gary Taylor, Airport Manager, for receiving the Air Safety Award.

RESOLUTION NO. 77-54 - RESOLUTION ESTABLISHING FAIR MARKET VALUE FOR A PORTION OF PROPERTY IMMEDIATELY ADJACENT TO WEST ASHEVILLE PARK AND AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO PROCEED WITH ACQUISITION OF SAID PROPERTY

7. Consideration was given to a resolution establishing fair market value for a portion of property immediately adjacent to West Asheville Park and authorizing the Director of Parks and Recreation to proceed with acquisition of said property.

The City Manager read the resolution. He said the failure to acquire a portion of this lot would render a steep bank that would be unsightly to the community. He said the acquisiton of this lot would be a considerable asset in the development of the West Asheville Park.

Upon motion of Councilwoman Swilling, seconded by Vice-Mayor Horton, Resolution No. 77-54 was unanimously adopted.

Complete text of Resolution No. 77-54 will be found in Resolution Book No. 9 at page 256.

Thursday - April 7, 1977 -7:30 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen J. W. Hoyle, Otis B. Michael, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, Acting City Manager Kenneth M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Gene E. Rainey (took his seat at 7:45 o'clock p. m.)

APPROVAL OF MINUTES

1. Approval of minutes of March 31, 1977 meeting.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Horton, the minutes of the March 31, 1977 meeting were unanimously approved as submitted.

ORDINANCE NO. 945 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended (Sign Regulations)

2. Mayor Ochsenreiter requested a motion for the continuance of the second reading of Ordinance No. 945, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended relative to sign regulations until the meeting of April 14, 1977.

Councilman Morris moved to continue the second reading of Ordinance No. 945 until the April 14, 1977 meeting. This motion was seconded by Councilwoman Swilling and carried unanimously.

ORDINANCE NO. 947 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Haywood Street).

3. Consideration was given to the second reading of Ordinance No. 947, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended rezoning property on Haywood Street from R-3 Residential District to CR Commercial Regional District, property owned by Seaborn P. Foster.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 947 passed on its second reading.

RESOLUTION NO. 77-52 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE LEASE AGREEMENTS FOR SPACE IN THE ASHEVILLE AIRPORT TERMINAL BUILDING

4. Consideration was given to a resolution authorizing the Mayor to execute lease agreements for space in the Asheville Airport Terminal Building for National Car Rental of Asheville, Inc., Avis Rent-A-Car System, Inc., and the Hertz Corporation.

The City Manager read the resolution.

Upon motion of Councilman Hoyle, seconded by Councilman Morris, Resolution No. 77-52 was unanimously adopted.

Complete text of Resolution No. 77-52 will be found in Resolution Book No. 9 at page 254.

Vice-Mayor Horton moved for the adoption of Ordinance No. 949. This motion was seconded by Councilwoman Swilling.

On a roll call vote of 6-0, Ordinance No. 949 passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 949. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 949 passed on second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 949. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 949 passed on third and final reading.

Complete text of Ordinance No. 949 will be found in Ordinance Book No. 7 at page 126.

PUBLIC HEARING SCHEDULED - DELETING SECTION 28-119 OF THE CODE OF ORDINANCE - DEALING WITH METER FEEDING

10. Consideration was given to a motion calling for a public hearing for the purpose of deleting Section 28-119 of the Code of Ordinances of the City of Asheville dealing with meter feeding.

Ralph Bishop again appeared before Council requesting information dealing with meter feeding. He asked where in the code it states that a $5.00 penalty can be charged for not paying a meter feeding citation within 15 days.

Council informed Mr. Bishop that this information could be discussed at the public hearing.

Upon inquiry of Councilman Rainey, Mr. Bishop said he was still being sent delinquent notices on his meter feeding citation.

Councilman Rainey responded that it was his understanding that Mr. Bishop was not going to be held responsible for his citation and instructed him to give his citation to the City Manager for disposition.

Councilwoman Swilling moved to schedule a public hearing for the purpose of deleting Section 28-119 of the Code of Ordinance of the City of Asheville dealing with meter feeding for April 28, 1977. This motion was seconded by Councilman Rainey and carried unanimously.

RESOLUTION NO. 77-56 - RESOLUTION RELATING TO THE COMPLAINT PROCEDURE POLICY OF THE ASHEVILLE CIVIC CENTER

11. Consideration was given to a resolution relating to the complaint procedure policy of the Asheville Civic Center Complex.

RESOLUTION NO. 77-55 - RESOLUTION REQUESTING THE ASHEVILLE HOUSING AUTHORITY TO ASSUME JURISDICTIONAL ADMINISTRATION OF THE HUD SECTION 8 EXISTING HOUSING PROGRAM FOR THE CITY OF ASHEVILLE

8. Consideration was given to a resolution requesting the Asheville Housing Authority to assume jurisdictional administration of the HUD Section 8 existing housing program for the City of Asheville.

The City Manager read the resolution. He said the program has been available for two or three years but has not been pursued because the fair market rents established by HUD were felt to be unrealistically low.

David Jones, Executive Director of the Housing Authority said it was determined by the City staff and the Housing Authority, after a meeting with HUD representatives, that it would be timely to pursue this program working toward the goals of the Housing Assistance Plan. He said the program is designed to provide, at no cost to the city, subsidy payments to owners of rental houses to make up the difference between 15-25 per cent of the tenants' income and the federally determined fair market rent. He said he was still somewhat skeptical of the fair market rents but felt like the program would work. He said HUD had promised to take another look into the fair market rents after the program begins. At present, HUD's fair market rents for existing units in the Asheville area range from $88 to $162, which includes utilities. He said HUD estimated that from 25 to 30 per cent of the families now paying more than 25 per cent of their incomes for rent would qualify for the subsidy without having to move from their present housing. He gave several examples of what tenants' would pay for rents using the existing federally determined fair market rents.

Mr. Jones said several technicalities would have to be worked out such as guidelines for housing standards and inspections of houses outside the City's jurisdiction. He said the Asheville Housing Authority Board would be considering approving this program at their board meeting next week.

After discussion, Councilman Rainey moved for the adoption of Resolution No. 77-55. This motion was seconded by Councilman Michael and carried unanimously.

Complete text of Resolution No. 77-55 will be found in Resolution Book No. 9 at page 257.

ORDINANCE NO. 949 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1976-77.

9. Consideration was given to an ordinance amending the operating budget of the City of Asheville for the fiscal year 1976-77 appropriating Antirecession Fiscal Assistance funds.

The City Manager read the ordinance and explained that the funds would be appropriated as follows:

General Longevity Pay	$107,388
Safety Supplies	15,784
Old Fire & Police Pension Fund	102,527

He said these uses meet with the guidelines of the Public Works Employment Act of 1976.

Councilman Michael said it was his understanding that someone could make a complaint without fear of reprisal by reporting incidences to Council without revealing their name. He said this way Council will be encouraging complaints.

Upon motion of Councilman Michael, seconded by Councilman Hoyle, Resolution No. 77-56 was unanimously adopted.

Complete text of Resolution No. 77-56 will be found in Resolution Book No. 9 at page 258.

RESOLUTION NO._____ - RESOLUTION SUPPORTING THOMS CABLEVISION IN REQUESTING THAT THE FEDERAL COMMUNICATIONS COMMISSION AMEND SECTION 76.54 OF THE FCC REGULATIONS

12. Consideration was given to a resolution supporting Thoms Cablevision in requesting that the Federal Communications amend Section 76.54 of the FCC regulations.

The City Manager read the resolution.

Councilman Morris said he had received a substantial number of calls over the past several years complaining because Asheville is unable to receive Channel 3, television station WBT in Charlotte, North Carolina. He said Channel 3 is known for many sporting events not carried by local stations. He said Channel 3 is viewed by people in Black Mountain, Swannanoa, and Hendersonville. He said it was his understanding that Thoms Cablevision is not permitted to make this television station available to its subscribers by reason of the rules of the Federal Communications Commission, particularly Section 76.54 of those rules. He said this resolution would support Thoms Cablevision in requesting the FCC to amend this rule or to waive the rule to allow Thoms Cablevision to carry WBT, Channel 3. He said this in no way is an indication of criticism of local stations.

John Jerose, of Thoms Cablevision, also appealed to Council to pass this resolution of support. He said if the Asheville citizens wants Channel 3 his company is willing to turn the matter over to the Washington attorneys to see what can be done.

Councilman Rainey commented that he was in favor of supporting Thoms Cablevision in this matter but he felt the resolution contained language which could be interpreted as criticisms of the programming offered by the local television station.

Mayor Ochsenreiter read excerpts from the following letter from Morton S. Cohn, President and General Manager of WLOS-TV:

The City Manager read the resolution and also the following regulations relative to complaints:

Any and all complaints relating to the Asheville Civic Center Complex, in its entirety, will be considered by the Civic Center Commission and entered into the minutes for documentation only if submitted in writing to:

Asheville Area Civic Center Commission
P.O. Box 2194
Asheville, North Carolina 28802

Complaints should include the following information relating to the complainant:

1. Full name.
2. Street address.
3. City.
4. County.
5. State.

Complaints should include the following information relating to the incident referred to in the complaint:

1. Date on which same occurred.
2. Time of incident.
3. Function at which incident occurred.
4. Area of Civic Center Complex in which incident occurred (i.e., for example, Arena, Auditorium, Exhibition Level, Banquet Hall, Art Museum, Colburn Mineral Museum, Lobby, Restrooms, Concourse, etc.)
5. Detailed description of incident including, where possible, names and addresses of those involved and of any witnesses to the incident.
6. Name and title to whom any previous report of incident was made and date and time of such report, where applicable.

Complaint forms for this purpose will be made available at the Civic Center Business Office and Box Office on a permanent basis.

Written reports covering complaints reported personally to members of City Council, Asheville City Staff, members of the Commission will also be considered by the Commission and entered into the minutes for documentation.

The above regulation was unanimously passed by the Civic Center Commission at its meeting of April 4, 1977 and is hereby submitted to City Council for approval under Ordinance No. 933, Section 2, Sub-Paragraph (c).

Respectfully submitted,

ASHEVILLE AREA CIVIC CENTER COMMISSION

BY: B. Paul Goodman
Chairman

BPG/kc

WLOS•TV 13

Center, the airport, downtown improvement, Quality '76, hospitals, schools and scores of others, and totally disregards our numerous public affairs programs on behalf of the Community. If that is the intent of Council, then I suggest that that situation, if it actually existed, is far more serious than a failure to carry a basketball game, and Council should have brought it to the attention of the FCClong ago. If Council does not feel we have failed in our efforts to keep the public informed, however, it should not imply such to the FCC. If you are talking about basketball, then I suggest you say basketball, and stop there.

I would like to point out that, after several efforts, we have arranged to carry the football and basketball coaches' shows from the University of North Carolina for next season, and will continue our efforts to get some of the games. We shall continue these efforts, whether or not Council decides to proceed with a resolution. I do, however, hope you will consider the questions I have raised and will either amend the resolution so that it is limited to the point you wish to make, or will drop it entirely.

Thank you for your consideration.

Best regards,

WLOS-TV

Morton S. Cohn
President
General Manager

MSC:eo
cc: All City Council Members

HAND DELIVERED

After discussion, Mayor Ochsenreiter said Council would take no action on the resolution until the City Attorney could go through it and remove the language that could be interpreted as criticisms.

WLOS-TV 13

288 MACON AVE. • P. O. BOX 2150 • ASHEVILLE, N. C. 28802 • (704) 255-0013

April 6, 1977

Mayor Eugene Ochsenreiter
City Hall
Asheville, N.C.

Dear Gene:

I regret that a previous commitment will make it impossible for me to be present at the April 7 City Council meeting. I understand that Council plans to consider a resolution which will support a request by Thoms Cablevision asking the Federal Communications Commission to revise its rules so as to allow Thoms to include non-network programs from WBTV in Charlotte on the system.

It is my understanding that certain members of Council were upset recently when they were unable to see some of the games of the NCAA tournament which were not broadcast in this market. This resolution appears to be a result of Council's disappointment in not being able to see those games. Yet the resolution is quite broad and goes beyond sporting events into areas of news and public affairs, which I feel are totally unwarranted.

First let me point out that the rights to the tournament games were held by another station in this market, and were not available to WLOS-TV, even though we made efforts to get them. This resolution appears to be aimed at WLOS-TV. Its charges of failure to serve the public needs certainly go far beyond basketball.

In my opinion several of the statements in the resolution have been included simply to add weight to the total resolution, and have not been carefully considered. The final "Whereas" states that the FCC rules are contrary to the interests of the citizens of Asheville. I wonder if the citizens of Asheville feel that way. If Council is interested in receiving basketball games, then the resolution should so state, and it should be limited to that.

Any statement by Council that it needs to add a Charlotte station in order to get North Carolina news demeans the tremendous efforts WLOS-TV has put forth on behalf of the citizens of Asheville. Such a charge belittles our editorial support and news coverage of such city projects as the Civic

Thursday - April 14, 1977 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Gene E. Rainey, J. W. Hoyle, Otis B. Michael, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, Acting City Manager Kenneth M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

APPROVAL OF MINUTES

1. Approval of minutes of April 7, 1977 meeting.

Councilman Rainey said he took his seat at 7:45 o'clock p. m. during the April 7, 1977 meeting and requested that his name be moved from the absent position to the present position.

Upon motion of Councilman Rainey, seconded by Vice-Mayor Horton, the minutes of the April 7, 1977 meeting were unanimously approved as amended.

Councilman Rainey introduced his mother, Mrs. Paul Rainey, from Texas.

MRS. TULULA ROGERS - GOVERNOR'S COMMITTEE FOR VOLUNTEERS OF THE YEAR

Councilwoman Swilling recognized and announced that Mrs. Tulula Rogers, along with Sister Mary Joseph and Mrs. Catherine McRea were nominated to represent Western North Carolina on the Governor's Committee for Volunteers of the Year. She said Mrs. Rogers would be traveling to Raleigh to receive an award.

PROCLAMATION - PRIVATE PROPERTY WEEK - APRIL 17-23, 1977

Mayor Ochsenreiter proclaimed the week of April 17-23, 1977 as Private Property Week in the City of Asheville.

Mrs. Ruby Ballard, representing the Asheville Board of Realtors, presented Mayor Ochsenreiter a plaque in observance of Private Property Week.

ORDINANCE NO. 945 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Sign Regulations)

2. Consideration was given to the second reading of Ordinance No. 945, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended relative to sign regulations.

Mayor Ochsenreiter stated that the ordinance was previously read on first reading and members of Council were furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Verl Emrick, Planning Director, said the ordinance had been continued for several weeks pending information from the Attorney General concerning amortization.

PUBLIC HEARING SCHEDULED - CIVIL SERVICE RECOMMENDATION REGARDING RESIDENCE OF CITY EMPLOYEES

13. The City Manager presented recommendations from the Civil Service Board relative to the city's policy on residence for city employees. He said according to Section 28(a) of the Charter Appendix-Related Laws, Code of Ordinances, City of Asheville a public hearing is required before Council takes any action on the recommendations.

Councilwoman Swilling moved to schedule a public hearing on the matter for April 28, 1977 at 7:30 o'clock p. m. and further that the April 28, 1977 night meeting be held in lieu of the night meeting scheduled for May 5, 1977. This motion was seconded by Councilman Rainey and carried unanimously.

CLAIM - MRS. MARJORIE P. LOCKWOOD

The City Manager presented a claim received from Mrs. Marjorie P. Lockwood.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

RALPH BISHOP - PARKING METERS REMOVED ON HAYWOOD STREET AND BATTERY PARK HILL -COMPLAINT

Mr. Ralph Bishop again complained of the parking meters being removed from Battery Park Hill and Haywood Street and not on Pack Square.

Mayor Ochsenreiter explained that the removal of the parking meters was a pilot program to see how it would help the business people downtown. He said Council would continue to make changes to benefit more businesses downtown.

Councilman Hoyle said he was responsible for the removal of the parking meters on Haywood Street and he said he felt this pilot program had helped some of the businesses in that area. He said he would also be working on helping other businesses downtown in the same manner.

Mr. Bishop said if Council makes a rule that the citizens have to abide by then everybody should be included on the Council and the citizens should be given the right to voice their opinion on such actions and they should be discussed in an open Council meeting.

Adjournment.

MAYOR

CITY CLERK

SEC. 30-9-3 (E) SCHEDULE OF SIGN REQUIREMENTS

ZONING DISTRICT	CLASS OF SIGN PERMITTED	TYPE OF SIGN PERMITTED	MAXIMUM SIGN AREA PERMITTED PER LOT	MAXIMUM AREA PER SIGN FACE	MAXIMUM NUMBER OF SIGNS PERMITTED	MAXIMUM HEIGHT OF FREE-STANDING SIGNS*
Residential R-1 R-2 R-3 R-4 R-5	Free-standing Wall Window	Identification Sign	For single-family residential uses: 4 sq.ft. For multi-family residential uses: 20 sq.ft. For non-residential uses-by-right: 30 sq.ft. For uses located in Group Developments as part of site plan apprval only: ---------- For Home Occupation 4 sq.ft.	2 sq.ft. 10 sq.ft. 15 sq.ft. ---------- 2 sq.ft.	1 per use 1 per use 1 per use ----------(See Sec. 30-6-1)---------- 1 per use	6 ft. 6 ft. 6 ft. ---------- 6 ft.
		Bulletin Board	For non-residential uses only: 32 sq.ft.	16 sq.ft.	1 per street frontage	6 ft
		Business Signs (in R-4 only)	For uses permitted by special review and for lawful nonconforming uses: the lesser of 50 sq.ft., or the maximum sign area permitted for the use in the zoning district wherein the use is permitted by the zoning ordinance.	15 sq.ft.	The lesser of: 1 per street frontage or 2 per use	8 ft.
		Real Estate Sign	8 sq. ft.	4 sq.ft.		3 ft.
		Temporary Sign	See pages			6 ft.
		Historical Marker (Bona Fide)		12 sq.ft.	1 per use	6 ft.
		Legal Notice		12 sq.ft.	As required by law	6 ft.
		Directional	For non-residential uses only: 24 sq.ft.	12 sq.ft.	1 per street frontage	6 ft.
		Political Sign	4 square feet (shall be removed 10 days after pertinent election)			6

*NOTE: Height of the sign shall be measured from the grade at the sign or the grade at the nearest roadway, whichever is higher.

Mr. Emrick then presented the following proposed modifications to the wording of the Sign Ordinance for Council's consideration.

RECOMMENDATIONS

1. Prohibited Signs

That Section 30-9-1 (C) Prohibited Signs be amended to insert as Item No. 10, the following:

10. "A" frame signs or sandwich board, sidewalk or curb sign.

2. Political Signs

That Section 30-9-2 Use Regulations be amended to insert as item "M" the following wording:

M. Political Signs. Signs concerning candidacy for public office or urging action on any ballot issue in a primary, general or special election shall be permitted in any zone as specified in Section 30-9-3 and shall be removed ten (10) days after the pertinent election or referendum.

3. Required Setbacks, Free-Standing Signs.

Based on conversations with the Corporation Counsel relative to placement of sign structures within a right-of-way (city or state maintained), no change is recommended in the existing proposal.

4. Section 30-9-3 (E) Schedule of Sign Requirements

For principal use identification signs located in the Office Institutional, Commercial and Industrial Districts, the following criteria shall apply.

(See Attached Tables)

ZONING DISTRICT	CLASS OF SIGN PERMITTED	TYPE OF SIGN PERMITTED	MAXIMUM SIGN AREA PERMITTED PER LOT	MAXIMUM AREA PER SIGN FACE	MAXIMUM NUMBER OF SIGNS PERMITTED	MAXIMUM HEIGHT OF FREE-STANDING SIGNS*
1. Commercial Service 2. Commercial General 3. Commercial Highway 4. Light Industrial 5. Heavy Industrial	Free-standing Marquee Projecting Suspended Vehicle-mounted Wall Wind Window	Identification Sign Bulletin Board Business Sign (This formula and its imposed restrictions shall not apply to locating off premise advertising signs).	(1) For principal use identification signs One (1) free-standing sign or wall sign of the maximum size shall be allowed per lot. Additional signage shall be approved by the Board of Adjustment (See Page 10 for permitted increases in sign area on major streets)	300 sq.ft. per face		40 ft.
		Joint Identification Sign	All exterior signage for shopping centers or industrial complexes shall be approved by the Board of Adjustement	300 sq.ft.	See Page 8	40 ft.
		Political Sign	300 sq. ft. (shall be removed 10 days after pertinent election or referendum)	300 sq.ft.		40 ft.
		Real Estate Sign	32 sq. ft.	16 sq. ft.	1 per street frontage	8 ft.
		Time-Temperature-Date Sign	See Page 9		1 per street frontage	
		Temporary Sign	See Page 8			

*NOTE: Height of the sign shall be measured from the grade at the sign or the grade of the nearest roadway, whichever is higher.

ZONING DISTRICT	CLASS OF SIGN PERMITTED	TYPE OF SIGN PERMITTED	MAXIMUM SIGN AREA PERMITTED PER LOT	MAXIMUM AREA PER SIGN FACE	MAXIMUM NUMBER OF SIGNS PERMITTED	MAXIMUN HEIGHT OF FREE-STANDING SIGNS*
Office-Institutional (OI)	Free-standing Wall	Identification Sign		150 sq.ft. for free-standing signs	1 per street frontage for free-standing signs	8 ft.
	Window		See Page 8			
		Temporary Sign	See Page 8			8 ft.
		Legal Notice		12 sq.ft.	As required by law	6 ft.
		Historical Marker (bona fide)		12 sq. ft.	1 per use	6 ft.
		Directional	For non-residential uses only: 24 sq ft.	12 sq.ft.	1 per street frontage	6 ft.
		Joint Identification Sign	1 sq. ft. sign area per linear foot of street frontage (maximum area per sign: 150 sq. ft.)	75 sq.ft.	1 per use	8 ft.
		Business Sign	Same as Commercial & Industrial Districts			
		Real Estate Sign	32 square feet	16 sq.ft.	1 per street frontage	8 ft.
		Political Sign	50 sq. ft. (Shall be removed 10 days after pertinent election or referendum)			8 ft.

*NOTE: Height of the sign shall be measured from the grade at the sign or at the grade of the nearest roadway, whichever is higher.

Mr. Emrick, commenting on the changes, said Section 30-9-(C) prohibited signs was proposed to be amended to prohibit "A" frame signs due to visiability problems with these types of signs. He said political signs would be added to Section 30-9-2 at the request of Council. He said Section 30-9-3 (E) was proposed to be amended to allow businesses a choice between having one free standing sign or one wall sign of the maximum size, which is 300 square feet per face, on each lot in districts zoned Commercial Service, Commercial General, Commercial Highway, Light Industrial and Heavy Industrial. The Commercial Regional zone would allow 150 square feet as the maximum area per sign face. He said in its present form the ordinance makes the size of the sign dependent on the street frontage.

Council instructed the Planning Division to define an "A" frame sign in the ordinance.

Mr. Emrick said at the first reading of the ordinance it was requested that the required setbacks be measured from the street line rather than the right of way line. However, based on conversations with the Corporation Counsel relative to the placement of sign structures within a right of way (city of state maintained) no change is recommended in the existing proposal. He said the State will not allow signage on their right of way.

Mr. Emrick then read the following letter from James F. Bullock, Senior Deputy Attorney General, concerning the legality of amortization.

State of North Carolina
Department of Justice
P. O. Box 629
Raleigh
27602

RUFUS L. EDMISTEN
ATTORNEY GENERAL

Received
APR 7 1977
ASHEVILLE PLANNING AND ZONING COMMISSION

7 April 1977

Mr. Verl R. Emrick, Jr.
Planning Director
City of Asheville
Post Office Box 7148
Asheville, North Carolina 28807

Re: Opinion on Adequacy of Amortization Provisions for Asheville's Proposed Sign Ordinance.

Dear Mr. Emrick:

In your letter of April 1 you refer to the three alternatives for ordinances dealing with the amortization of signs and ask for our views as to how best to accomplish this task.

ZONING DISTRICT	TYPE OF SIGN PERMITTED	CLASS OF SIGN PERMITTED	MAXIMUM SIGN AREA PERMITTED PER LOT	MAXIMUM AREA PER SIGN FACE	MAXIMUM NUMBER OF SIGNS PERMITTED	MAXIMUM HEIGHT OF FREE-STANDING SIGNS*
1. Commercial Regional	Identification Sign	Free-Standing or Wall		150 sq.ft. per face	1 per lot	40 ft.*
	Bulletin Board Business Sign	Projecting		See Page 7	1 per use	See page
		Suspended		See Page 7	1 per use	See page
		Window		See Page 8	---	---
		Marquee		150 sq.ft. per face	1 per lot	
	Joint Identification Sign		See Page 8	150 sq.ft.		
	Political Sign		300 sq. ft. (Shall be removed 10 days after pertinent election or referendum)	150 sq.ft.		40 ft.
	Time-Tempera-ture-Date Sign		See Page 9		One Per Lot	
	Real Estate Sign		32 sq. ft.	16 sq. ft.	One Per Lot	8 ft.
	Temporary Sign		See Page 9			

*NOTE: 1. Height of the sign shall be measured from the grade at the sign or the grade of the nearest roadway, whichever is higher.
2. See Page 10 for permitted increases in sign area on major streets.

Mr. Emrick said based on this letter the following alternatives are presented for consideration:

ALTERNATE #1

Sec. 30-9-5. Nonconforming Signs.

A. After the effective date of this Ordinance, it shall be unlawful for any person to erect or place any sign which does not conform to the requirements of this Section. Any sign made nonconforming as a result of any amendment to this Ordinance shall be removed or brought into compliance herewith within seven (7) years from the effective date of such amendment.

B. A nonconforming sign may be continued for the period specified above and shall be maintained in good condition, but it shall not be:

(1) changed to another nonconforming sign;

(2) structurally altered (except to meet safety requirements);

(3) altered so as to increase the degree of nonconformity of the sign;

(4) expanded;

(5) reestablished after its discontinuance for sixty (60) days;

(6) continued in use after cessation or change of the business or activity to which the sign pertains; or

(7) reestablished after damage or destruction if the estimated cost of reconstruction exceeds seventy-five (75%) percent of the appraised replacement cost (as determined by the Building Inspector).

As you know, there have been few cases in North Carolina dealing with amortization provisions of an ordinance, the most recent being STATE v JOYNER, 286 NC 366, wherein the defendant contends that the ordinance was unconstitutional on its face in that it deprived him of his property without due process of law and that it was unconstitutional in that it constitutes a taking of his property for a public purpose without compensation.

The Court reviewed cases in other jurisdictions, some dealing with signs and which had concluded that such regulation of private property does not, per se, constitute a compensable taking.

We think it is clear from the JOYNER case that amortization ordinances have been upheld by many courts including the North Carolina Supreme Court and that a proper regulation thereof is not a taking of property which must be compensated. It is noted, however, that the Court stated in the JOYNER case, "We neither consider nor decide whether this ordinance would be considered reasonable had the defendant been the owner in fee." There was a dissenting opinion in that it was the taking of property for which the defendant should have been compensated.

We do not know which of the proposed ordinances would be most defensible should it be litigated. However, either No. 2 or No. 3, which provides for compensation, would certainly eliminate that angle of attack. From that viewpoint, if the City is going to pay just compensation for the taking of a sign, then it does not appear to be necessary tohave a period of time within which non-conforming use could be maintained before removal, since the amortization period is to offset the laws which would be sustained by an immediate removal of the non-conforming use.

We raise one question as to alternatives 2 and 3 as to whether the City has the authority to condemn property for this purpose.

We trust the above will be of some assistance to you.

Yours very truly

Rufus L. Edmisten
Attorney General

Jas F Bullock

James F. Bullock
Senior Deputy Attorney General

JFB:ae

The Director of Finance shall notify the owner or person entitled to possession of the sign or property of the total costs incurred for such alteration or removal of the sign, and if that person shall fail within thirty (30) days after the date of notification to pay the entire costs and expenses of such repair, alteration or removal, then such costs and expenses shall become a lien against the property, and the Director of Finance shall certify the same to the Buncombe County Tax Collector for collection in the same manner as general property taxes are collected.

The amount certified by the Director of Finance to the County Tax Collector for collection shall include the actual cost of repair or removal of said sign, plus fifteen (15%) percent, and in addition thereto, shall include an amount equal to ten (10%) percent representing penalty and interest for the cost of collection.

C. Any existing individual sign which exceeds the maximum area or height limitations of this Ordinance by ten (10) percent or less may be considered to be a conforming sign and need not be removed or altered. However, at the time such sign is to be replaced or renovated, that sign shall be made to conform to all provisions of this Ordinance.

D. Removal of Nonconforming Signs.

In the event that a taking of any sign is deemed advisable, the date of the taking shall be no earlier than the last day of the period applicable for removal of said sign as set forth in Sec. 30-9-5 herein. Further, in determining the commencement date for any period of time as set forth in Sec. 30-9-5 of this Ordinance, said time shall begin as of the date of the adoption of this Ordinance.

E. Notice to Repair or Remove: Creation of Lien.

If the Building Inspector shall find that any sign is maintained in violation of the provisions of this Article, he shall give written notice to the owner or person entitled to possession of the sign or the owner of the property where the sign is located. If such person fails to alter or remove the sign so as to comply with this Article within thirty (30) days after receipt of such notice, the Building Inspector may cause such sign to be altered or removed at the expense of the owner or person entitled to possession of the property or sign, and shall, upon determination of such expenses, certify same to the Director of Finance of the City of Asheville.

C. Any existing individual sign which exceeds the maximum area or height limitations of this Ordinance by ten (10%) percent or less may be considered to be a conforming sign and need not be removed or altered. However, at the time such sign is to be replaced or renovated, that sign shall be made to conform to all provisions of this Ordinance.

D. Removal of Nonconforming Signs.

The City of Asheville is authorized to acquire by purchase or gift all signs and all property rights pertaining thereto which are not in conformance with the provisions of this Ordinance.

In any acquisition or purchase, just compensation to the owner of the sign shall be limited to the fair market value at the time of acquisition whether by gift or purchase. However, in the event that a taking of any sign is deemed advisable, the date of the taking shall be no earlier than the last day of the period applicable for removal of said sign as set forth in Sec. 30-9-5 herein.

Further, in determining the commencement date for any period of time as set forth in Sec. 30-9-5 of this Ordinance, said time shall begin as of the date of the adoption of this Ordinance.

E. Notice to Repair or Remove: Creation of Lien.

If the Building Inspector shall find that any sign is maintained in violation of the provisions of this Article, he shall give written notice to the owner or person entitled to possession of the sign or the owner of the property where the sign is located. If such persons fails to alter or remove the

ALTERNATE #2

PROPOSED AMENDMENT AS OF MARCH 21, 1977

Sec. 30-9-5. Nonconforming Signs.

A. After the effective date of this Ordinance, it shall be unlawful for any person to erect or place any sign which does not conform to the requirements of this Section. Any sign made nonconforming as a result of any amendment to this Ordinance shall be removed or brought into compliance herewith within seven (7) years from the effective date of such amendment.

B. A nonconforming sign may be continued for the period specified above and shall be maintained in good condition, but it shall not be:

(1) changed to another nonconforming sign;

(2) structurally altered (except to meet safety requirements);

(3) altered so as to increase the degree of non-conformity of the sign;

(4) expanded;

(5) reestablished after its discontinuance for sixty (60) days;

(6) continued in use after cessation or change of the business or activity to which the sign pertains; or

(7) reestablished after damage or destruction if the estimated cost of reconstruction exceeds seventy-five (75%) percent of the appraised replacement cost (as determined by the Building Inspector).

Upon inquiry of Mr. George Gontero, of Lamar Dean Outdoor Advertising Company, Mr. Emrick said if Alternate #2 is enacted compensation would be limited to the fair market value at the time of acquisition. He said the sign would be appraised by qualified appraisers.

Mike Summey, of Summey Sign Company, said revenues derived from the sign differ and this would also have to be considered in appraisals.

Lee Thompson, representing Exxon expressed concern about the proposed amendment allowing one sign on a lot. He said his company has three stations in Asheville that face more than one highway and therefore have two major signs.

Mr. Emrick emphasized the possibility of a second sign being approved by the Board of Adjustment.

At the request of Council, Mr. Emrick noted that the North Carolina courts have been rather vague on the subject of amortization in ordinances such as this. He said the City would probably be breaking new ground in this area and would be developing a phase of law.

Councilman Morris suggested that Council not take any action on the second reading of the ordinance at this meeting. He said he felt all amendments should be worked out prior to the third reading of the ordinance. He took exception with the proposal allowing only one sign of the maximum size on each lot.

After discussion, Councilwoman Swilling moved to amend Ordinance No. 945 by amending Section 30-9-1 (C), Section 30-9-2, and Section 30-9-3 (E) as previously recommended by the Planning Division. She further moved that Ordinance No. 945 be amended to include Alternate #2 regarding amortization as recommended by the Planning Staff. This motion was seconded by Councilman Rainey, which motion carried on a vote of 4-2, with Councilman Morris and Vice-Mayor Horton voting "no".

On a roll call vote of 6-0, Ordinance No. 945 passed on its second reading.

ORDINANCE NO. 947 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Haywood Street)

3. Consideration was given to the third and final reading of Ordinance No. 947, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended rezoning property on Haywood Street from R-3 Residential District to CR Commercial Regional District, property owned by Seaborn P. Foster.

Mayor Ochsenreiter stated that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 947 passed on its third reading.

Complete text of Ordinance No. 947 will be found in Ordinance Book No. 7 at Page 123 .

sign so as to comply with this Article within thirty (30) days after receipt of such notice, the Building Inspector may cause such sign to be altered or removed at the expense of the owner or persons entitled to possession of the property or sign, and shall, upon determination of such expenses, certify same to the Director of Finance of the City of Asheville.

The Director of Finance shall notify the owner or person entitled to possession of the sign or property of the total costs incurred for such alteration or removal of the sign, and if that person shall fail within thirty (30) days after the date of notification to pay the entire costs and expenses of such repair, alteration or removal, then such costs and expenses shall become a lien against the property, and the Director of Finance shall certify the same to the Buncombe County Tax Collector for collection in the same manner as general property taxes are collected.

The amount certified by the Director of Finance to the County Tax Collector for collections shall include the actual cost of repair or removal of said sign, plus fifteen (15%) percent, and in addition thereto, shall include an amount equal to ten (10%) percent representing penalty and interest for the cost of collection.

WATER RATE INCREASES - PRESENTATION OF INFORMATION

6. The City Manager read the following memorandums in reviewing the background for the need of a water rate increase:

TO: Ken Michalove, Acting City Manager

FROM: Larry Fisher, Director of Finance

SUBJECT: Water Rates

DATE: April 6, 1977

Ken, during our budget session last Friday afternoon, we covered several topics. One of them was the status of the water rate increase proposal. You requested that I send you a memorandum recounting the history of this proposal to date and indicating its present status. Attached for your information is a copy of a memorandum I wrote to Ernest on December 1 which indicates the background work that I have done on this subject. Ernest took this package to Council. The Mayor appointed a Council Water Rate Study Committee of Councilmen Morris and Michael and Councilwoman Swilling. I met with Michael and Swilling in my office on January 11. I met with Councilman Morris by telephone. At Councilman Michael's suggestion, I believe, the Mayor's Water Rate Study Committee recommended a 7¢ increase in each step in our present water rate structure. This is not a percentage increase, but a flat 7¢ per 100 cubic feet consumed. This would, of course, result in a larger percentage increase for volume consumers. Councilman Morris was appointed chairman of the Mayor's Water Rate Study Committee. It was suggested that I telephone the results of the Committee's deliberations to the other Council members. I did so, and obtained basic concurrence from all Council members except Dr. Rainey. Dr. Rainey agreed with the necessity of a water rate increase, but would not specifically agree that a flat 7¢ in each step was the amount of increase that should be levied. I reported to Ernest the results of my telephone report with the various Council people. My report to Ernest would have been made in mid January. In retrospect, Ernest may have been heavily involved in his decision to leave at that time and that may be the reason why this situation got carried no further. Also, at about this time we began to experience our severe weather conditions and even I, as Prussian as I am in my attitudes, could understand the inappropriateness of discussing a water rate increase during that period of time.

RESOLUTION NO. _____ RESOLUTION SUPPORTING THOMS CABLEVISION IN REQUESTING THAT THE FEDERAL COMMUNICATIONS COMMISSION AMEND SECTION 76.54 OF THE FCC REGULATIONS

4. Consideration was given to a resolution supporting Thoms Cablevision in requesting that the Federal Communications Commission amend Section 76.54 of the FCC regulations.

Mayor Ochsenreiter stated that the resolution was considered at last week's meeting but was tabled until the language could be modified.

The City Manager read the resolution as modified by the Corporation Counsel.

John Jerose, of Thoms Cablevision, said he felt the resolution in its present form failed to make a convincing case for the change in the FCC regulations. He said the resolution makes no specific request from the citizens of Asheville and the public has indicated a desire to have WBT, Channel 3.

Councilman Morris said the resolution should have two more paragraphs indicating that members of Council have received requests from the citizens of Asheville to obtain WBT, Channel 3 and that the FCC Rule 76.54 works a hardship on the Asheville area due to the mountainous terrain of the area.

Mayor Ochsenreiter instructed the Corporation Counsel to work with Mr. Jerose to obtain an acceptable resolution for Council's consideration in two weeks.

ORDINANCE NO. 950 - AN ORDINANCE AMENDING AND APPROPRIATING COMMUNITY DEVELOPMENT BUDGET CHANGES RECLASSIFYING CAPITAL PROJECTS FOR 1975-76

5. Consideration was given to an ordinance amending and appropriating Community Development Budget Changes reclassifying captial projects for 1975-76.

The City Manager read the ordinance explaining that the ordinance would make accounting changes easier for the transferring of funds.

Vice-Mayor Horton moved for the adoption of the ordinance with the following change in the direction: "That the following Capital Projects as outlined on the attached schedule, be established and appropriated for the life of each included project:". This motion was seconded by Councilwoman Swilling.

On a roll call vote of 5-0, Ordinance No. 950 passed on its first reading.

Councilwoman Swilling moved to suspend the rules and proceed to the second reading of Ordinance No. 950. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 950 passed on its second reading.

Councilman Hoyle moved to suspend the rules and proceed to the third and final reading of Ordinance No. 950. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 950 passed on its third and final reading.

Complete text of Ordinance No. 950 will be found in Ordinance Book No. 7 at page 126 .

CITY OF ASHEVILLE

ASHEVILLE, NORTH CAROLINA

DEPARTMENT OF FINANCE

MEMORANDUM

TO: Ernest J. Ward, City Manager

FROM: Larry Fisher, Director of Finance

SUBJECT: Water Rates

DATE: December 1, 1976

Pursuant to your request and as indicated in your Fiscal 77 Budget Letter, I have made a study of our water rate schedule. Attached are copies of several documents prepared in the course of that study.

In preparation for the study, I examined the Water Fund to make a determination of approximately how much revenue would be needed from a water rate increase. At the same time, I asked Bill Edens to make a similar but independent determination. It is interesting to me to note that my estimate produced a figure of $380,000 and Mr. Edens' estimate produced a figure of $401,000. I also found it interesting to note that my estimate did not include any increases in operations as Mr. Edens' estimate did and that Mr. Edens' estimate did not include all of the funds necessary to balance the "33 Fund." It is my opinion, that if funds are needed to support expanded operations and a larger 33 Fund contribution from the Water Operating Funds, the estimate of revenue needed from the water rate increase should be approximately $500,000.

Schedule A is a study of who is using the water and who is paying for it. It lists, by rate step, the percentage of water used by the customers in each step and the percentage of revenue contributed by the customers in each step. Next, the schedule shows the effect of three separate rate increase proposals. Proposal A is an increase of 5¢ in Steps 1 through 4 and an increase of 4¢ in Steps 5 and 6. Proposal B is an increase of 5¢ in each of the 6 steps. Proposal C includes no increase in Step 1, a 5¢ increase in Step 2 and 7¢ increase in Steps 3 through 6. Proposal C was first discussed by Vice Mayor Porter and Mr. Edens and myself when we were balancing the Water Budget in April of this year.

Schedule B is a study of comparative charges for consumptions at our present rate table breaks. These charges have been ranked in order from highest to lowest. It was interesting for me to note that our system-wide charge in four of the five consumption levels selected ranked 9th, 11th and 12th out of the 13 systems studied.

Our present rates were set by Ordinance No. 825 adopted November 21, 1974, effective January 1, 1975. The fiscal '77 Budget Letter alludes to a water rate increase on Page 12 "in addition, I am recommending that a comprehensive study of our water rate schedule be made early in the fiscal year." My revenue estimates for water utility charges in fiscal '77 anticipate a water rate increase. I am presently anticipating a $155,906 short fall in water revenues in fiscal '77 due almost entirely to the non-receipt of the revenue from the increased rates. The fiscal '78 Water Fund budget, in its present condition, anticipates $500,000 of revenue to be generated by a water rate increase.

I hope this memorandum serves the purposes you had in mind, if not, please let me know. Drafting an ordinance changing the water rates is a relatively simple matter as long as any price or rate changes are applied to existing steps. If you need any more information, let me know.

Larry Fisher
Director of Finance

LF:df

Attachment

Schedule C is a comparative study of charges at the most commonly billed consumption levels. While there are some disparities between Schedule B and Schedule C at the 300 cubic foot consumption level due primarily to varying and sometimes confusing minimum bill policies, Schedule C also indicates that our system-wide rate for these most commonly billed consumption levels ranks consistently 10th and 11th among the 13 systems surveyed.

Schedule D is a study of the effect of Proposal B from Schedule A on the 11 largest customers on our system.

If you have any questions about this study, please call me.

Larry

Larry Fisher
Director of Finance

LF:ddf

Attachments

The City Manager reviewed the schedules referred to in the memorandum from Larry Fisher to Ernest Ward. The schedules were presented to members of Council.

Councilman Michael commented that the tables did not show an increase for Gerber Products, Inc. due to a previous agreement. However, he suggested that Gerber's rates be increased along with everyone else's despite the agreement.

The City Manager also compared these rates with other systems such as Mecklenburg and Forsyth Counties. He said it was rather consistent among these companies that, were they in other counties in North Carolina, even under the proposed increase, they would be paying more.

Councilman Michael, a member of the Mayor's Water Rate Study Committee, said the committee had wanted to raise the rates more steeply for the big water users than for the little ones. But, because almost all of the big users are outside the City the Sullivan Act would prohibit such an action.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the lowest bidder on a per item basis as follows:

Matthews Motors, Inc.
Item # 1 @ $4,479.63 - 1 Pick Up Truck with Utility Body
Item # 2 @ $4,908.17 - 1 cab and chassis with 1-1/2 dump bed
Item # 3 @ $22,517.10 - 2 cab and chassis with four yd. dump bed

Carolina Truck & Body Company
Item # 4 @ $4,787.65 - 1 Flat Bed Truck

Councilman Hoyle moved that the recommendation of the Purchasing Agent be accepted. This motion was seconded by Vice-Mayor Horton and carried unanimously.

A complete bid summary is on file in the Office of the City Clerk.

BIDS - AUTOMATIC SWIMMING POOL TREATMENT CONTROL SYSTEM FOR PARKS AND RECREATION DEPARTMENT

9. Consideration was given to bids received April 8, 1977 for an automatic swimming pool treatment control system for Parks and Recreation Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Duffield & Associates in the amount of $5,400.00.

Councilman Michael moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Duffield & Associates in the amount of $5,400.00. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

Bidder	Bid
Duffield & Associates	$5,400.00
Price Aquatech Pools	5,700.00

ORDINANCE NO. 951 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1976-77 (general aviation aircraft)

10. Consideration was given to an ordinance amending the operating budget of the City of Asheville for the fiscal year 1976-77 to allow general aviation aircraft to utilize the City's main terminal on a 60-day trial basis.

The City Manager read the ordinance and explained that funds for such a project were not provided for in the City's Fiscal 76-77 Operating Budget and the total cost of the project is estimated to be $3,000. He reviewed the details of the proposed project.

Councilman Michael commented that it was the hope that this project would create a better image of executives that come into Asheville to do business. He said it was also hoped that the revenues derived would offset the expenditures.

Councilman Michael instructed the Corporation Counsel to write the Attorney General to determine what the City Council needs to do in order to have the Sullivan Act repealed.

Larry Fisher, Director of Finance, said the additional charge would still leave the local industries considerably better off than they would be in most other areas of the state. He noted that he was comparing Asheville's water rates with those of other systems, not other cities. The importance of this distinction is in the fact that because of the 1933 Sullivan Act, Asheville, alone of all the cities in the state, is prohibited from charging higher water rates to county customers than to city customers.

Councilman Rainey said he was not opposed to the rate increase but would like to see the money used on large scale capital improvements.

Councilman Morris instructed that all the information relating to the water rate increase be forwarded to each member of the Buncombe County Commissioners.

Council discussed several variations in the proposed rate increase but no action was taken on the matter.

BIDS - ONE (1) FOUR DOOR SEDAN FOR METER READING DIVISION, ONE (1) FOUR DOOR SEDAN FOR STREET DIVISION, AND NINE (9) PICK-UP TRUCKS FOR VARIOUS WATER DIVISIONS

7. Consideration was given to bids received April 8, 1977 for one (1) four door sedan for Meter Reading Division, one (1) four door sedan for Street Division, and Nine (9) Pick-up trucks for various water division.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the lowest bidder on a per item basis as follows:

Dorato Motors, Inc. - Item # 1 @ $3,500 -1 four door sedan for Meter Reading

Apple Tree Chevrolet -Item #2 @ $4,123.13 -1 four door sedan for Street Division

Matthews Motors, Inc. - Item #3 @ $28,205.60- 8 1/2 ton pick-up trucks for Various Water Divisions
Item #4 @ $ 4,212.73-1 - 3/4 ton pick-up truck for Water Maintenance Division

Councilman Rainey moved that the recommendation of the Purchasing Agent be accepted. This motion was seconded by Councilwoman Swilling and carried unanimously.

A complete bid summary is on file in the office of the City Clerk.

BIDS - ONE (1) PICK-UP TRUCK WITH UTILITY BODY, AND THREE (3) DUMP TRUCKS FOR STREET DIVISION; AND ONE (1) FLAT BED TRUCK FOR WATER MAINTENANCE DIVISION

8. Consideration was given to bids received April 8, 1977 for one (1) pick-up truck with utility body, and three (3) dump trucks for Street Division; and one (1) flat bed truck for Water Maintenance Division.

COUNCILWOMAN JOANN SWILLING - APPOINTED TO RIVER IMPROVEMENT COMMITTEE

Mayor Ochsenreiter read a letter from Mr. Ed Todd, Chairman of the Land of Sky Regional Council, which appointed Councilwoman JoAnn Swilling a member of the River Improvement Committee to assist with the French Board River Project.

Councilwoman Swilling said the Committee would be working on the many potentials for the French Board River in the areas such as water resources and recreation.

CLAIM - MRS. ETHEL P. DASHER

The City Manager presented a claim received from Mr. Ethel P. Dasher.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

PUBLIC HEARING SET - ESTABLISHING AN ASHEVILLE DOWNTOWN REVITALIZATION AND APPEARANCE COMMISSION

The City Manager requested that Council schedule a public hearing for the purpose of receiving public comments on the establishment of an administrative body to be known as the Asheville Downtown Revitalization and Appearance Commission.

Councilman Rainey moved to schedule a public hearing on the matter for May 5, 1977. This motion was seconded by Councilman Hoyle and carried unanimously.

METER FEEDING - DISCUSSION

The Corporation Counsel read the following report from Drew Walker, Police Legal Advisor, relative to penalties for meter feeding:

Memorandum to: Bill Moore, City Attorney

From: Drew Walker, Police Attorney

Subject: Meter feeding

Here is the information you requested in our telephone conversation of April 11. It is my opinion that there no longer exists any lawful penalty for meter feeding, unless Section 1-5 of the Code of Ordinances serves to provide a penalty. Section 28-119 prohibits the act of meter feeding, but prescribes no specific penalty for committing the act. If the City Council did in fact delete the penalty for meter feeding in ordinance number 914 (to be codified as Section 28-159 of the Code), then there is no fixed penalty. (At the time of Council's deliberations on this ordinance six months ago, my understanding was that the motion regarding meter feeding was to drop the penalty from the $5.00 Council had substituted for the $1.00 in the original draft back to $1.00. The meeting minutes, however, say Council voted to do away not just with the additional penalty, but with the whole line on meter feeding. And apparently Council now has decided to wipe meter feeding from the Code altogether.)

As you of course know, the City of Asheville had no fixed penalties for any violations of Chapter 28 (except for overtime parking and some pedestrian offenses) from 1955 until 1976, when number 914 was adopted. This resulted from Council's passage in 1955 of ordinance number 376 (codified as Sections 28-113 through 28-124 of the Code), which repealed number 304 and left out any fixed fines for parking violations. Ordinance 914 remedied this situation.

Doug Ray, a private pilot, spoke in support of such a project.

The City Manager requested that the ordinance be amended to authorize the Mayor to enter into an agreement with Mr. Lacy Griffin for the project.

Councilwoman Swilling moved for the adoption of Ordinance No. 951, with the amendment that the Mayor be authorized to enter into an agreement with Mr. Lacy Griffin for the project. This motion was seconded by Councilman Michael.

On a roll call vote of 6-0, Ordinance No. 951, as amended passed on first reading.

Vice-Mayor Horton moved to suspend the rules and proceed to the second reading of Ordinance No. 951, as amended. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 951, as amended passed on second reading.

Vice-Mayor Horton again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 951, as amended. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 951, as amended passed on third and final reading.

Complete text of Ordinance No. 951, as amended will be found in Ordinance Book No. 7 at page 127.

RESOLUTION NO. 77-57 - RESOLUTION AUTHORIZING AN INCREASE IN CERTAIN SALARY RATES FOR SUMMER EMPLOYEES IN THE PARKS AND RECREATION DEPARTMENT

11. Consideration was given to a resolution authorizing an increase in certain salary rates for summer employees in the Parks and Recreation Department.

The City Manager read the resolution and explained that this resolution was requested by the Parks and Recreation Director in order to give the City the opportunity to compete for the best possible candidates. He reviewed the schedule of rates to be approved.

Upon motion of Councilman Morris, seconded by Vice-Mayor Horton, Resolution No. 77-57 was unanimously adopted.

Complete text of Resolution No. 77-57 will be found in Resolution Book No. _____ at page _____.

PROCLAMATION - FOOD DAY '77 - APRIL 21, 1977

Mayor Ochsenreiter proclaimed April 21, 1977 as Food Day '77 in the City of Asheville.

Councilman Rainey suggested that the City staff determine a cost estimate on replacing the two pipes in the area.

Mrs. Noblett said raw sewage was also running through her yard.

WATER DRAINAGE PROBLEM - 39 DELAWARE AVENUE - ROBERT LIPE

Robert Lipe, of 39 Delaware Avenue, complained of run off water from the streets into a branch that runs from Meadowbrook and Delaware. He said the water has taken over half of their yard. He said he felt the City should be responsible due to the street water run off.

Mayor Ochsenreiter advised that an investigation would be made and a report made on the matter.

Adjournment.

Eugene C. Ochsenreiter
MAYOR

Norman J. Noblett
CITY CLERK

The City Manager said, in light of this report, the City will stop issuing citations for meter feeding in that no penalty is established. He said this would be handled administratively, until after the public hearing regarding meter feeding on April 28, 1977.

FLOODING IN HAW CREEK - MRS. C. A. NOBLETT

Mrs. C. A. Noblett read the following statement relative to flooding in Haw Creek and presented photographs showing the damages done by the flooding:

April 14, 1977

Mr Mayor,

MEMBERS OF ASHEVILLE CITY COUNCIL:

Re: Flooding in Haw Creek

The problem of flood[illegible]is becoming more severe with each heavy rain, since the county has allowed Nixon Terrace, Rolling Greens, Happy Valley and Annex, and the new Haw Creek elementary school, to be built and all the drainage to be emptied into the creek. This creek is not large enough to carry all of this drainage. Mr. Clark Brown has been aware of this and has done all he can do within his power to help each flood damage that we have, he has the right ideas on how to help stop it.

When the bridge washed out and fell due to washing out, Mr. Bostic replaced it with two pipes , and this has made the situation much worse, because of the trash and logs, the pipes become clogged and works as a dam to pool all of the water above us, and causes severe flooding and washing out. All of the bridges above are like this, now the State is putting them in below.

Although a city street, it seems that McIntosh Road is no mans land. When they put the new water line in for the new school, Mr. Eaton told me he did not have to ask about coming into my front yard or down the side of the road which is all on our property, this was not the way that the plans called for, but agreed on when project began. The road was left in terrible shape, and he could see nothing wrong with it. It took Mr. Brown and his crew about one day fixing it back again.

The people who wanted to do away with the Sub-Division Ordinance should face what we do just once, I think that would be enough to change their minds.

We would appreciate any help in solving this problem, and I am sure the street department would appreciate it as much as we would.

Sincerely,

Mrs. C. A. Noblett

MR. PHIL RAMSEY - MR. DOUGLAS RAY - PROPOSED NEW SERVICE AT THE ASHEVILLE AIRPORT

Councilman Michael introduced Mr. Phil Ramsey, who proposes a second fixed base operation at the Asheville Airport.

Mr. Douglas Ray said he would be working with Mr. Ramsey in their new proposal. He read the following letter:

April 21, 1977

MR. MAYOR AND MEMBERS OF THE CITY COUNCIL:

We would like to propose at this time a new service that we feel will greatly promote the City of Asheville.

We wish to add to the Asheville Municipal Airport a new business called Mountain Air Corporation.

The Mountain Air Corporation is a "full-service" flight operation designed to offer all services needed by thegeneral aviation consumer.

Through extensive research and market survey effort we find the general aviation community is marked for rapid growth in our area. This new company will provide many new services and expansion on those now available to the Asheville community.

We intend to promote general aviation and Asheville as a single unit working toward one common goal...PROGRESS.

We will provide new jobs, additional revenues to the city treasury and a bright new outlook and renewed vitality toward Asheville's aviation operations.

Asheville needs this service to carry out its own commitment for increased industrial growth, expansion of resort capabilities, and in general to portray the progressive and productive atmosphere already generated by itself and its citizens.

Thursday - April 21, 1977 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Gene E. Rainey, J. W. Hoyle, Otis B. Michael, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager Kenneth M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

APPROVAL OF MINUTES

1. Approval of minutes of April 14, 1977 meeting.

Upon motion of Councilwoman Swilling, seconded by Councilman Hoyle, the minutes of the April 14, 1977 meeting were unanimously approved as submitted.

OATH OF OFFICE - CITY MANAGER KENNETH M. MICHALOVE

Corporation Counsel William C. Moore administered the oath of office for City Manager to Kenneth M. Michalove.

Mr. Michalove thanked Council for their unanimous support in selecting his as City Manager. He said he was happy to have the opportunity to work with the Council, the City staff, and the City of Asheville in a goal to make Asheville the top city in the country.

RESOLUTION NO. 77-58 - RESOLUTION OF COMMENDATION TO MRS. MARGARET S. PENNELL

2. Consideration was given to a resolution of commendation to Mrs. Margaret S. Pennell, past Chairman of the Asheville School Board.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Vice-Mayor Horton, Resolution No. 77-58 was unanimously adopted.

Complete text of Resolution No. 77-58 will be found in Resolution Book No. 9 at page 260.

RESOLUTION NO. 77-59 - RESOLUTION APPOINTING MEMBERS TO THE RECREATION BOARD FOR ASHEVILLE

3. Consideration was given to a resolution appointing Mr. Bob Farzanegan and Mr. Richard Fain members of the Recreation Board for Asheville.

The City Manager read the resolution.

Upon motion of Councilwoman Swilling, seconded by Councilman Rainey, Resolution No. 77-59 was unanimously adopted.

Complete text of Resolution No. 77-59 will be found in Resolution Book No. 9 at page 261.

Councilwoman Swilling introduced Richard Fain.

Mr. Ramsey also presented letters of endorsement from Cessna Aircraft Company and Exxon Company. He said the proposal would be discussed in further detail at a later date.

PUBLIC HEARING - RELINQUISHING EXTRATERRITORIAL ZONING JURISDICTION

4. A public hearing was held relative to the City of Asheville relinquishing its extraterritorial zoning jurisdiction in the one-mile area surrounding the City Limits.

Mayor Ochsenreiter opened the public hearing at 3:21 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, advised that in accordance with N. C. G. S. 160A-360 (g) the City would have to give a two years' written notice to the other governmental bodies involved before any rescission is accomplished. He noted that the County of Buncombe, by resolution, had requested the City of Asheville to enforce the zoning jurisdictional powers in the one-mile area. Therefore, under the North Carolina General Statutes, the agreement could be modified if agreed upon by all legislative bodies involved. He said the City could notify the two legislative bodies, County of Buncombe and the Town of Biltmore Forest, of the City's intention to drop their responsibilities in the one mile area. This notification, he said, should be in the form of a resolution and sent by registered mail to insure complete delivery. In the meantime the agreement could be modified if agreed upon. He suggested that a sub-committee be appointed to work with the other governmental units to come up with a modified agreement.

The City Manager noted that under the statutes involved, all of N. C. G. S. 160A is enforced in the extraterritorial area, which includes building code inspections. He said it seemed that most of the problems in the one-mile area dealt with code inspections.

Mr. Emrick said the Council could request the County to enforce the inspections of the building code and if the County agreed the agreement could be modified to that end.

Councilman Rainey said he would be in favor of giving the County of Buncombe notice that the City intends to relinquish its reponsibility in the one-mile area and to arrange for the building code inspections to be enforced by the County. He cited the many costs involved for the City to carry this responsibility.

Councilwoman Swilling said she was in favor of the City relinquishing their rights but was concerned over an area being left without any zoning regulations entirely. She said the people who live in the County have got to decide what they want in zoning controls and let their elected officials know.

Councilman Michael said the City needs a buffer zone to control the perimeter of the City Limits to some extent. However, he was not in favor of building code inspections in the one-mile area.

Mr. Phil Ramsey presented Council with the following details of the proposal:

1. SERVICE - 24 hour, 7 day service
   a. Aviation gas - 80 & 100 octane and jet fuel
   b. Maintenance facilities (engine and air frame)
   c. Aircraft radio maintenance
   d. Hangar space, tie downs, aircraft cleaning
   e. Courtesy transportation

2. SALES
   a. Authorized Cessna dealership
   b. Pilot equipment and supplies
   c. Consignment aircraft sales
   d. Aircraft parts and accessories
   e. Leasing

3. AIR TAXI AND CHARTER
   a. Recreational and business group charter plans
   b. Specialty - air ambulance and photography
      (air ambulance on call for emergency service)

4. FLIGHT TRAINING
   a. FAA approved flight school
   b. Training for private pilot through airline transport rating
   c. Aircraft rental
   d. Flying club promotion

5. AIRCRAFT INSURANCE
   a. Full line aviation coverage

COUNCIL RECESS

Mayor Ochsenreiter called for a five-minute recess of Council.

ORDINANCE NO. 945 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Sign Regulations)

5. Consideration was given to the third reading of Ordinance No. 945, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended relative to sign regulations.

Mayor Ochsenreiter advised that the ordinance was previously read on first and second readings and members of Council have been furnished copies of the ordinance and it will not be re-read in its entirety unless there is a specific request to do so.

James W. Daniels, Vice-Chairman of the Planning and Zoning Commission read the following letter:

MEMORANDUM

TO: Eugene C. Ochsenreiter, Jr., Mayor, and Members of the Asheville City Council

FROM: Asheville Planning and Zoning Commission

SUBJECT: The Proposed Sign Ordinance

DATE: April 21, 1977

As we once again approach the crucial third reading of this proposal, several suggestions have been offered relative to amendments being considered. One such suggestion would remand the proposal to the Planning Commission for further study. I have polled the members of the Commission on this subject and offer the following statements on behalf of the body:

1. While we agree that perhaps a number of the amendments offered thus far are meritorious and deserve your full consideration, we do not feel that the "one sign per business" provides an equitable solution and would recommend reinstatement of the original proposal or some other alternative.

2. Secondly, the Commission is opposed to the insertion of a grandfather clause and has stated so on numerous occasions. Therefore, we recommend to Council that you adopt Alternative #1, as presented on April 14. This requires that the nonconforming signs within the ordinance's jurisdiction be amortized and removed after seven (7) years with no compensation provided.

3. Finally, the Commission believes that no useful purpose would be served by remanding this proposal to us for further study. This was expressed at our meeting of March 22, 1977, and that opinion has not changed.

Therefore, we recommend that Council proceed with the passage of this proposal so that other pressing items of business may also be expedited.

James W. Daniels
Vice Chairman

Mrs. Patricia Merzlak, of McKinnish Cove Road, spoke in favor of the City keeping their jurisdictional powers within the one-mile area. She said Council had been hearing from people who are wanting to do something that is not for the good of the majority.

Mr. Brownloe Reeves said the city's exercise of its extraterritorial jurisdiction is unfair and unjust. He complained of having to meet city imposed requirements referring particularly to a trailer.

Mr. Bill Fass, also urged the City to relinquish its extraterritorial rights. He said as a taxpayer of the City he did not want to pay for anything that needs to be done in the County. He said the County gets many services they do not pay for.

Mr. Jeff Gould, Mr. Talman Dennis, Mr. Lon Ducker and Mrs. Vida Reed all spoke in favor of the City relinquishing their extraterritorial zoning jurisdiction in the one-mile area. Several cited complaints about hardships caused by the City in the one-mile area, mostly referring to building code inspection problems.

J. E. Johnson, Chief Building Inspector, noted that his division was responsible for enforcing the laws prescribed by the Council. He said the County has more liberal regulations such as allowing homeowners to do their own plumbing and electrical work so long as it meeting the codes.

Mayor Ochsenreiter closed the public hearing at 4:45 o'clock p. m.

The City Manager read a resolution for Council's consideration which would authorize the notification to the County Commissioners of the County of Buncombe and the Town Council of Biltmore Forest that two (2) years' from the adoption of this resolution the City of Asheville will appropriately amend all applicable ordinances to rescind all extraterritorial jurisdictional powers granted to the City of Asheville by N.C.G.S. 160A-360(a); that the City Council will meet with and present to the County Commissioners of Buncombe County, and the Town Council of the Town of Biltmore Forest alternative plans for amending the zoning jurisdictional map and enforcement procedures for their consideration for the purpose of mutually agreeing upon a plan calling for the specified modification of the extraterritorial jurisdiction responsibility; that the City Manager be requested to present for the consideration of the Council on May 5, 1977 alternate plans calling for the modification to: 1) the Zoning Map of the City of Asheville; and 2) enforcement of the Zoning Ordinance of the City of Asheville within the extraterritorial area; and that the County of Buncombe be requested to resume inspections for enforcment of applicable building codes and the issuance of applicable permits within the extraterritorial area as of May 1, 1977.

Councilman Rainey moved for the adoption of the resolution. This motion was seconded by Councilman Morris.

Vice-Mayor Horton made a substitute motion to table the resolution for further consideration. This motion was seconded by Councilman Michael and carried on a vote of 5-1, with Councilman Rainey voting "no".

Councilman Michael suggested that the City inspection regulations also be reviewed. He said he felt some of the regulations were too strict.

Councilwoman Swilling requested that a meeting be set up between the County and the City to discuss the alternatives.

5. Off-premise advertising signs over three hundred (300) square feet per face shall be measured thirty (30) feet from the edge of the pavement of the nearest public street or highway.

6. Portable and Mobile Signs. All primary use or off-premise advertising signs not permanently affixed and which have an overall area of fifty (50) square feet per face or less shall set back at least fifteen (15) feet as measured from the edge of the pavement of the nearest public street or highway.

For Paragraphs 7 - 9 of this section, no change has been recommended.

After discussion, Councilman Rainey moved to amend Ordinance No. 945 to include the changes recommended by the Planning Director in Sections 30-9-1 (c) and 30-9-3 (B). This motion was seconded by Councilwoman Swilling and carried unanimously.

Councilman Michael was excused from the meeting at 3:20 o'clock p. m.

In discussing Section 30-9-3 (E) Schedule of Sign Requirements relative to principal use identification signs Mr. Emrick offered three alternatives to the provision: 1) change the restriction to one sign per street frontage instead of one per lot; 2) allow an accessory sign in addition to the primary one (accessory sign not to be over 100 square feet); or 3) return to the original provision whereby the maximum square footage of the sign would be determined by the linear front footage of the lot.

Councilwoman Swilling moved to amend the ordinance by returning to the original provision whereby the maximum square footage of the sign would be determined by the linear front footage of the lot. This motion was seconded by Councilman Morris, which motion was defeated by a vote of 3-2, with Councilmen Rainey and Hoyle and Vice-Mayor Horton voting "no".

Councilman Rainey then moved to amend the ordinance by amending Section 30-9-3 (E) by allowing one sign per street frontage, with additional signage to be approved by the Board of Adjustments. This motion was seconded by Councilman Hoyle and carried on a vote of 4-1, with Councilwoman Swilling voting "no".

Councilman Morris commented that if Council passes the ordinance in its present form providing for an amortization period of seven (7) years' with compensation to be paid for the taking of non-conforming signs the City is in essence putting in a grandfather clause and passing an ordinance known to be illegal. He said the State Attorney General's office and the City Attorney have been unable to find any legal authority for the City's paying for these signs.

Councilman Morris then moved to amend the ordinance to provide a seven-year amortization period, with no compensation to be paid. This motion was seconded by Councilwoman Swilling, which motion carried on a vote of 3-2, with Councilmen Rainey and Hoyle voting "no".

Lee Thompson of Exxon, spoke in opposition to the amendment adopted by Council providing for one sign per lot and the prohibiting of an "A" frame sign, which would include many of Exxon's signs. He said Mr. Lloyd Kirk of the Forest Manor Motor Lodge had requested that he express to Council Mr. Kirk's opposition to the one sign per lot provision.

Verl Emrick, Planning Director, offered the following amendments for Council's consideration:

Section 30-9-1 (c) Prohibited Signs.

To add item #10 to read as follows:

"10. "A" frame or sandwich board signs which are placed on or near sidewalks or roadside curbs. Such signs commonly being used to advertise limited information. (This category shall be interpreted to include signs which indicate prices of commodities or services, or specific products or services offered on the site.)"

Section 30-9-3 (B) Setbacks. To read as follows:

"Free-standing signs in any zoning district shall be set back the following distances and no point on any sign shall extend beyond the required setback line. For any structure having more than one (1) sign face the total area of the largest display face on the structure shall determine the setback for the structure.

1. Business, identification, off-premise advertising, temporary or joint identification signs of seventy-five (75) square feet per face or less shall be set back ten (10) feet from the edge of the pavement of the nearest public street or highway.

2. Business, identification, or joint identification signs greater than seventy-five (75) square feet per face shall be set back fifteen (15) feet from the edge of the pavement of the nearest public street or highway.

3. For wall signs utilized as business, identification or joint identification signs as permitted by Ordinance, no setback shall be required as long as the sign is mounted on the building the sign is appurtenant to.

4. Off-premise advertising greater than seventy-five (75) square feet per face up to and including those of three hundred (300) square feet per face, the setback shall be measured twenty (20) feet from the edge of the pavement of the nearest public street or highway.

RESOLUTION NO. 77-60 - RESOLUTION APPROVING AND AMENDING THE COMMUNITY DEVELOPMENT HOUSING REHABILITATION INCENTIVE PROGRAM

8. Consideration was given to a resolution approving and amending the Community Development Housing Rehabilitation Incentive Program.

The City Manager read the resolution and explained that this resolution would remove the income restrictions, increase the maximum rebate to 30 per cent and open eligibility to owner-occupants of houses containing as many as four residential units. He said the program was started at the request of the Montford Community Club and these changes were also recommended by the Club. However, this program is available to anyone living in the Community Development Area.

Upon motion of Councilwoman Swilling, seconded by Councilman Rainey, Resolution No. 77-60 was unanimously adopted.

Complete text of Resolution No. 77-60 will be found in Resolution Book No. 9 at page 262.

RESOLUTION NO. 77-61 - RESOLUTION SUPPORTING THE QUALITY FORWARD "CLEAN COMMUNITY SYSTEM" PROGRAM

9. Consideration was given to a resolution supporting the Quality Forward "Clean Community System" Program.

The City Manager read the resolution. He said the Quality Forward staff, along with city staff, attended a seminar in Tifton, Georgia sponsored by the Keep America Beautiful Office on the Clean Community System Program. He said he felt this program would enhance the collection of trash in the City.

Upon motion of Councilman Hoyle, seconded by Councilman Rainey, Resolution No. 77-61 was unanimously adopted.

Complete text of Resolution No. 77-61 will be found in Resolution Book No. 9 at page 264.

BI-MONTHLY BILLING OF WATER METERS

10. Consideration was given to a policy of bi-monthly billings of water meters.

The City Manager said, under this policy, the water meters would be read once every two months and estimated the other month. He said the establishment of this policy was based on a study by the Director of Billing. He said under the present policy 154 meter books must be read every 20 days and this policy would cut that number in half and the time could be spent on the cleaning out and repairing of water meters. The number of miles driven would also be cut eliminating a large gas consumption. Personnel would not be reduced because the manpower would be needed to enhance maintenance work and to resolve some of the problems experienced during the past cold winter months. However, he said he would be looking at the staffing of this division within the upcoming budget work session. He said the Data Processing Division was ready to begin this policy on May 1, 1977 if Council so desires.

Councilman Hoyle moved to adopt a policy of reading water meters bi-monthly beginning May 1, 1977. This motion was seconded by Councilwoman Swilling and carried unanimously.

After discussion, Councilman Morris moved to continue the third reading of Ordinance No. 945 until the Planning Director prepares a revised version of the ordinance as a whole, including all changes that have been made thus far. This motion was seconded by Vice-Mayor Horton and carried unanimously.

SALE OF PARCELS 62, 93, 163, 151, 153 - EAST RIVERSIDE URBAN RENEWAL PROJECT N. C. R-48

6. Consideration was given to the sale of Parcels 62, 93, 163, 151, and 153 in the East Riverside Urban Renewal Project N. C. R-48.

The City Manager read a letter from the Housing Authority of the City of Asheville requesting approval of the sale of the following parcels of land in the East Riverside Urban Renewal Project N. C. R-48:

PARCEL	USE	ESTABLISHED USE	AMOUNT BID	REDEVELOPER
62	Residential	500.00	500.00	Mr. & Mrs. Charlton Miller
93	Semi-Public	1,354.00	1,354.00	Brown Temple C.M.E. Church
163	Semi-Public	12,000.00	12,000.00	Brown Temple C.M.E. Church
151	Residential	425.00	425.00	Mr. & Mrs. Ora W. Jones
153	Residential	1,850.00	1,850.00	Mr. & Mrs. James T. Burgin

Parcels 62, 151, and 153 are fragmentary parcels, and the redevelopers are adjacent property owners. The improvements will consist primarily of landscaping. Parcels 93 and 163 are contiguous parcels. The redeveloper plans to construct a church building, this site being the former location of Brown Temple C.M.E. Church.

Councilman Morris moved to accept the recommendation of the Housing Authority for the sale of Parcels 62, 93, 163, 151, and 153. This motion was seconded by Councilman Hoyle and carried unanimously.

SALE OF DISPOSAL PARCEL 26 - CIVIC REDEVELOPMENT PROJECT N. C. R-13

7. Consideration was given to the sale of Disposal Parcel 26 in the Civic Redevelopment Project N. C. R-13.

The City Manager read a letter from the Housing Authority of the City of Asheville requesting approval of the sale of Disposal Parcel 26 in the Civic Redevelopment N. C. R-13 to Telco Credit Union of Asheville for the minimum price of $34,409.08. He said the developer proposes to construct a two-story office building containing 8,000 square feet with provisions for an elevator and two additional stories at some future time. Disposal Parcel 26 is located at the intersection of Orchard and Central Streets, just north of the expressway.

Vice-Mayor Horton moved for the approval of the sale of Disposal Parcel 26 in the Civic Redevelopment Project N. C. R-13 to Telco Credit Union of Asheville for $34,409.08. This motion was seconded by Councilman Morris, which motion carried, with Councilwoman Swilling abstaining from voting.

Vice-Mayor Horton was excused from the meeting at 6:40 o'clock p.m.

The City Manager advised that Councilwoman Swilling and Councilman Hoyle would be on a committee to review the proposals submitted.

Councilwoman Swilling moved to authorize the advertising for operators of a proposed snack shop in the City Hall Building. This motion was seconded by Councilman Hoyle and carried unanimously.

RESOLUTION NO. 77-63 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE EASEMENT IN FAVOR OF THE CAROLINA POWER AND LIGHT COMPANY

14. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute easement in favor of the Carolina Power and Light Company.

The City Manager read the resolution and explained that the easement was on property belonging to the City of Asheville bounded by lands of Redevelopment Commission of Asheville on the East and by Herman Avenue on the West and Livingston Street on the South for the purpose of updating an existing electric power line.

Upon motion of Councilman Hoyle, seconded by Councilman Rainey, Resolution No. 77-63 was unanimously adopted.

Complete text of Resolution No. 77-63 will be found in Resolution Book No. 9 at page 266.

RESOLUTION NO. 77-64 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE FOUR SEPARATE RIGHT-OF-WAY AGREEMENTS WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF A 12-INCH WATER LINE ON N. C. 280 (LONGSHOALS ROAD) AND A 8-INCH AND 12-INCH WATER LINE ON N. C. 191 (BREVARD ROAD) AND A 8-INCH WATER LINE ON N. C. 3468 (AVERY CREEK ROAD) AND A 6-INCH WATER LINE ON N. C. 3487 (McDONALD ROAD)

15. Consideration was given to a resolution authorizing Mayor to execute four separate right-of-way agreements with the North Carolina Department of Transportation for the installation of a 12-inch water line on N. C. 280 (Longshoals Road) and a 8-inch and 12-inch water line on N. C. 191 (Brevard Road) and a 8-inch water line on N. C. 3468 (Avery Creek Road) and a 6-inch water line on N. C. 3487 (McDonald Road).

The City Manager read the resolution. He said these encroachments are for several water lines ranging in size from 6-inch to 12-inches to be built in the Avery Creek Area. They will be financed by the Clean Water Bond Account project number SBH-246 known as Water System Improvements Avery Creek Sanitary District through the Buncombe County Commissioners and will be turned over to the City for operation.

Upon motion of Councilman Morris, seconded by Councilwoman Swilling, Resolution No. 77-64 was unanimously adopted.

Complete text of Resolution No. 77-64 will be found in Resolution Book No. 9 at page 267.

RESOLUTION NO. 77-62 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

11. Consideration was given to a resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as amended.

The City Manager read the resolution. He said the total grant is for $62,850, of which $50,208 is for the federal share, $3,500 for the state, and $9,070 for the City's share which will be provided through in-kind staff services. He said this program is an annual grant provided to examine the general transportation loads within the City of Asheville and its extraterritorial jurisdiction, planning in cooperation with the North Carolina Department of Transportation as well as for planning of mass transportation.

Upon motion of Councilwoman Swilling, seconded by Councilman Rainey, Resolution No. 77-62 was unanimously adopted.

Complete text of Resolution No. 77-62 will be found in Resolution Book No. 9 at page 265.

ANIMAL CONTROL ORDINANCE - DRAFT PRESENTED TO COUNCIL FOR CONSIDERATION

12. The City Manager presented a draft of an animal control ordinance prepared by the Planning Division and based on input from several staff, City Council members and citizen sources. He said this draft was only presented for information and he is in the process of obtaining information on the cost of establishing a control program. He requested that Council members and city staff as well as the public consider the value of establishing such an approach.

PROPOSED SNACK SHOP - CITY HALL BUILDING

13. The City Manager said there is a need to improve the snack shop services in the City Hall Building. He requested that Council consider a motion authorizing the advertisement for operators of a snack shop in the City Building. The specifics of the lease agreement would be as follows:

1. Lease 1,134 square feet of the first floor area in the City Building, formerly occupied by the Accounting Department, for the purpose of the operation of a City Hall Snack Bar.

2. The City will purchase and install all food service equipment and will furnish all utilities to lessor.

3. No proposals for less than the following will be considered:

   Lease payments will be at least seven and one-half per cent (7½%) of first ten thousand dollars ($10,000.00) of monthly gross and ten per cent (10%) of monthly gross in excess of ten thousand dollars ($10,000.00).

4. The City will set forth certain standards of operation in the lease and will retain the right to terminate the lease if food service operation falls below these established standards.

APRIL 28, 1977 COUNCIL MEETING TO BE HELD AT 7:30 P. M.

Mayor Ochsenreiter announced that the April 28, 1977 meeting of the Asheville City Council would be held at 7:30 o'clock p. m. in the Council Chambers.

Adjournment.

Eugene Ochsenreiter
MAYOR

Norman J. Morrett
CITY CLERK

RESOLUTION NO. 77-65 - RESOLUTION AUTHORIZING APPLICATION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A GRANT UNDER PROVISIONS OF SECTION 701 OF THE HOUSING ACT OF 1954, AS AMENDED

16. Consideration was given to a resolution authorizing application to the United States Department of Housing and Urban Development for a grant under provisions of Section 701 of the Housing Act of 1954, as amended.

The City Manager read the resolution and explained that the work program is to prepare capital budgeting information for the City and to continue an intergovernmental coordination activity by the Planning staff. The grant amount is $17,000 of which the local match is $8,500 to be provided by in-kind services.

Upon motion of Councilman Rainey, seconded by Councilman Hoyle, Resolution No. 77-65 was unanimously adopted.

Complete text of Resolution No. 77-65 will be found in Resolution Book No. 9 at page 269.

PROCLAMATION - NATIONAL YWCA WEEK - APRIL 24-30, 1977

Mayor Ochsenreiter proclaimed the week of April 24-30, 1977 as National YWCA Week.

PROCLAMATION - VOLUNTEER RECOGNITION WEEK - APRIL 24-30, 1977

Mayor Ochsenreiter proclaimed the week of April 24-30, 1977 as Volunteer Recognition Week.

CLAIM - GASTON R. BRACKETT

The City Manager presented a claim for damages from Gaston R. Brackett.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - PATRICIA R. DREESEN

The City Manager presented a claim received from Thomas C. Ruff, Jr., Attorney representing Patricia R. Dreesen.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION RECEIVED BY HUD

Mayor Ochsenreiter announced that notification had been received by the Department of Housing and Urban Development that the City of Asheville's Community Development Block Grant Application had been received and was being reviewed by the department. He said copies of the application are available to interested parties upon request.

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Pgs. Not Cons.

Alcohol Enforcement Division - This division of the Department of Crime Control and Public Safety was reminded of strict enforcement of ABC laws. 120

ABC Laws - The Alcohol Enforcement Division of the Department of Crime Control and Public Safety was reminded of strict enforcement of these laws. 120

Appropriation - $47,032 in the Federal Programs fund for the operation of the North Carolina Conservation Corps. 127

Airport - Public hearing called for the establishment of a ramp fee for transient general aviation aircraft at the Asheville Airport. 127

Alcohol Enforcement Division - This division of the Department of Crime Control and Public Safety was again reminded of strict enforcement of ABC laws. 128

Alley - The alley between Carolina Lane and Lexington Avenue is closed. 131

Aston Park - Discussion about establishing fees for the use of the Aston Park tennis courts. 133

Asheville Buncombe County Youth Council - Mr. Terry Roylance, Mrs. Becky Williams, Rev. Bud Holland, Mrs. Jan Orr, Mr. Ernest Lee Sewell, Jr., and Mr. Herb Watts were appointed as a member of the Adult Advisory Board of this Council. 137

Asheville Airport - Report from City Manager relative to the runway extension at this airport. 138

Asheville Revitalization Commission - James W. Hunter, Robert F. Orr, George M. Tisdale, Mrs. Gary Daniel, James W. Daniels, Chandler Gordon, Leon Rocamora, Mrs. William A. V. Cecil, Mrs. Alice R. Collettee, Wayne Cooper and Durward R. Everett, Jr. were appointed to this Commission. 140

Appropriation - Amendment to the Capital Projects Ordinance for additional funds for federal projects, the Water System Improvement Fund and the Water Capital Construction Fund. 142

Appropriation - Budget amended for funding the Asheville School Liaison Program. 143

Asheville School Liaison Program - Budget amendment for funding of this program. 143

Appropriation - Budget amended for funding the remodeling of the Collections Division Office. 143

Appropriation - Budget amended for funding an amount sufficient to meet the funding recommended by the Library Board. 144

Appropriation - Budget amended for distribution of the Pay Plan. 144

Asheville-Buncombe Youth Council - Proposals were presented by this group on "City Day" 1

Apple Tree Chevrolet - Bids awarded to them for a four-door car and one van-type truck for the Parks and Recreation Department. 13

Appropriation - To cover bid deficit on vehicles. 13

Asheville Central Labor Union - Ray Stepp, President of this union, commented on City employees participating in politics. 16

Asheville Downtown Revitalization and Appearance Commission - Public hearing held to establish this administrative body and first reading - page 21, 2nd reading - pages 30, 65, 123, 3rd reading - page 132.

Asheville Police and Fire Pension Fund Board of Trustees - JoAnn M. Swilling was appointed to this Board. 21

Ad Valorem Taxes - Refund of these taxes to the Inter-Church Housing Association, Inc. 1st reading - page 22, 2nd reading - page 32, 3rd reading - page 39.

Archives and History, Division of - Resolution supporting the establishment of a WNC Regional Office and Museum in Asheville. 40

American Business Women's Week - The week of May 16-22, 1977, proclaimed as such. 42

Asheville Board of Realtors - Amendment to sign ordinance relative to real estate signs, requested by this Board. 42

Asheville Uniformed Personnel Retirement Plan and Trust - Establishment of this plan, hearing held on page 45, 1st and 2nd reading - page 46, 3rd reading - page 67,

Airport - Reallocation of funds for a matching grant for a generator at this airport, 1st, 2nd and 3rd reading - page 55.

Asheville Paving Company - Bids were awarded to this company for the 1977-78 Paving Program. 58

Avery, N. M. - This person requested that Council replace him as a member of the Civil Service Board. 70

Awnings - Regulation of the installation and erection of these over public property. 70

Alleys - Public hearing held and resolution closing two un-named allyes between Ralph Street and John Street. 81

Asheville Transit Authority - Contract with Ilium Associates to conduct a marketing study for this authority. 82

Airport - Suggestion by Councilman Michael relative to ramp fee be charged per pound of transient aircraft for general aviation. 96

Anchor Construction Corporation - Bids were awarded to this company for the construction of the Montford Recreation Center. 99

Advertising Sign - Approval of an outdoor advertising sign at 80 Charlotte Street. 119

Akzona, Inc. - Public hearing date for approval of the site plan of this - page 195, hearing and approval - page 211.

Appropriation - 1977-78 budget amendemtn relative to the creation of Advertising Services and Promotions activities in conjunction with the Civic Center. 198

Appointments - Councilman Michael said that he was interested in the Board appointments and would try to seek good individuals. 205

Akzona, Inc. - Councilman Rainey asked if federal money is available to help the small business people to relocate if this group development is approved. 205

Airport - Doug Ray asked Council if anything has been done in his proposed second FBO at the airport. 205

Akzona, Inc. - Sale of certain subsurface property to this company for property on North Pack Square Street. 211

Asheville Housing Authority - Sale of certain parcels in the East Riverside Urban Renewal Project - Projects 51, 54-54A, 116, 132, 138 and 145-146. 215

Asheville Airport - Discussion relative to the second FBO at this Airport. 216

Appropriation - 1977-78 Budget amendment for a water treatment system at the Asheville Airport. 218

Asheville Airport - 1977-78 budget amendment for a waste water treatment at this airport. 218

American Locker Security Systems, Inc. - Bids awarded to this company for 216 coin-operated lockers for the Parks and Recreation Department. 218

Asheville Army Store - Bids awarded to this store for safety shoes to meet OSHA safety standards for various departments. 218

Asheville Airport - Bids postponed relative to improvements at the Asheville Airport. 218

Asheville-Buncombe Revitalization Capital Improvement Fund - The establishment of this fund - 1st reading - page 220; 2nd reading - page - 232; 3rd reading - page 232.

Asheville Airport - Contracts to the lowest bids to Asheville Contracting Co., Inc., Walker and Whiteside, Inc., H & M Contractors, New Systems Plumbing Co., 20th Century Heating Co., R. A. Smith Electric Company, Inc. and Walter Motor Truck Co. for various improvements to the runway and a fire and crash building at this airport. 226

Asheville Contracting Co., Inc. - Bid awarded to this company for work on the extension of Runway 34 (100 ft.) at the Asheville Airport. 226

Acee, John M - Was reappointed as a member to the Board of Adjustment. 146

Abbott, John W. - Was reappointed as an alternate member to the Board of Adjustment. 146

Albemarle Road - Mrs. Ruth Chambers and Mrs. Osteen complained about the bad road and sidewalk on this road. 146

Anderson Street - Intent to close this street (First Street) - page 150, hearing and resolution closing this street - page 195.

Amboy Road - Hearing scheduled to rezone property bounded by State Street, Michigan Avenue and this road, requested by C. C. Blount & Associates, - page 150, hearing - pg. 186, 1st reading - page 194, 2nd reading - page 201, 3rd reading - page 208.

Asheville House - Hearing scheduled for approval of the site plan of a proposed four-story apartment complex, The Asheville House - page 150, hearing postponed - page 194, 203 hearing - page 234, continuation of hearing and approval - page 264.

Aston Park Long Term Health Care Facility - Hearing scheduled for approval of the site plan of this - page 151, hearing and approval - page 194.

Airport - Additional items to be discussed at the public hearing relative to airport ramp fees. 151

Asheville Transit Authority - Mrs. Harry McDonnold was appointed to this Authority to fill the unexpired term of Mr. William G. Adams, Jr. 152

Albemarle Road - A report was given by the City Manager relative to the complaint received about this road. 153

Asheville Airport - Hearing held relative to various items at the Asheville Airport. 154

Administrative Audit and Evaluation Division - This division was established with Bob Wurst, Sam Graves and Barry Bumgardner in this division. 160

Appropriation - Budget amendment to include the training program "Principles of Police Management." 169

Amboy Road - Mayor authorized to execute a right-of-way encroachment agreement with the N. C. Department of Transportation for a 15-inch sewer line on this road. 180

Appropriation - Budget amendment to include equipment to clean the City vehicles. 182

Asheville-Buncombe County Youth Council President - This person was appointed as a member to the Asheville Area Civic Center Commission. 187

Appropriation - 1977-78 budget amendment to allow electric fences at the Asheville Airport to keep deers out. 190

Airport - Budget amendment to allow electric fences at this airport to keep deers out. 190

Appropriation - Budget amendment tabled for the creation of Advertising Services and Promotions Activities in conjunction with the Civic Center Activity. 191

Akzona Proposal - Mr. Bill Fass said the City should back this proposal as much as possible. 192

Adjusters - Bid awarded to AAA Parts of Asheville, Inc. for these, chains, cross links to be used in the Motor Transport Division. 269

AAA Parts of Asheville, Inc. - Bid awarded to this company for chains, corss links and adjusters to be used in the Motor Transport Division. 269

Appropriation - Capital Projects Ordinance amended to include an Appalachian Regional Commission Grant in the amount of $246,000. - postponed. 274

Appalachian Regional Commission Grant - Capital Projects Ordinance amended to include this grant in the amount of $246,000. - postponed. 274

Appropriation - Capital Projects Ordinance and Operating Budget for Fiscal Year 1977-78 Budgets amended relative to a federal grant. 275

Alline Street - Intent to close a portion of this street - page 275, hearing and resolution to close - page .

Archives and History, Division of - An agreement with them, North Carolina Department of Cultural Resources, for a historic structures inventory of the Asheville Central Business District. 276

Agreement - An agreement with the Division of Archives and History, North Carolina Department of Cultural Resources, for a historic structures inventory of the Asheville Central Business District. 276

American Production and Inventory Control Week in Asheville - Mayor Ochsenreiter proclaimed the week of October 31 - November 4, 1977 as such. 277

Appropriation - 1977-78 Budget Ordinance amended combining the appropriations and associated revenues of the Federal Programs Division with the appropriations and associated revenues of the Accounting Division. 283

Accounting Division - 1977-78 Budget ordinance amended combining the appropriations and associated revenues of the Federal Programs Division with the appropriations and associated revenues of this division. 283

ABC Board - Mr. J. W. Byers was reappointed to this Board. 285

Asheville Army Store - Bid awarded to this store for uniforms for the Asheville Fire Department. 286

Appalachian Regional Commission Grant - Capital Projects Ordinance amended to include this grant in the amount of $246,000. 291

Appropriation - Capital Projects Ordinance amended to include an Appalachian Regional Commission Grant in the amount of $246,000. 291

Agreement - An agreement between the City of Asheville and the Buncombe County Board of Elections to deliver its registration books to the County Board of Elections. 227

Appropriation - 1977-78 Budget amendment to provide funds for the maintenance contract for the Asheville Art Museum Security System. 228

Asheville Art Museum Security System - 1977-78 Budget amendment to provide funds for the maintenance contract for this. 228

Alley - Public hearing set to close an alley - page 228; hearing and resolution to close - page 272.

Asheville Roofing, Inc. - Bids were awarded to this company to re-roof the Senior Opportunity Center, 36 Grove Street, for the Parks and Recreation Department. 229

Akzona, Inc. - City advertised for the sale of certain property (subsurface) on North Pack Square - sold it to this company. 235

Appropriation - Capital Projects and Asheville-Buncombe Revitalization Capital Improvement Fund Budgets amended to include the Pack Square Area Rehabilitation Project. 236

Asheville-Buncombe Revitalization Capital Improvement Fund - This budget and the Capital Projects budget amended to include the Pack Square Area Rehabilitation Project. 236

Asheville Airport - 1977-78 budget amendment and the General Capital Projects budget amendment to repave the FBO ramp at the Asheville Airport - 1st reading - page 242; 2nd reading - page 249; 3rd reading - page 265 .

Appropriation - 1977-78 budget amendment and the General Capital Projects budget amendment to repave the FBO ramp at the Asheville Airport - 1st reading - page 242, 2nd reading - page 249; 3rd reading - page 265 .

Agreement - An agreement between the City of Asheville and the Buncombe County Board of Election permitting the City to demolish a portion of Shiloh School. 243

Agreement - An agreement between the City of Asheville and the N. C. Department of Commerce, Energy Division, for a transit marketing program. 243

Appropriation - 1977-78 budget amendment to appropriate funds to the Audit and Evaluation Division. 243

Audit and Evaluation Division - 1977 budget amendment to appropriate funds to this division. 243

Apple Tree Chevrolet - Bids were awarded to this company for 21 four-door police-type vehicles for the Asheville Police Department. 256

Alpha Delta Kappa Week - The week of October 9-15, 1977 was proclaimed as such. 259

Agreement - An agreement with the County of Buncombe for the Police/Fire Cadet Training Program. 267

Asheville Fence Company - Bid was awarded to this Company for chainlink fences around four tennis courts for the Parks and Recreation Department. 269

Appropriation - 1977-78 Budget amended to increase the Library Trust Fund from $9,002 from the Pack Memorial Library, which received a grant. 297

Appropriation - 1977-78 Budget amended relative to the Police/Fire Cadet Program. 298

Asheville-Buncombe Commission on the Status of Women - This commission was established. 299

Appropriation - 1977-78 Budget amended relative to the "Principles of Police Management." 304

Arrowhead Apartments - Date set for hearing for this proposed complex to be located on Wood Avenue - page 317, hearing and approval - page .

Asheland Avenue - Date set for public hearing on the rezoning request by Mr. Osborne Hart to rezone property on this street and Phifer Street - page 318; hearing and first reading - page ; 2nd reading - page ; 3rd reading - page .

Appropriation - 1977-78 Budget amended relative to antirecession funds being used for Longevity Pay. 318

Appropriation - 1977-78 Budget amended for certain items requested by the Police Department, Collection Divsion and Traffic Engineering Division. 320

Apple Tree Chevrolet - Bids were awarded to this company for three paddy wagons and one station wagon for the Police Department. 321

American LaFrance, Inc. - Bids were awarded to this company for one 1000 g.p.m. custom built triple combination pumper for the Fire Department. 323

Air Compressor - Bids were awarded to North Carolina Equipment Company for one portable air compressor for Water Maintenance Division. 325

Abstract of Votes - Information cast at the general election for City Council members on November 8, 1977. 326

Bids - Awarded to Matthews Motors, Inc. for one pick-up and 2 dump trucks for the Sanitation Division. 76

Bishop, Ralph - Complained that the Police Department does nothing about the lottery sales in Asheville. 77

Ballpark - North Asheville Booster Club request a ballpark on the "Swain Property". 79

Beech Street - Mr. Anderson and Mr. Young of this street complained of large amounts of concrete being on their street. 82

Bids - Awarded to Farm Equipment Company for a diesel tractor for the Parks and Recreation Department. 82

Bids - Awarded to Thompson-Hayward Chemical Company, Thomasville, NC, Jones Chemicals, Inc., Charlotte, NC, and Calgon Corporation, Pittsburgh, PA for chemicals for treatment of water for fiscal year July 1, 1977 through June 30, 1978. 83

Buncombe County - Request that this county assume the financial and administrative support of the Buncombe County Library System. 84

Bids - Awarded to Sports World of Asheville, Inc. for one multi-station gym machine with 16 stations. 85

Bethea, Rufus - This person of 23 Lincoln Street complained relative to improvements to be done to Dirt Eagle Street. 86

Bishop Ralph - Requested interpretation of City Charter. 86

Bus - Senior Opportunity Center asked if money had been appropriated for their bus. Yes, but the policy on the use of the bus had not been decided. 92

Bridges, Mrs. Joan E. - Claim received by this person. 95

Bids - Were awarded to Anchor Construction Corporation for the construction of the Montford Recreation Center. 99

Branson, Tim - A claim for damages was received from this person. 121

Baptist Home for the Aging - Vice-Mayor Horton asked if there had been any decision reached on the request from this agency to be annexed into the City. 121

Bars - Councilman Rainey would like the elimination of these in the downtown area. 128

Byer, J. W. - Mayor Ochsenreiter recognized Mr. J. W. Byer of the ABC Borad as chosen as Vice-President of the state association. 129

Bishop, Ralph - Complained that the City Manager and the Police Department are doing nothing about the lottery sales in Asheville. 129

Bids - Awarded to Apple Tree Chevrolet for one car and one truck for the Parks and Recreation Department and Matthews Motors, Inc. for trucks for the Traffic Engineering Division. 12

Blackmun, Ora - The week of May 1-7, 1977 proclaimed as "Ora Blackmun Week". 14

Bishop, Ralph - Complaint to Council by this person about lottery sales. 15

Burton Street School - Purchase of this school from the City Board of Education. 23

Board of Education - Purchase of the Burton Street School from this Board. 23

Budget - Statement by Vice-Mayor Horton relative to this. 24

Bids - Awarded to Sanco Corporation for 1 cubic yard compactor for the Civic Center. 34

Butterworth, Alan and Lucy - Public hearing set for the rezoning of property owned by these people and Robert and Ann Harroff on Reed Street and Fairview Street - page 34, hearing - page 62 and 126, 1st reading - page 126, 2nd reading - page 133 , 3rd reading - page 141.

Budget - City Manager read a report requested by Vice-Mayor Horton relative to Special Budget Information. 36

Burton Street Bridge - Public hearing set on closing this bridge - page 42, intent to close - page 58, hearing and resolution closing bridge - page 87.

Bishop, Ralph - Complaint by this person relative to lottery sales. 43

Blue Ridge Community Mental Health Center - Establishment of a system with this center for psychological screening for police patrolmen. 46

Biltmore Forest - Agreement with this town and the County of Buncombe relative to City's extraterritorial jurisdiction. 54

Board of Education - Permission requested from this Board to make certain modifications to the Shiloh School Building. 56

Bids - Awarded to Asheville Paving Company, Inc. for the 1977-78 Paving Program. 58

Bishop, Ralph - Complaint by this person relative to lottery sales. 60

Bids - Awarded to Cash Register Systems, Inc. for a electronic cash register for the Collector of Revenue. 71

Brush and Weed Control Plan - City Manager asked that letters be mailed out relative to clearing up of vacant lots. 72

Bearden, June - Was presented an award relative to Employment of the Handicapped Awards Program. 73

Budget - Hearing held relative to 1977-78 budget, 1st reading - page 74, 2nd reading - page 90, 3rd reading - page 100.

Bids - Awarded to Supply Specialities, Inc. for an estimated 6 months requirements for cast iron water main fittings and valves. 76

Bids - Awarded to Koppers Company, Inc. for one pre-fabricated park picnic shelter for the Recreation Park. 204

Bids - Discussion on bids received September 19, 1977 for roller skates for use at the Asheville Civic Center. 214

Boards - Discussion of attendance requirements of appointees. 216

Bids - Awarded to American Locker Security Systems, Inc. for 216 coin-operated lockers for the Parks and Recreation Department. 218

Bids - Awarded to Asheville Army Store for safety shoes to meet OSHA safety standards for various departments. 218

Bids - These bids were postponed relative to improvements at the Asheville Airport. 218

Biltmore Village - The City of Asheville sold some of this property to The Biltmore Company. 219

Biltmore Company - The City of Asheville sold some property located in Biltmore Village to this company. 219

Bids - Were awarded to Asheville Contracting Co., Inc., Walker and Whiteside, Inc., H & M Contractors, New Systems Plumbing Co., 20th Century Heating Co., R. A. Smith Electric Co., and Walter Motor Truck Co. for various improvements at the Asheville Airport. 226

Bids - Were awarded to Stinnette Uniform Sales, Inc. for uniforms for the Police Department. 227

Board of Elections - Mayor authorized to enter into an agreement with the Buncombe County Board of Elections to deliver registration books to the County Board of Elections. 227

Bridges, J. F. - Public hearing set to rezone property on the East Side of Leicester Highway requested by this person - page 228, hearing and 1st reading - page 273, 2nd reading - page 281, 3rd reading - page 291.

Bids - Awarded to Asheville Roofing, Inc. for the re-roofing of the Senior Opportunity Center, 36 Grove Street, for the Parks and Recreation Department. 229

Bohannan, John N. - This person, 75 Macon Avenue, will receive a report from the City Manager regarding his complaint. 230

Bishop, Ralph G. - Complained to Council about the selection of a new Police Chief. 230

Buncombe County - City of Asheville accepted a quitclaim deed from this County for certain property on North Pack Square for Akzona, Inc. 231

Bids - Awarded to Johnny Jones, Jr. for roller skates for use at the Asheville Civic Center. 241

Boozer, J. Michael - Was reappointed a member of the Board of Electrical Examiners. 137

Blakeny, Rex - Was reappointed a member of the Board of Electrical Examiners. 137

Boxing and Wrestling Commission - Mr. C. L. Moore, Mr. Leon H. Feldman and Mr. Thomas Saunooke were reappointed members of this Commission. 137

Bishop, Ralph - This resident again complained about lottery sales. 139

Bids - Awarded to Wheeling Corrugating Company for galvanized corrugated steel pipe for Riverside Park. 145

Beaver Enterprises, Inc. - Right-of-way easement from this company for 2-inch and 6-inch water lines from Pensacola Road into the Mountain Heights Sub-Division, Arden, North Carolina. 145

Board of Adjustment - John M. Acee, Mrs. Jane Haber, Wm. T. Duckworth, Jr., A. R. Sluder and Herbert A. Wallace were appointed as members to this Board and John W. Abbott, Jack Baber, Richard F. Webster and Graham Price were appointed as alternate members to this Board. 146

Baber, Jack - Was appointed as an alternate member to the Board of Adjustment. 146

Byrd, Mrs. Jones - Was appointed a member of the Western North Carolina Regional Air Pollution Board. 146

Blair Street - Ruth Chambers and Mrs. Osteen complained about bad roads and sidewalks on this Street. 146

Blount, C. C. & Associates, Inc. - Hearing scheduled to rezone property, requested by them on property bounded by State Street, Michigan Avenue, and Amboy Road - page 150, hearing-pg. 186 & 194, 1st reading-pg. 194, 2nd reading-pg. 201 , 3rd reading-pg. 208 .

Ballentree Sub-Division - Review of final sub-division plat for this sub-division. 152

Blair Street - A report was given by the City Manager relative to the road conditions of this street. 153

Biltmore Plaza 10 - Motion to advertise the sale of this property and 11 Lodge Street, which the Biltmore Company wishes to bid. 158

Biltmore Company - This company offered to bid for the 11 Lodge Street and 10 Biltmore Plaza property. 158

Bumgardner, Barry L. - This patrolman in the Police Department was assigned to the Administration Audit and Evaluation Division. 160

Bishop, Ralph - This person stated his recommendations on a new Chief of Police. 162

Bureau of Outdoor Recreation - Director of Parks and Recreation filed an application with them for the North Asheville Park. 183

Burleson, Harley Warren and Ruby M. - Claim received by Long, McClure and Dodd on behalf of these people. 192

Biltmore - Public hearing set relative to rezoning property here and on Stoner Road requested by Ms. Evelyn K. Ness - page 204; hearing and 1st reading - page 254 , 2nd reading - page 266 , 3rd reading - page 271 .

Bids - Were awarded to Western Carolina Tractor Company for one diesel powered tandem drive motor grader for the Street Department. 303

Boxing and Wrestling Commission - Dr. Leon H. Feldman and Mr. Thomas E. Saunooke presented the City with a check for $10,000, representing 5% tax collected on wrestling matches held at the Civic Center. 315

Board of Trustees of the Firemen's Relief Fund - Mr. Webb E. Ellis was appointed to this Board. 318

Bids - Were awarded to Apple Tree Chevrolet for three paddy wagons and one station wagon for the Police Department and awarded bids to Dorato Dodge, Inc. for one car and one station wagon for the Fire Department. 321

Bids - Were awarded to Talman Office Supplies, Inc. for office furniture and panel system for the Collection Division. 322

Bids - Were awarded to American LaFrance, Inc. for one 1000 g.p.m. custom built triple combination pumper for the Fire Department. 323

Bids - Were awarded to Murphy Body Distributors for one hydraulic powered aerial ladder for the Traffic Engineering Division. 323

Bids - Were awarded to Superior Sports Supply, Inc. for a boxing and wrestling ring for Livingston Street Community Center - Parks and Recreation Department. 323

Boxing and Wrestling Ring - Bids awarded to Superior Sports Supply, Inc. for this at the Livingston Street Community Center, Parks and Recreation Department. 323

Bids - Were awarded to North Carolina Equipment Company for a portable air compressor for the Water Maintenance Division. 325

Board of Transportation - Contract with this department for furnishing of certain materials for emergency repairs to bridges. 325

Bids - Were awarded to Hobson Construction Company, Inc. for the project known as "Town Mountain Fire Line." 328

Bible Week - The week of November 20-27, 1977 proclaimed as such. 328

Battery Park Hotel - Much discussion as to buy it or not - decision was not to purchase it. 333

Buncombe County Board of Education - An agreement between the City of Asheville and this Board to demolish a portion of the Shiloh School. 242

Bohannan, John - This person who resides at 75 Macon Avenue was having drainage problems, but the City Manager determined it was the City's responsibility and will move ahead with the work as soon as a right-of-way has been obtained from adjoining property owners. 246

Bids - Were awarded to Apple Tree Chevrolet for 21 four-door police-type vehicles for the Asheville Police Department. 256

Bids - Were awarded to North Carolina Equipment Company for 5 self-contained hopper type salt/sand spreaders for the Street Department. 257

Bids - Were awarded to Paving Enterprises, Inc. for four out of six asphalt tennis courts for the Parks and Recreation Department. 258

Bids - Were postponed - relative to chainlink fence around six tennis courts for the Parks and Recreation Department. 258

Buncombe County - An agreement with this county for the Police/Fire Cadet Training Program. 267

Bids - Discussion of bids to be awarded to Western Carolina Tractor Company for one motor grader for the street department. 268

Bids - Awarded to Asheville Fence Company for chainlink fence around four tennis courts for the Parks and Recreation Department. 269

Bids - Awarded to AAA Parts of Asheville, Inc. for chains, crosslinks and adjusters to be used in the Motor Transport Division. 269

Bids - Awarded to Ureka Fire Hose Company for a fire hose for the Asheville Fire Department. 277

Blount Associates, Inc. - A letter from this company was read relative to a recently rezoned tract of land in West Asheville, their planned primary access will be from Amboy Road. 277

Boat - Director of Finance directed to sell an old boat at the Northfork Reservoir. 284

Board of Alcoholic Control - Mr. J. W. Byers was reappointed to this Board. 285

Byers, Mr. J. W. - Was reappointed to the Board of Alcoholic Control. 285

Bids - Was awarded to Castt Office Furniture for folding tables and chairs for use at Various Recreation Centers. 285

Bids - Was awarded to Young Phillips Sales for one power paper cutter for the Print Shop Division. 286

Bids - Was awarded to Asheville Army Store for uniforms for the Asheville Fire Department. 286

Bohannan - City Manager gave the status of the Bohannan property. 289

Cash Register Systems, Inc. - Bids were awarded to this company for one electronic cash register for the Collector of Revenue. 71

Collector of Revenue - Bids were awarded to the Cash Register Systems, Inc. for one electronic cash register for this department. 71

Crane, Randy - Was presented an award in the Employment of Handicapped Awards Program. 73

Clingman Avenue - Right-of-way agreement with the North Carolina Department of Transportation for a 16-inch water line on this road. 76

Civil Service Board - Sister Mary Veronica Schumacher was appointed to this Board over Lucille Gunter. 79

Chemicals - Bids awarded to Thompson-Hayward Chemical Company, Thomasville, NC, Jones Chemicals, Inc., Charlotte, NC, Calgon Corporation, Pittsburgh, PA, for chemicals for treatment of water for fiscal year July 1, 1977 through June 30, 1978. 83

Calgon Corporation, Pittsburgh, PA - Bids awarded to this company for chemicals for treatment of water for fiscal year July 1, 1977 through June 30, 1978. 83

Carolina Lane - Intent to close an alley connecting this Lane and Lexington Avenue. 85

Civic Center - Attorneys asked to continue their work in overseeing the completion of the work on this center with Ranger Construction Company. 85

City Charter - Ralph Bishop requested an interpretation of this. 86

Community Development - Amended resolution for submission of an application for these grants from HUD. 89

Claim - Received for damages by J. C. Swilling. 94

Claim - Received for damages by Mrs. F. L. Mayer. 94

Claim - Received for damages from Mrs. Joan E. Bridges. 95

Civic Center - Establishment of a review policy relating to applications received for use of these facilities. 108

Complaint - Received by Mrs. Alene Ingram of 103 Frances Street regarding to the lack of law enforcement. 108

Buncombe County - This county is going to assume inspections in the one-mile extraterritorial zoning area beginning July 1, 1977. 109

Craftsman Fair Week - The week of July 11 - 15, 1977 proclaimed as such. 109

Claim - Received from Mrs. Gayla Hope Wilson. 109

City Day - The Asheville-Buncombe County Youth Council presented proposals on this day. 1

Cablevision - Support was given to Thoms Cablevision for the amendemnt of Section 76.54 of the FCC regulations. 11

Civic Center - Rules and regulations for disco dances held at this center. 12

Car - Bids were awarded to Apple Tree Chevrolet for one four-door car for the Parks and Recreation Division. 12

Claim - Amended notice of claim received by Dr. W. P. Cave, Holly McKee, Dr. Joe B. Roberson, Jr. and Dental Associates, Inc. 14

Cave, Dr. W. P. - Received an amended notice of claim. 14

Clean-up Drive - Report by City Manager relative to an extensive clean-up drive from April 22, 1977 through May 1, 1977. 26

Cecil's Leases, Inc. - Request to rezone property owned by this company and WNC Baptist Homes, Inc. on Richmond Hill, public hearing set - page 26, hearing and 1st reading - page 53, 2nd reading - page 65, third reading - page 74.

Cherry Street - Right-of-way agreement with the North Carolina Department of Transportation for the purpose of widening this street. 34

Compactor - Bids awarded to Sanco Corporation for 1 cubic yard compactor for the Civic Center. 34

Civic Center - Bids awarded to Sanco Corporation for 1 cubic yard compactor for this center. 34

Civil Service Board - Appreciation to Robert Y. Praytor for services as a member of this Board. 45

Community Development - Amendment to eligibility requirements in the Community Development Rehabilition Grant Program contract. 55

Cathey's Kitchen, Inc. - Mayor authorized to enter into a contract with Cathey's Kitchen for the operation of a snack bar in the City Hall Building. 58

Claim - Recieved by Judy Stills Ladshaw for reimbursement. 58

Claim - Received by Nationwide Insurance for Robert Alan Evans. 60

Cooper, Wayne - This president of the W. Asheville Business Association presented a list of improvements wanted in the W. Asheville area. 65

Community Development - Amendment to this Community Development budget to complete the Shiloh-Oakley Public Works Project, 1st, 2nd and 3rd reading - page 66

Civil Service Board - Results of the election to this Board. 67

Civil Service Board - Osborne Hart was appointed as a council appointee to this Board. 70

Canopies - Regulations for the installation and erection of these over public property. 70

Chambers, Mrs. Ruth - This resident and Mrs. Osteen, residents of Albemarle Road and Blair Street complained of bad road conditions and sidewalks on these streets. 146

Civic Center - Vice-Mayor Horton commended Jim Evans and his staff for their approach to the festival seating at this center. 147

Community Development - Announcement of the 3rd year public hearings. 148

Clayton Street, 35 - Hearing set directing the Housing Officer to demolish this house - page 151, hearing and 1st reading - page 198, 2nd reading - page 201, 3rd reading - page 208.

Claim - Received by Mr. Herbert Davis. 152

Charles Street - Mr. Robert Fields presented Council with a list of improvement that should be made on this street. 152

City Manager - A report was given by the City Manager relative to the road conditions on Blair Street and Albemarle Road. 153

Contract - City of Asheville enter a contract with the N. C. Criminal Justice Training and Standards Council. 157

Cross-Connection Control Policy - The establishment of this policy for the Asheville Municipal Public Potable Water Supply - 1st reading - page 158, 2nd reading - page 169, 3rd reading - page 189.

Country Club - Mrs. Kaghen requests that the plans for this club be submitted to the City's Planning Department. 159

Cul-de-Sac - Hearing scheduled for this on Inglewood Road - page 160, 203, hearing - page 236; Council decided to leave this road open as a thoroughfare - page 260.

Charles Street - Report by the City Manager stating that a dead-end sign was installed on this street. 160

Chief of Police - Ralph Bishop stated his recommendations on this person. 162

Civic Center Commission - Appointment of the Asheville-Buncombe County Youth Council President to this Commission. 187

Civic Center - Budget amendment tabled for creation of Advertising Services and Promotions Activities in this facility. 191

Contract - City of Asheville and Computer System Services, Inc. for maintenance of various data processing equipment. 191

Computer System Services, Inc. - Contract with this company for maintenance of various data processing equipment. 191

Claim - Received by Long, McClure and Dodd on behalf of Harley Warren Burleson and wife Ruby M. Burleson. 192

Civic Center - Free night of parking at this facility for a special event sponsored by the Civic Center Commission in September. 192

Civic Center - Adjustment in the rental rate structure for this center's facilities. 112

Community Development - Amendment to this budget and reclassifying capital projects for 1977-78. 114

Claim - Was received from Jones and Parker Attorneys on behalf of John D. Stevens. 115

Claim - Was received from James J. Hugenschmidt, Attorney, on behalf of Bobby Jack Robinson. 115

Civil Service Board - Appreciation to Thomas C. Posey for services as a member of this Board. 119

Civil Service Board - Appreciation to Charles W. Dermid for services as a member and vice-chairman of this Board. 119

Charlotte Street - Approval of an outdoor advertising sign at 80 Charlotte Street. 119

Claim - Received by Tim Branson for damages. 121

Claim - Received by Mrs. Charles Englund for damages. 121

Cystic Fibrosis Week - The week of July 11-15, 1977 proclaimed as such. 121

Carolina Lane - Hearing held relative to closing an alley between this street and Lexington Avenue - page 124, continuation of resolution to close said alley - page 131.

College Street - Mr. E. R. McCarthy observed that the sidewalks on this street needed repair, also the manhole covers. 129

Cromartie, Malachie - Was reappointed a member of the Board of Electrical Examiners. 137

Chambers, Marvin - Was appointed a member of the Asheville Area Civic Center Commission. 138

Civic Center Commission - Mr. Ray Spells and Mr. Marvin Chambers were appointed as members of this commission. 138

Civic Center Tickets - Mr. E. R. McCarthy commented that Paul Goodman, Chairman of the Civic Center Commission, is blocking the good seats at concerts. 138

Cecil, Mrs. William A. V. - Was appointed as a member to the Asheville Revitalization Commission. 140

Collettee, Mrs. Alice R. - Was appointed as a member to the Asheville Revitalization Commission. 140

Cooper, Wayne - Was appointed as a member to the Asheville Revitalization Commission. 141

Collections Division Office - Budget amendment for funding the remodeling of this Office. 143

Claim - Received from Larry Miller. 146

Claim - Received from Ridgley K. Robinson, Jr. 146

Complaint - Mrs. Ruth Chambers and Mrs. Osteen, residents of Albemarle Road and Blair Street complained of the bad road and sidewalk conditions on their roads. 146

Contract - A contract with W. & W. Contracting Company for the project known as "Sand Hill Road - Greenbriar Road 16-Inch Water Line." 285

Chairs - Bid was awarded to Castt Office Furniture for folding tables and chairs for use at various Recreation Centers. 285

Castt Office Furniture - Bid was awarded to this company for folding tables and chairs for use at various Recreation Centers. 285

Claim - Was received from Mr. & Mrs. James E. McCarty for damages. 286

Claim - Was received from James F. Collins, Manager of the Fragge Surgical Supplies, Inc. for damages. 287

Carolina Power & Light - Much discussion about 80 ft. utility poles being installed by this company in North Asheville. 287

Community Development - Capital Projects Ordinance to include an Appalachian Regional Commission Grant, in the amount of $246,000. 291

Canton Highway - Right-of-way encroachment agreement with the N.C. Department of Transportation for a water line crossing US 19-23. 298

City Government Week - The third week of November annually was established as this. 304

Community Development - Explanation of the rule changes required by HUD and administrative requirements to further improve the general spend rate of this program. 314

Council's Compensation - Otis B. Michael asked for a report relative to this and the term of offices as related to other cities. 314

Consent Agenda - The establishment of procedures for this. 317

Collection Division - 1977-78 Budget amended relative to items requested by this division. 320

Collection Division - Bids awarded to Talman Office Supplies, Inc. for office furniture and panel system for this division. 322

Contract - With the Board of Transportation for the furnishing of certain materials for emergency repairs to bridges within the City. 325

Claim - Was received from Marvin F. and Leona Robinson. 327

Claim - Was received from Mrs. Betty Tolley, 7 Woodrow Avenue. 327

Claim - Was received from Mr. Ray L. Mosley. 327

Claim - Was received from Debbie Hughey. 327

Claim - Was received from Virginia Wilson, 711 Vanderbilt Apartments. 327

Contract - Bids were awarded to Hobson Construction Company, Inc. for the project known as "Town Mountain Fire Line." 327

Civic Center - 1977-78 Budget amendment relative to creation of Advertising Services and Promotions activities in conjunction with this facility. 198

Cauble, J. D. - Public hearing date set for rezoning property on Mildred Avenue requested by this person - page 203, hearing and 1st reading - page 234, 2nd reading - page 254, 3rd reading - page 254.

Constitution Week - Mayor proclaimed the week of September 17-23, 1977 as such. 204

Claim - Received by Deborah Mapp. 204

Community Development - Reallocating, amending and approving these budget funds set forth in the City of Asheville General Fund Budgets for 1975-76, 1976-77 and 1977-78. 209

Civic Center - Discussion on bids for roller skates for use at this facility. 214

Commissions - Discussion relative to attendance requirements for appointees. 216

Committees - Discussion relative to attendance requirements for appointees. 216

Civil Service Board - This board was requested to give its recommendations to the Asheville City Council relative to employee residency requirements. 225

Civic Center - Bids were awarded to Johnny Jones, Jr. for roller skates for use at this center. 241

City Council Election - The City Manager submitted the Abstract of Votes cast at the primary election for City Council on September 27, 1977. 245

Cul-de-Sac - A cul-de-sac report was given by the City Manager relative to installing one on Inglewood Road or leaving it as a thoroughfare. 249

Clean Water Bond Issue - This resolution requested support for the November 8, 1977 referendum on this issue. 258

Chains - Bids were awarded to AAA Parts of Asheville, Inc. for these, crosslinks and adjusters to be used in the Motor Transport Division. 269

Crosslinks - Bids were awarded to AAA Parts of Asheville, Inc. for these, adjusters and chains to be used in the Motor Transport Division. 269

Claim - Received for damages by R. H. Lamb. 270

Credit Union Day - Mayor Ochsenreiter proclaimed October 20, 1977 as such. 270

Consent Agenda - Public hearing date set relative to establishing procedures for the use of type type of agenda - page 276; hearing and 1st reading - page , 2nd reading - page , 3rd reading - page .

Civil Service Board - Public hearing date set relative to rule changes submitted by this Board - page 277, hearing - 305.

Contract - A contract with Price-Ray Constructors for the project known as "Main Fire House Floor Bracing." 284

City Council Members - Mayor Ochsenreiter introduced Mrs. Norma T. Price, Mr. F. Jack Cole and Mr. Roy T. Trantham as the new City Council members. 328

Cole, F. Jack - Mayor Ochsenreiter introduced this person as one new Council member. 328

Civil Service Board - Public hearing relative to residency of city employees and re-employment - page 330; hearing and adoption of rules - page 332.

Dorato Dodge, Inc. - Bids were awarded to this company for one car and one station wagon for the Fire Department. 321

Dogs - Revision of ordinance to control these - 1st reading - page 324; 2nd reading - page 6 (book 4); 3rd reading - page .

Disco Dances - Rules and regulations for disco dances held at the Civic Center. 12

Dental Associates, Inc. - An amended notice of claim was received by this company. 14

Drainage - Mrs. Noblett of Haw Creek Road reported drainage problems. 26

Downtown Revitalization and Appearance Commission - Public hearing held to establish this administrative body and 1st reading - page 21, 2nd reading - page 30, 65, 123, 3rd reading - page 132.

Dogs - Councilman Michael had recieved complaints relative to dogs running at large. 43

Dirt Eagle Street - Rufus Bethea of 23 Lincoln Street requested guard rails, pavement and fencing be installed on the dirt part of this street. 86

Downtown - Councilmen Rainey and Hoyle and Verl Emrick traveled to Lexington, KY, for study the downtown revitalization projects. 86

Dogs - Residents of North Asheville requested that something be done about roaming dogs - petition containing some 20 names was presented. 86

Dogs - Mail carriers complained of dogs and requested that Council take some action to enforce the dog ordinance. 114

Dermid, Charles W. - Appreciation to Mr. Dermid for services as a member and vice-chairman of the City of Asheville Civil Service Board. 119

Doobie Brothers - Vice-Mayor Horton reminded Council to attend this concert to observe the festival seating arrangement. 128

Davis, Frank - Was reappointed a member of the Board of Electrical Examiners. 137

Daniel, Mrs. Gary - Was appointed a member to the Asheville Revitalization Commission. 140

Daniels, James W. - Was appointed a member to the Asheville Revitalization Commission. 140

Duckworth, Wm. T., Jr. - Was reappointed a member of the Board of Adjustment. 146

Davis, Herbert - A claim was received by this person. 152

Drainage - Mrs. Noblett sent a letter to the City Manager relative to drainage problems along Haw Creek and access in the general area. 153

Dogs - Rev. Samuel A. Friedman requested some method of dog control on Tacoma Circle. 190

Deed - The City of Asheville accepted a quitclaim deed from Buncombe County for certain property located on North Pack Square for Akzona, Inc. 231

Drainage - Much discussion on resolution authorizing drainage improvements on McIntosh Road for Mrs. C. A. Noblett. 248

Drainage - The City was authorized to do some drainage improvements on McIntosh Road, particularly at the residence of Mrs. C. A. Noblett, 15 McIntosh Road. 262

Day in Court for Legal Secretaries - Mayor Ochsenreiter proclaimed October 27, 1977 as such. 270

East Riverside Urban Renewal Project - Sale of certain parcels in this project by the Asheville Housing Authority - parcels 51, 54-54A, 116, 132, 138 and 145-146. 216

Election - The City Manager submitted the Abstract of Votes cast at the primary election for City Council members on September 27, 1977. 245

Epilepsy Month - Mayor Ochsenreiter proclaimed the month of November, 1977 as such. 277

Encroachment Agreement - N. C. Department of Transportation for a 2-inch water line crossing US 19-23 (Canton Highway). 298

Employment of Relatives - A public hearing was held relative to the Civil Service Board recommendations on this. 305

Ellis, Webb E. - This person was appointed to the Board of Trustees of the Firemen's Relief Fund. 318

Election - Abstract of Votes cast at the general election for City Council members held on November 8, 1977. 326

Emergency Repairs - Contract with the Board of Transportation for furnishing certain materials for emergency repairs to bridges within the City of Asheville. 325

Employees - Public hearing held relative to the residency of City employees. 2

Extraterritorial Jurisdiction - Written ntoice providing the County of Buncombe and the Town of Biltmore Forest of the intent of the City to modify the existing extra-territorial boundary description and certain functional responsibilities. 11

Erwin Hills Plaza - Public hearing set on the proposed expansion of this plaza on Leicester Highway - page 26, hearing held - page 53.

East Riverside Project - Sale of Parcels 85, 86 and 87 in this area to Wilkins-Hart Mortuary, Inc. 42

Eagle Street - Advised that restroom facility on this street behind Municipal Building be demolished and used as a parking facility. 60

Evans, Robert Alan - Claim received from Nationwide Insurance on behalf of this person. 60

Employment of the Handicapped Awards Program - Mayor presented awards to Jane Kirby, Homer Fox, Nancy McKinney, June Bearden, David Hollifield and Randy Crane. 73

Encroachment Agreement - North Carolina Department of Transportation for a 16-inch water line on State Road 3523 (Clingman Avenue). 76

Extraterritorial Jurisdiction - Hearing held relative to amendments to the Zoning Ordinance regarding the City's extraterritorial jurisdiction. 78

Easement - From William Erwin Payne for an 8-inch sewer line between Taft and Hampton Streets. 82

Easom, Rev. Wm. A. - Was appointed as commissioner of the Housing Authority. 87

Easement - Right-of-way easement from Mr. & Mrs. Allan Gillis for a 2-inch water line on Lincoln Street. 92

Englund, Mrs. Charles - Claim for damages received by this person. 121

Extraterritorial - Public hearing scheduled relative to the City's extraterritorial jurisdiction boundaries. 123

Extraterritorial - Public hearing rescheduled relative to the City's extraterritorial jurisdiction boundaries. 133

Electrical Examiners, Board of - Frank Davis, Rex Blakeny, Walter Harlow, J. Michael Boozer and Malachie Cromartie were reappointed as members of this Board. 137

Everette, Durward R., Jr. - Was appointed a member of the Asheville Revitalization Commission. 140

Election - Establishment of a filing fee for 1977 Asheville Municipal Primary and Election. 145

Election - Councilman Michael informed the public that he was running for Council. 168

Encroachment Agreement - N. C. Department of Transportation for a 15-inch sewer line on Amboy Road. 180

Fixed Base Operation - Discussion relative to the second FBO at the Asheville Airport. 216

French Broad River Awareness Week - Vice-Mayor Horton proclaimed the week of October 9-15, 1977 as such. 244

Falling Leaf Festival - High Country Crafters, Inc. requested the use of the sidewalks at the intersection of Haywood Street for this type of festival. 246

Fence - Bids were postponed relative to chainlink fence around six tennis courts for the Parks and Recreation Department. 258

Fire Cadet Training Program - An agreement with the County of Buncombe for the Police/Fire Cadet Training Program. 267

Fence - Bids were awarded to Asheville Fence Company for chainlink fence around four tennis courts for the Parks and Recreation Department. 269

Fraternal Order of Police Board - Submitted a resolution relative to the residency of City employees. 270

Fagg Street - Intent to close a portion of this street - page 275, hearing and resolution to close - page .

Fire Hose - Bid was awarded to Ureka Fire Hose Company for a fire hose for the Asheville Fire Department. 277

Fire Department - Bid was awarded to Ureka Fire Hose Company for a fire hose for this department. 277

Federal Programs Division - 1977-78 Budget amendment to combine appropriations and associated revenues of this division with the appropriations and associated revenues of the Accounting Division. 283

Finance, Director of - This person was directed to sell an old boat at the Northfork Reservoir. 284

Fire House - Contract with Price-Ray Constructors for the project known as "Main Fire House Floor Bracing." 284

Fire Department - Bids were awarded to the Asheville Army Store for uniforms for this department. 286

Fragge Surgical Supplies, Inc. - A claim was received for damages by Mr. James F. Collins, Manager of this company. 287

Firemen's Retirement Plan and Trust - The Asheville Uniformed Firemen's Retirement Plan and Trust was established and hearing held. 294

Firemen - City Manager requested the State of North Carolina to enroll the firement into the Local Government Employee's Retirement System. 297

Federal Communications Commission - Thoms Cablevision is supported in requesting that the FCC amend Section 76.54 of the FCC regulations. 11

Fairview Street - Public hearing set on rezoning property on this street and Reed Street on property owned by Alan and Lucy Butterworth and Robert and Ann Harroff - page 34, hearing - page 62, 125, 1st reading - page 126, 2nd reading - page 133, 3rd reading - page 141.

Fair Market Units - Request that HUD raise the fair market rents for the Section 8 existing housing assistance program. 35

Fox, Homer - Was presented an award in the Employment of the Handicapped Awards Program. 73

Farm Equipment Company - Bids were awarded to this company for a diesel tractor for the Parks and Recreation Department. 82

Frances Street - Mrs. Alene Ingram of 103 Frances Street complained regarding the lack of law enforcement. 108

Fixed Asset Report - This report from Marshall and Stevens has been received and will be furnished to Council. 108

Freeman, Mr. James - Recognition of a retired employee. 116

Federal Programs - $47,032 in the Federal Programs fund for the operation of the North Carolina Youth Conservation Corps. 127

Fees - Discussion establishing fees for the use of Aston Park Tennis Courts. 133

Fair Market Value - This established for a portion of property immediately adjacent to West Asheville Park and authorizing the Director of Parks and Recreation to proceed with acquisition of said property. 135

Feldman, Leon H. - Was reappointed to the Boxing and Wrestling Commission. 137

Festival Seating - Vice-Mayor Horton commended Jim Evans and his staff for their approach to this seating at the Civic Center. 147

First Street - Hearing scheduled to close Anderson Street (First Street) - page 150, hearing and resolution to close this street - page 195. 150

Fields, Robert - This resident of Charles Street presented Council with a list of improvements that need to be done on Charles and Timothy Streets. 152

Fees - Policy adopted regarding substantiation of rents, fees, etc. received by the City of Asheville. 158

Fass, Bill - This person spoke in favor of the City backing the Akzona development. 192

Fire Station - 1977-78 Budget amendment to pay legal costs with a federal grant for this. 202

Fixed Base Operators - Doug Ray asked Council is anything has been done in relation to his proposed second FBO at the Asheville Airport. 205

Fire Cadet Program - 1977-78 Budget amendment relative to the Police/Fire Cadet Program. 298

Firemen's Relief Fund - Mr. Webb E. Ellis was appointed to the Board of Trustees of the Firemen's Relief Fund. 318

Fire Department - Bids were awarded to Dorato Dodge, Inc. for one car and one station wagon for this department. 321

Furniture - Bids were awarded to Talman Office Supplies, Inc. for office furniture and panel system for the Collection Division. 322

Fire Department - Bids were awarded to American LaFrance, Inc. for one custom built triple combination pumper for this department. 323

Group Development - Hearing scheduled for approval of the site plan of the proposed Aston Park Long Term Health Care Facility to be located on the NC 191 Connector near Brevard Road - page 151, hearing and approval - page 194.

Gray Street, 33 - Hearing set directing the Housing Officer to demolish this house - page 152, hearing and 1st reading - page 198, 2nd reading - page 201, 3rd reading - page 208.

Gambill, Mrs. Ruby Lee - Sent a letter to the City Manager commending Mr. Robert Moody and Mr. Floyd Hadden, employees of the Sanitation Department for their efforts in recovering her handbag. 152

Graves, Samuel N. - Was appointed to the new Administrative Audit and Evaluation Division. 160

Garbage and Trash Codes - Amendment to this in the Code of Ordinances- page 189, 2nd reading - page 197, 3rd reading - page 202.

Group Development - Hearing scheduled for approval of the site plan of the proposed Akzona, Inc. Headquarters Office Building to be located on North Pack Square - page 195, hearing and approval - page 211.

Grove Street, 36 - Bids awarded to Asheville Roofing, Inc. to re-roof the Senior Opportunity Center located on this street for the Parks and Recreation Department. 229

Griffin, W. P. - Was appointed to the Joint Study Committee on the consolidation of Asheville City and Buncombe CountySchools. 229

Grossman, Harold - This owner of a store on 88 College Street appealed to Council to help straighten out his outrageous water bill. 230

Green Hill Avenue - Hearing set to rezone property on this street, requested by West Asheville Medical Center and Western Food Systems, Inc. - page 244; hearing -pg. 283; 1st reading - page ; 2nd reading - page ; 3rd reading - page .

Grader - Bid was discussed to be awarded to Western Carolina Tractor Company for one motor grader for the Street Department. 268

Greenbriar Road - Contract with W. & W. Contracting Company for the project known as "Sand Hill Road - Greenbriar Road 16-Inch Water Line." 285

Group Development - Hearing set for the approval of the site plan of the proposed Arrowhead Apartments to be located on Wood Avenue - page 317; hearing and approval - page .

Group Development - Hearing set on the approval of the site plan of the proposed Oteen Shopping Center to be located on U.S. Highway 70 at Oteen - page 317; hearing and approval - page .

Grove Street - Mrs. Smith of 128 S. Grove Street appealed to Council to improve a public alley behind her house for better access to her house. 43

Generator - Reallocation of funds for a generator for the airport, 1st, 2nd and 3rd reading - page 55.

Gunter, Lucille - Did not get appointed to the Civil Service Board. Sister Mary Veronica Schumacher was. 79

Gym Station - Bids were awarded to Sports World of Asheville, Inc. for one multi-station gym machine with 16 stations. 85

Gillis, Mr. & Mrs. Allan - Right-of-way easement from these people for a 2-inch water line on Lincoln Street. 92

Griffin, Woodrow P. - Resolution of appreciation to this person who was Superintendent of the Asheville City Schools. 97

Grievance - This procedure was set up for the employees of the City of Asheville. 113

Gaddy, Don - This superintendent of the Main Office of the U. S. Post Office requested Council take some action to enforce the dog ordinance to get the dogs off the streets. 114

Garden Circle - Residents of this street presented a petition asking for more police patrol, signs for a 20 mph zone and signs for children playing. 115

Golf Course - Mr. Al Reed expressed appreciation to the City for the condition of the Municipal Golf Course and for upgrading the water. 115

Graves, Samuel - Requested a public hearing on the rezoning of Montford Plaza. 120

Group Development - Public hearing scheduled for the proposed general mail facility to be located on Brevard Road - page 127; hearing and approval - page 157.

Gibbs, Roy - Was reappointed a member of the Board of Examiners of Motion Picture Operators. 137

Garden Circle - City Manager reported that speed limit signs and children playing signs have been erected in this area and the Police Department is patrolling the area more frequently. 138

Gordon, Chandler - Was appointed a member of the Asheville Revitalization Commission. 140

Grant No. NC-09-0030 - Contract between the City and the US Department of Transportation, Urban Mass Transportation Administration, this grant number, and authorizing the City Manager to receive and expend federal funds. 141

Graves, Samuel - Requested to reschedule a public hearing on the rezoning of Montford Plaza - page 144, 160; sent back to Planning and Zoning - page 199.

Group Development - Hearing scheduled for approval of the site plan of a proposed four-story Apt. complex, The Asheville House - page 150, hearing postponed-pg. 194, 203, hearing - page 234; hearing and approval - page 264.

Group Development - Hearing scheduled for approval of the site plan of the proposed expansion of the Square D Company located on Bingham Road - page 150, hearing and approval - page 187.

Housing Authority - Selling property located east of McDowell Street to this authority. 57

Hearing - Set relative to closing a portion of McLean Street - page 59, hearing and resolution to close a portion of this street - page 88 and 112.

Hart, Osborne - Was appointed to the Asheville Civil Service Board. 70

Hollifield, David - Was presented an award in the Employment of the Handicapped Awards Program. 73

Hearing - Held on the 1977-78 budget and 1st reading - page 74, 2nd reading - page 90, 3rd reading - page 100.

Hearing - Set to close a portion of Inglewood Road - page 77, hearing - pg. 116, resolution to close a portion of this road - page 157.

Hampton Street - Easement from William Erwin Payne for an 8-inch sewer line between this street and Taft Street. 82

Hearing - Hearing scheduled to close an alley connecting Lexington Avenue and Carolina Lane.- page 85, hearing - page 124, resolution to close this alley - page 131.

Housing Authority - Appointment of Commissioner of this Authority is Rev. Wm. A. Easom. 87

HUD - Amendment of a resolution authorizing submission of an application for Community Development Funds from this department. 89

Horton, Vice-Mayor - Report on Local Distribution of Tax Revenues. 92

Housing Authority - Resolution of appreciation to Luther B. Thigpen who was in the Housing Authority Commission. 99

Hearing - Set on intent to close a portion of Taft Street - page 108, hearing and resolution to close a portion of Taft Street - page 131.

Hearing - Hearing scheduled to rezone property in the Montford Area by Sam Graves - page 120, hearing rescheduled - page 144, 160; sent back to Planning and Zoning Commission - page 199.

Horton, Vice-Mayor - Asked if there was any decision relative to the Baptist Home for the Aging being annexed into the City. 121

Horton, Vice-Mayor - Asked about businesses not paying for privilege taxes. 121

Horton, Vice-Mayor - Talked about the nuisance statute covering obscenity and pornography. 121

Hearing - Set on the re-adoption of Ordinance No. 322, as amended, known as the Zoning Ordinance -Asheville - page 123, rescheduled hearing - pg. 133, 1st reading - page 167, 2nd reading - page 188, 3rd reading postponed - page 206, 3rd reading passed - page 233.

Hearing - Set relative to a group development of the proposed general mail facility on Brevard Road - page 127, approved - page 157.

Hearing - Held relative to residency of City employees. 2

Hearing - Held relative to meter feeding - page 10, 1st reading - page 10, 2nd reading - page 20, 3rd reading - page 33.

Hearing - Held relative to establishing an Asheville Downtown Revitalization and Appearance Commission - page 21, 1st reading - page 21, 2nd reading - page 30, 65, 123, 3rd reading - page 132.

Hearing - Hearing set relative to increasing water rates - page 14, hearing - page 38, 1st reading - page 54, 2nd reading - page 64, 3rd reading - page 64.

Hearing - Set regarding the new retirement and disability plan for police and fire employees - page 22 - hearing and 1st reading - page 45, 2nd reading - page 46, 3rd reading - page .

Horton, Bill B. - Statement by this person relative to the budget. 24

Haw Creek Road - Mrs. Noblett of this road reported drainage problems. 26

Hearing - Set relative to approval of site plan of the proposed expansion of Erwin Hills Plaza located on Leicester Highway - page 26, hearing - page 53.

Hearing - Set relative to rezoning property on Richmond Hill for WNC Baptist Homes, Inc. and Cecil's Leases, Inc. - page 26, hearing and 1st reading - page 53, 2nd reading - page 65, 3rd reading - page 74.

Hearing - Set relative to rezoning property on Fairview Street and Reed Street at the request of Alan and Lucy Butterworth and Robert and Ann Horroff - page 34, hearing - page 62 and 125, 1st reading - page 126, 2nd reading - page 133, 3rd reading - page 141.

Harroff, Robert and Ann - Hearing set relative to rezoning property on Fairview Street and Reed Street at the request of these people and Alan and Lucy Butterworth - page 34, hearing - page 62 and 125, 1st reading - page 126, 2nd reading - page 133, 3rd reading - page 141.

HUD - The Community Development Rehabilitation Grant Program is awaiting HUD's approval on increasing income limitations in this program. 35

HUD - HUD is requested to raise the fair market units for the Section 8 existing housing assistance program. 35

Housing Authority - Discussion of housing projects. 36

Heritage Week - The week of May 15-21, 1977 proclaimed as such. 37

Hearing - Set relative to amend zoning ordinance no. 322, Sections 30-1-3 and 30-4-1 - page 41, hearing and 1st reading - page 79, 2nd reading - page , 3rd reading - page .

Hearing - Set relative to closing two unnamed alleys - page 41, hearing and resolution to close these alleys - page 81.

Hearing - Set relative to closing Burton Street Bridge - page 42, intent to close - page 58, hearing and resolution to close bridge - page 87.

Hearing - Set relative to standards governing swimming pools - page 47, resolution to adopt this ordinance - page 47, hearing - page 80, 1st reading - page 89, 2nd reading - pgs. 98 & 111, 3rd reading - page 111.

Hadden, Floyd - This employee of the Sanitation Department was sent a letter commending him from Mrs. Rudy Lee Gambill, in his efforts to help her find her handbag. 152

Haw Creek - Mrs. Noblett sent the City Manager a letter relative to drainage problems along Haw Creek and access in the general area. 153

Hearing - Date set to close an unnamed alley way between Julia Street, now Robindale Avenue and Henrietta Street - page 183, 203, hearing and resolution to close this alley - page 266.

Henrietta Street - Hearing date set to close an unnamed alley way between Julia Street, now Robindale Avenue and this street - page 183 & 203, hearing and resolution to close this alley - page 266.

Highway Improvement Program 1977-84 - Recommendation of number one priority projects to the N. C. Board of Transportation for this program. 183

Health and Sanitation Codes - Amendment to the Code of Ordinances - page 189, 2nd reading - page 197, 3rd reading - page 202 .

Hearing - Date set for approval of a site plan of the proposed Akzona, Inc. Headquarters Office Building to be located on North Pack Square - page 195, hearing and approval - page 211.

Hearing - Date set relative to a rezoning request by J. D. Cauble to rezone property on Mildred Avenue - page 203, hearing and 1st reading - page 234 , 2nd reading - page 254, 3rd reading - page 254.

Hearing - Date set relative to rezoning property in Biltmore and Stoner Road requested by Ms. Evelyn K. Ness - page 204, hearing and 1st reading - page 254, 2nd reading - page 266, 3rd reading - page 271.

Hearing - Date set relative to amendment in the Zoning Ordinance regarding permitted uses in the Commercial Highway District - page 204, hearing - page 255; 1st reading - page 267; 2nd reading - page 267; 3rd reading - page 271.

Horton, Bill B. - Asked the City Manager to obtain a anti-obscenity ordinance from the City of Gastonia for study. 204

Horton, Bill B. - Suggested log books in the street washing trucks. 204

H & M Contractors - Bids were awarded to this company for general work on a fire and crash building at the Asheville Airport. 226

Hearing - Date set relative to rezoning property on the east side of Leicester Highway requested by J. F. Bridges - page 228, hearing and first reading - page 273; 2nd reading - page 281; 3rd reading - page 291.

Hearing - Public hearing set regarding the establishment of a ramp fee for transient general aviation aircraft at the Asheville Airport - page 127, hearing-pg. 154; 1st reading-page , 2nd reading - page , 3rd reading - page .

Horton, Bill B. - Vice-Mayor Horton reminded Council of the Doobie Brother Concert where they will be observing festival seating. 128

Hearing - Public hearing set relative to increasing rates of Thoms Cablevision - page 133, hearing-page 180, 1st reading - page 186, 2nd reading - page 253, 3rd reading - page 264.

Harlow, Walter - Was reappointed a member of the Board of Electrical Examiners. 137

Holland, Rev. Bud - Was appointed a member of the Adult Advisory Board of the Asheville Buncombe County Youth Council. 137

Horton, Vice-Mayor - Read a resolution from the Fraternal Order of Police commending Drew Walker for his efforts. 139

Hunter, James W. - Was appointed a member of the Asheville Revitalization Commission. 140

Haber, Mrs. Jane - Was appointed a member of the Board of Adjustment. 146

Horton, Vice-Mayor - He commended Jim Evans and his staff for their approach to festival seating at the Civic Center. 147

Historical Register - Councilwoman Swilling made an announcement of the public hearing on the nomination of Montford Community Historical District to the National Register. 148

Hearings - Announcement of the Community Development 3rd Year Public Hearings. 148

Hearing - Date set to close Anderson Street (First Street) - page 150, hearing and resolution to close Anderson Street (First Street) - page 195.

Hearing - Date set for rezoning property requested by C. C. Blount & Associates, Inc. on property bounded by State Street, Michigan Avenue and Amboy Road - page 150, hearing-pg. 186 & 194, 1st reading-pg. 194, 2nd reading-pg. 201, 3rd reading-pg. 208.

Hearing - Date set for approval of site plan of a proposed four-story apt. complex, The Asheville House - page 150, hearing postponed - page 194, 203, hearing - page 235, hearing and approval - page 264.

Hearing - Date set for approval of a site plan of the proposed expansion of Square D Company located on Bingham Road - page 150, hearing and approval - page 187.

Hearing - Date set for approval of a site plan of the proposed Aston Park Long Term Health Care Facility to be located on the NC 191 Connector near Brevard Road - page 151, hearing and approval - page 194.

Hearing - Date set directing the Housing Officer to demolish 35 Clayton Street, 33 Gray Street, 160 Hazel Mill Road, 36 Short Madison Avenue and 106 Mount Clare Avenue - page 152, hearing and 1st reading - page 198, 2nd reading - page 201 , 3rd reading - page 208.

Hazel Mill Road, 160 - Date set for hearing to direct the Housing Officer to demolish this house - page 152, hearing and 1st reading - page 198, 2nd reading - page 201 , 3rd reading - page 208 .

Hearing - Scheduled for a cul-de-sac on Inglewood Road - page 160; 203, hearing - pg. 236, Council decided to leave this road open as a thoroughfare - page 260.

Hearing - Date set for two amendments to the Asheville Civil Service Rules and Regulations passed by the Asheville Civil Service Board regarding Rule 9 "Re-employment" and Rule 11 "Residency of City Employees" - page 287; hearing - page 330 .

Hearing - Date set for the approval of a site plan of the proposed Arrowhead Apartments to be located on Wood Avenue - page 317; hearing and approval - page .

Hearing - Date set for the approval of a site plan of the proposed Oteen Shopping Center to be located on U.S. Highway 70 at Oteen - page 317; hearing and approval - page .

Hearing - Date set for hearing on a rezoning request by Perry Alexander, Jr. to rezone property at the Old VA Hospital - page 317; hearing and 1st reading - page ; 2nd reading - page ; 3rd reading - page .

Hearing - Date set for hearing on a rezoning request by Osborne Hart to rezone property on Phifer Street and Asheland Avenue - page 318; hearing and 1st reading - page ; 2nd reading - page ; 3rd reading - page .

Hart, Osborne - Rezoning request by this person to rezone property on Asheland Avenue and Phifer Street - page 318; hearing and 1st reading - page ; 2nd reading - page ; 3rd reading - page .

Hughey, Debbie - Claim received by this person. 327

Hobson Construction Company, Inc. - Bids awarded to this company for the project known as "Town Mountain Fire Line." 327

Hearing - Date set for closing an alley - page 228; hearing and resolution to close - page 272.

Hey-Day - Fund raising carnival to be held at the Nature Center - invited members of Council. 229

Hearing - Date set relative to a rezoning request by the Manor Inn - page 233, hearing and 1st reading - page ; 2nd reading - page ; 3rd reading - page .

Hearing - Date set relative to rezoning property on Green Hill Avenue, requested by West Asheville Medical Center and Western Food Systems, Inc. - page 244; hearing - page 281; 1st reading - page ; 2nd reading - page ; 3rd reading - page .

High Country Crafters, Inc. - Requested the use of sidewalks at the intersection of Haywood Street for a "Falling Leaf Festival". 246

Hearing - Date set relative to rezoning property on Hazel Mill Road, requested by Wachovia Bank and Trust Company - page 256, hearing and 1st reading - page , 2nd reading - page , 3rd reading - page .

Hearing - Date set relative to rezoning property on Tunnel Road, requested by Mr. G. N. Koon - page 256, hearing and 1st reading - page 293, 2nd reading - page 293, 3rd reading - page 316.

Highway Bond Issue - Resolution asking for support of the November 8, 1977, referendum on this issue. 258

Hazel Mill Road - Public hearing date set relative to rezoning property on this Road, requested by Wachovia Bank and Trust Company - page 256, hearing and 1st reading - page ; 2nd reading - page ; 3rd reading - page .

Hearing - Date set for hearing to establish the Asheville Police and Asheville Fire Uniformed Personnel Retirement Plan and Trust - page 270, hearing and 1st reading - page 296; 2nd reading - page 296; 3rd reading - page 296.

Hearing - Date set relative to closing portions of Alline Street, Fagg Street, Horse Shoe Curve, Jere Street, Lyman Street, Tenie Street, and Tiernan Street, and all of Link Street - page 275; hearing and resolution to close - page .

Horse Shoe Curve - Intent to close this street - page 275; hearing and resolution to close - page .

Historic Structures Inventory of the Asheville Central Business District - An agreement with the Division of Archives and History, North Carolina Department of Cultural Resources for this inventory. 276

Hearing - Date set relative to establishing procedures for use of a consent agenda - page 276, hearing and 1st reading - page 317; 2nd reading - page 317; 3rd reading - page 317

Hearing - Date set relative to rule changes submitted by the Asheville Civil Service Board - page 277; hearing - page 305.

Horton, Bill B. - Gave the results of his meeting with DA Bob Fisher on obscenity. 278

Horton, Bill B. - Said that another meeting is set up with DA Bob Fisher on the actual implementation of our State Stature on obscenity and pornography. 280

Inter-Church Housing Association, Inc. - Refund of ad valorem taxes to this company, 1st reading - page 22, 2nd reading - page 32, 3rd reading - page 39.

Inglewood Road - Date set for hearing to close a portion of this road - page 77, hearing - pg. 116, resolution closing a portion of this road - page 157.

Ilium Associates - Contract with them to conduct a marketing study for the Asheville Transit Authority. 82

Ingram, Mrs. Alene - Complained regarding the lack of law enforcement. Mrs. Ingram lives at 103 Frances Street. 108

Inspections - Buncombe County is going to assume inspections in the one-mile extraterritorial zoning area beginning July 1, 1977. 109

Inglewood Road - Date set for hearing for a cul-de-sac on this Road - page 203, hearing- pg. 236, Council decided to leave this road open as a thoroughfare - page 260.

Inspections Department - This department prepared a Chart of Permits. 229

Inglewood Road - The City Manager gave a report relative to a cul-de-sac or a thoroughfare on this Road. 248

Johnson, Jean - This person is with Quality Forward and would like the City ot share expenses with the County for a Show Mobile. 14

John Street - Hearing held and resolution to close 2 alleys between Ralph Street and this street. 81

Jones Chemicals, Inc., Charlotte, NC - Bids awarded to this company for chemicals for treatment of water for fiscal year July 1, 1977 through June 30, 1978. 83

Jarvis, Gene - This Assistant Chief of Police was recognized by the City Manager as being elected President of the Carlina Chapter of the FBI National Academy Graduates. 129

Julia Street - Hearing date set to close an unnamed alley way between this street, now Robindale Avenue and Henrietta Street - page 183, 203, hearing and resolution to close this alley - page 266 .

Jerry Lewis Muscular Dystrophy Telethon Weekend - The weekend of September 4-5, 1977 proclaimed as such. 192

Jerry Lewis Muscular Dystrophy Telethon - Mayor Ochsenreiter said he was proud of the citizens of Asheville for participating in this telethon. 199

Johnny Jones, Jr. - The Purchasing Agent recommended this company for bids to be awarded to for roller skates for use at the Asheville Civic Center, but it was decided to postpone and discuss further. 214

Joint Study Committee - Mr. W. P. Griffin, Mrs. Alfred J. Whitesides and Mrs. Mildred C. McGill were appointed to this committee to study the consolidation of Asheville City and Buncombe County Schools. 229

Johnny Jones, Jr. - Bids were awarded to this company for roller skates for use at the Asheville Civic Center. 241

Jere Street - Date set to close a portion of this street - page 275; hearing and resolution to close - page .

Kirby, Jane - Was presented an award in the Employment of the Handicapped Awards Program. 73

Kettleson, Mrs. Jackie - Letter from this person relative to the Space Mission on Merrimon Avenue - complaint. 95

King, J. Bertram - Resolution of appreciation to this person for his services as Chairman of the Asheville Planning & Zoning Commission. 148

Kaghen, Mrs. - Requested that the plans for the Country Club of Asheville project in Lakeview Park be submitted to the City's Planning Department. 159

Koppers Company, Inc. - Was awarded bids for one pre-fabricated park picnic shelter for the Recreation Park. 204

Koon, G. N. - Public hearing date set relative to rezoning property on Tunnel Road requested by this person - page 256, hearing and 1st reading - page 293; 2nd reading - page 293; 3rd reading - page 316.

Kenilworth Park Project Area - The Housing Authority requested Council to condemn some parcels in this project area and the Wyoming Road Relocation Project Area. 268

Lottery - Councilman Rainey commended the Vice-Squad of the Police Department in obtaining successful court cases against lottery peddlers. 139

Land Use and Housing Elements - Resolution adopting these plans. 141

Library Board - Budget amendment for funding an amount sufficient to meet the funding recommended by this Board. 143

Lodge Street, 11 - The Biltmore Company bidded on the Asheville property and 10 Biltmore Plaza. 158

Linn, E. Ted - Much discussion on this person's property on Valley Street. 170

Lockers - Bids awarded to American Locker Security Systems, Inc. for 216 coin-operated lockers for the Parks and Recreation Department. 218

Linn, E. Ted - This person's property was evaluated by Six Associates, Inc. and was found not to be to the benefit of the City. 221

Leicester Highway - Public hearing date set to rezone property on the east side of this highway requested by J. F. Bridges, Jr. - page 228, hearing and 1st reading - page 273, 2nd reading - page 281, 3rd reading - page 291 .

League of Women Voters - Mrs. Pauline Tennant from this group gave a slide presentation "The First Ingredient" at the Council meeting. 261

Lamb, R. H. - A claim was received for damages by this person. 270

Lyman Street - Date set for hearing relative to close a portion of this street - page 275; hearing and resolution to close - page .

Link Street - Date set for hearing relative to closing all of this street - page 275; hearing and resolution to close - page .

Leaf Pickup Program - City Manager informed the public of this program. 278

Local Government Employees' Retirement System - The City Manager was directed to proceed with a request to the State of North Carolina to enroll policemen and firemen employed after December 1, 1977, into this system. 297

Library - 1977-78 Budget amended to increase the Library Trust Fund because of a federal grant the Pack Memorial Library received. 297

Leaves of Absence - A public hearing was held relative to this because of the Civil Service Board recommendations. 305

Longevity Pay - 1977-78 Budget amended to use antirecession funds for this. 319

Ladder - Bids were awarded to Murphy Body Distributors for one hydraulic powered aerial ladder for the Traffic Engineering Division. 323

Livingston Street Community Center - Bids were awarded to Superior Sports Supply, Inc. for a boxing and wrestling ring for this center - Parks and Recreation Department. 323

Lottery Sales - Complaint by Ralph Bishop relative to these. 15

Leicester Highway - Public hearing set on the request for approval on the site plan of the proposed expansion of the Erwin Hills Plaza located on this highway - page 26, hearing - page 53.

Lease - Advertisement of a lease agreement with Cathey's Kitchen, Inc. for a snack shop in the City Hall Building. 41

Lottery Sales - Complaint by Ralph Bishop relative to these. 43

Ladshaw, Judy Stills - Claim for reimbursement received by this person. 58

Lottery - Complaint by Ralph Bishop relative to these sales in the City of Asheville. 60

La Chateau Steak House - Approval of a sign permit. 81

Library - Request that the County of Buncombe assume the financial and administrative support of the Buncombe County Library System. 84

Lexington Avenue - Hearing set relative to closing an alley connecting this avenue and Carolina Lane - page 85, hearing - page 124, resolution to close - page 131.

Lincoln Street - Rufus Bethea of this street requested improvements on the dirt part of Dirt Eagle Street. 86

Lexington, KY - Councilmen Hoyle and Rainey and Verl Emrick traveled to this town to study their downtown revitalization project. 86

Lincoln Street - Right-of-way easement from Mr. & Mrs. Allan Gillis for a 2-inch water line on this street. 92

Library - City of Asheville retains fiscal and personnel administrative functions for the Library System.. 101

Longview - Residents of this street presented a petition for more police patrol, signs for a 20 mph zone and signs for children playing. 115

Lease - With the Opportunity Corporation of Madison-Buncombe County, Inc. to permit the Opportunity Corporation to sub-lease the Shiloh School. 120

Lexington Avenue - Mr. E. R. McCarthy observed that the sidewalks on this street are in need of repair. 129

Lottery Sales - Mr. Ralph Bishop again complained that the City Manager and the Police Department are doing nothing about the lottery sales in the City of Asheville. 129

Leppert, Frank T. - Was reappointed to the Recreation Board of the City of Asheville. 136

Library Board - Anthony Lord and Mrs. J. W. Snow were reappointed members of this Board. 137

Lord, Anthony - Was reappointed a member of the Library Board. 137

Longview Road - The City Manager reported that speed limit signs and children playing signs have been erected and also the Police Department is patrolling this area more. 138

Lottery - Ralph Bishop complainted relative to these sales. 139

Minutes - Amendments to the July 7, 1977 meeting. 116

Montford Plaza - Public hearing scheduled for the rezoning of the Montford area, requested by Sam Graves. 120

Minutes - Amendments to the July 14, 1977 minutes. 123

McCarthy, E. R. - This resident observed that the sidewalks on College Street and Lexington Avenue are in need of repair. Also the manhole covers on College Street. 129

Michalove, K. M. - Mr. Michalove announced that Assistant Chief of Police Gene Jarvis was elected President of the Carolina Chapter of the FBI National Academy Graduates. 129

Minority Business Enterprise Week - Mayor proclaimed the week of July 25-29, 1977 as such. 130

Minutes - Amendments to the July 21, 1977 meeting. 130

Motion Picture Operators, Board of - Ray Gibbs and L. B. Simmons were reappointed to this Board. 137

Moore, C. L. - Was reappointed a member to the Boxing and Wrestling Commission. 137

Montford Plaza - Public hearing rescheduled for the rezoning of this area, requested by Sam Graves - page 144, 160, sent back to Planning and Zoning Commission to reconsider - page 199.

Mountain Heights Sub-Division - Right-of-way easement from Beaver Enterprises, Inc. for 2-inch and 6-inch water lines from Pensacola Road into this sub-division in Arden, North Carolina. 145

Miller, Larry - A claim was received by this person. 146

Montford Community Historical District - Councilwoman Swilling announced a public hearing on the nomination of this community to the Historical Register. 148

Michigan Avenue - Hearing set on a rezoning request by C. C. Blount and Associates, Inc. on property bounded by this street, Amboy Road and State Street - page 150, hearing-pg. 186 & 1st reading - page 194, 2nd reading - page 201 , 3rd reading - page 208 .

Michael, Councilman - Requested additional items be discussed at the public hearing relative to ramp fees at the airport. 151

Mount Clare Avenue, 106 - Hearing set directing the Housing Officer to demolish this house - page 152, hearing and 1st reading - page 198, 2nd reading - page 201 , 3rd reading - page 208 .

Meter Feeding - Hearing held relative to the elimination of this, 1st reading - page 11, 2nd reading - page 20, 3rd reading - page 33.

Matthews Motors, Inc. - Bids awarded to this company for trucks for the Traffic Engineering Division. 12

Moorfield, George - Request by this person for information relative to the removal of parking meters on Haywood Street and not on the Pack Square side of town. 15

Mitchell, Steven - Appointment of this person to the Asheville Library Board. 23

Michael, Otis B. - Receiving complaints relative to dogs running at large. 43

Michael, Otis B. - Requested that City vehicles be turned in to a central location after hours. 43

Michael, Otis B. - Statement requesting that the State legislators consult the City Council before passing legislation affecting City rules, regulations and powers and also to repeal the Sullivan Act. 60

Marquees - Regulation of the installation and erection of these over public property. 70

Matthews Motors, Inc. - Was awarded bids for one pick-up and two dump trucks for the Sanitation Division. 76

Moody, Mr. James - This person again requested for funds to provide a park in North Asheville. 92

Mayer, Mrs. F. L. - Claim received by this person for damages. 94

Merrimon Avenue - A complaint letter was received from Mrs. Jackie Kettleson from Better Homes Realty relative to the Space Mission on this street. 95

Michael, Otis B. - Suggestion was received by this councilman relative to a ramp fee to be charged per pound of transient aircraft for general aviation. 96

Minutes - Amendment to the June 23, 1977 minutes. 97

Montford Recreation Center - Bids awarded to Anchor Construction Corporation for construction on this center. 99

Moore/Woodard Associates - Bids awarded to Anchor Construction Corporation for construction of the Montford Recreation Center - architectural firm is Moore/ Woodard Associates. 99

Marshall and Stevens - Fixed Asset Accounting Report has been received from this firm and will be furnished to Council. 108

Michael, Councilman - Requested policement on Tunnel Road during rush hours. 109

Minutes - Amendment to the June 30, 1977 minutes. 110

Mail Carriers - This group requested that Council take some action to enforce the dog ordinance to get the dogs off the streets. 114

Murphy Body Distributors - Bids were awarded to this company for one hydraulic powered aerial ladder for the Traffic Engineering Division. 323

Materials - Contract with the Board of Transporation for the furnishing of certain materials for emergency repairs to bridges within the City of Asheville. 325

Mosley, Ray L. - Claim was received by this person. 327

Mayor's Community Development Committee - Report by this committee. 328

Madison Avenue, Short 36 - Hearing set directing the Housing Officer to demolish this house - page 152, hearing and 1st reading - page 198, 2nd reading - page 201, 3rd reading - page 208.

Moody, Robert - This employee of the Sanitation Department was commended in his efforts to help Mrs. Ruby Lee Gambill find her handbag. 152

Minutes - Amendment to the August 18, 1977 meeting. 168

Meetings - City Council meetings for October, 1977 will be held at 4:00 o'clock p.m. 193

Michael, Otis B. - Councilman Michael asked that the meetings with the County Commissioners that the consolidation and repair of motor vehicles be discussed. 199

Motor Vehicles - Councilman Michael asked that at the meetings with the County Commissioners that the consolidation and repair of these be considered. 199

Mildred Avenue - Public hearing set relative to a rezoning request by J. D. Cauble to rezone property on this street - page 203, hearing and 1st reading - page 234 , 2nd reading - page 254, 3rd reading - page 254.

Mapp, Deborah - Claim received by this person. 204

Michael, Otis B. - This Councilman said he would try to appoint persons who would be an asset to board appointments. 205

Manor Inn - Date set for a public hearing to rezone the Manor Inn - page 233, hearing and 1st reading - page ; 2nd reading - page ; 3rd reading - page .

Montgomery, Mrs. - Appealed to Council for help regarding obscene literature being distributed in her area, referred her to DA Bob Fisher. 241

Montgomery, Mrs. - Again appealed to Council for help regarding the distribution of obscene literature. 253

Meade, Don - This person asked Council about the investigation at the Water Department. 266

Motor Transport Division - Bid awarded to AAA Parts of Asheville, Inc. for chains, crosslinks and adjusters for use in this division. 269

Meet 'N Treat Day - Mayor Ochsenreiter proclaimed October 31, 1977 as such. 277

Michael, Otis B. - This Councilman urged that the City apply for the Urban Revitalization Grant. 279

Michael, Otis B. - This Councilman said it was his opinion that more people would run for City Council is the compensation for serving were greater. 279

Main Fire House Floor Bracing - A contract with Price-Ray Constructors for this project. 284

Motor Grader - Bid was awarded to Western Carolina Tractor Company for a motor grader for the Street Department. 303

Michael, Otis B. - This councilman requested the Mayor to prepare a report relative to the pay scale of Council and the term of offices as it relative to other cities. 314

McKee, Holly - Amended notice of claim received by this person. 14

McDowell Street, Short - Public hearing held relative to closing this street - page 22, continuation of hearing and resolution to close this street - page 35.

McDowell Street - City authorized to sell the Asheville Housing Authority ½ interest in property located east of this street. 57

McCarthy, E. R. - Statement relative to City motor vehicle tags. 58

McLean Street - Hearing set relative to intent to close a portion of this street - page 60 - hearing and resolution to close a portion of this street - page 88 and 112.

McKinney, Nancy - Was presented an award on the Employment of the Handicapped Awards Program. 73

McCarthy, E. R. - Complained that Paul Goodman, Chairman of the Civic Center Commission is blocking the best seats in concerts. 138

McCarthy, E. R. - Complained about three readings of an ordinance at one meeting. 147

McDonnold, Mrs. Harry - Was appointed to fill the unexpired term of Mr. William G. Adams, Jr. of the Asheville Transit Authority. 152

McGill, Mrs. Mildred C. - Was appointed to the Joint Study Committee to study the consolidation of Asheville City and Buncombe County Schools. 229

McCarthy, E. R. - Mayor Ochsenreiter extended sympathy to the family of this person. 260

McIntosh Road - The City was authorized to do some drainage improvements on this road, particularly at the residence of Mrs. C. A. Noblett, 15 McIntosh Road. 262

McCarty, Mr. & Mrs. James E. - A claim was received by these people. 286

McConnell, Virgil R. - Asked Council if the Shiloh Community Center could remain open during the renovation period. 288

North Carolina Department of Transportation - Contract with them for Project No. 78-P-01. 191

National Cancer Day - Mayor Ochsenreiter proclaimed September 8, 1977 as such. 199

Ness, Ms. Evelyn K. - Public hearing date relative to a rezoning request by this person to rezone property in Biltmore and on Stoner Road - page 204, hearing and 1st reading - page 254, 2nd reading - page 266, 3rd reading - page 271.

North Carolina Department of Transportation - Contract between them and the City of Asheville for grade crossings at railroad intersections. 216

New Systems Plumbing Co. - Bids were awarded to this company for plumbing work at the fire and crash building at the Asheville Airport. 226

National Employ the Handicapped Week - Vice-Mayor Horton proclaimed the week of October 2-8, 1977 as such. 229

Nature Center - Ms. Bonnie T. Brannon wrote a letter inviting Council members to a Hey-Day carnival at this center. 229

Noblett, Mrs. - The City Manager said that he is preparing a report on Mrs. Noblett's drainage problems on 15 McIntosh Road. 230

North Carolina Department of Commerce - An agreement with this department, Energy Division, for a transit marketing program. 243

North Carolina Department of HEW - This department sponsored a public hearing relative to National Health Insurance. 244

National Hobby Month - Vice-Mayor Horton proclaimed the month of October as such. 244

National Fire Prevention Week in Asheville - Vice-Mayor Horton proclaimed the week of October 9-15, 1977 as such. 244

Noblett, Mrs. - The City Manager said that he is in the process of drawing up a resolution relative to her drainage problem on 15 McIntosh Road. 246

Noblett, Mrs. - Discussion on resolution authorizing drainage improvements on McIntosh Road for Mrs. C. A. Noblett. 247

Noise Complaint - Mr. Robertson complained to Council about the noise around Doc's Rock Shop and the Cosmic Ballroom. 255

North Carolina Equipment Company - Bids were awarded to this company for 5 self-contained hopper type salt/sand spreaders for the Street Department. 257

Noblett, Mrs. C. A. - The City is authorized to do some drainage improvements on McIntosh Road, particularly at the residence of this person, 15 McIntosh Road. 262

North Carolina Division of Law and Order - Application for a federal grant with this division for the project Yough Outreach Program. 12

Noblett, Mrs. - Complaint by this person relative to drainage problems on Haw Creek Road. 26

North Carolina Department of Transportation - Right-of-way agreement with this department for the widening of Cherry Street. 34

National Transportation Week - The week of May 20, 1977 proclaimed as such. 37

National Public Works Week - The week of May 22-28, 1977 proclaimed as such. 42

North Asheville - Residents of this area request a recreation park. 43

North Carolina Arts Council -City Manager authorized to sign an agreement with this Council. 71

North Carolina Department of Transportation - Right-of-way encroachment agreement with them for a 16-inch water line on State Road 3523 (Clingman Avenue). 76

North Asheville Booster Club - This club requested again for a ballpark on the "Swain Property". 79

North Asheville - Petition was presented with 20 names on it requesting that something be done about roaming dogs in the neighborhood. 86

North Asheville - Mr. James Moody again requested funds to provide a park in this area. 92

Nasty Branch Study - The City Manager distributed copies of this to the City Council. 121

North Carolina Department of Transportation - Right-of-way agreement with them for a 16-inch water line on State Road 3412-3414 - Sand Hill Road. 126

North Carolina Youth Conservation Corps - Appropriated $47,032 in the Federal Programs for the operation of this agency. 127

National Apprenticeship Month - The month of August, 1977 proclaimed as such. 146

Noblett, Mrs. - City Manager received a letter from this person relative to drainage problems along Haw Creek and access in the general area. 153

North Carolina Criminal Justice Training and Standards Council - Contract between them and the City of Asheville. 158

North Carolina Department of Transportation - Right-of-way encroachment agreement with them for a 15-inch sewer line on Amboy Road. 180

North Carolina Department of Transportation - Right-of-way agreement with this department for an 8-inch water line on Town Mountain Road. 182

North Carolina Board of Transportation - Recommendation of number one priority projects to this Board for 1977-84 Highway Improvement Program. 183

North Asheville Park - Director of Parks and Recreation authorized to file an application for Bureau of Outdoor Recreation Funds for this park. 183

North Carolina Department of Cultural Resources - An agreement with the Division of Archives and History for a historic structures inventory of the Asheville Central Business District. 276

North Carolina Department of Transportation - Right-of-way encroachment agreement for a 2-inch water line crossing US 19-23 (Canton Highway). 298

North Carolina Equipment Company - Bids were awarded to this company for a portable air compressor for the Water Maintenance Division. 325

North Asheville - Much discussion on the 80' utility poles CP&L is installing in this area. 335

ORDINANCE NO. 964
AN ORDINANCE ESTABLISHING STANDARDS GOVERNING THE DESIGN, CONSTRUCTION, AND MAINTENANCE OF PUBLIC AND RESIDENTIAL SWIMMING POOLS

1st Reading 89
2nd Reading 111
3rd Reading 111

ORDINANCE NO. 965
AN ORDINANCE TO ESTABLISH A GRIEVANCE PROCEDURE FOR EMPLOYEES OF THE CITY OF ASHEVILLE

1st Reading 113
2nd Reading 113
3rd Reading 113

ORDINANCE NO. 966
AN ORDINANCE AMENDING AND APPROPRIATING COMMUNITY DEVELOPMENT BUDGET CHANGES RECLASSIFYING CAPITAL PROJECTS FOR 1977-78

1st Reading 114
2nd Reading 114
3rd Reading 114

ORDINANCE NO. 967
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Reed and Fairview Street)

1st Reading 126
2nd Reading 133
3rd Reading 141

ORDINANCE NO. 968
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (appropriating $47,032 in the Federal Programs fund for the operation of the N.C. Youth Conservation Corps)

1st Reading 127
2nd Reading 127
3rd Reading 127

ORDINANCE NO. 969
AN ORDINANCE AMENDING THE CAPITAL PROJECTS ORDINANCE IN EFFECT AS OF JULY 1, 1977 (additional funds for federal projects, the Water System Improvement Fund and the Water Capital Construction Fund)

1st Reading 142
2nd Reading 142
3rd Reading 142

ORDINANCE NO. 970
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (funding the Asheville School Liaison Program)

1st Reading 142
2nd Reading 142
3rd Reading 143

ORDINANCE NO. 971
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (funding the remodeling of the Collections Divisions Office)

1st Reading 143
2nd Reading 143
3rd Reading 143

ORDINANCE NO. 972
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (funding recommended by Library Board)

1st Reading 143
2nd Reading 144
3rd Reading 144

ORDINANCE NO. 973
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (distributing the funding of the Pay Plan)

1st Reading 144
2nd Reading 144
3rd Reading 144

ORDINANCE NO. 974
AN ORDINANCE ESTABLISHING A CROSS-CONNECTION CONTROL POLICY FOR THE ASHEVILLE MUNICIPAL PUBLIC POTABLE WATER SUPPLY

1st Reading 158
2nd Reading 169
3rd Reading 189

READOPTION OF ORDINANCE NO. 322, AS AMENDED, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF ASHEVILLE

1st Reading 167
2nd Reading 188
3rd Reading 233

ORDINANCE NO. 952
AN ORDINANCE DELETING SECTION 28-119 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE ENTITLED "DEPOSIT OF COIN FOR PURPOSE OF EXTENDING TIME"

1st Reading 11
2nd Reading 20
3rd Reading 33

ORDINANCE NO. 953
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1976-77 (Appropriating funds to cover bid deficit on vehicles)

1st Reading 13
2nd Reading 13
3rd Reading 13

ORDINANCE NO. 954
AN ORDINANCE ESTABLISHING THE ASHEVILLE DOWNTOWN REVITALIZATION AND APPEARANCE COMMISSION

1st Reading 21
2nd Reading 123
3rd Reading 132

ORDINANCE NO. 955
AN ORDINANCE AUTHORIZING THE REFUN OF AD VALOREM TAXES TO INTER-CHURCH HOUSING ASSOCIATION, INC.

1st Reading 22
2nd Reading 32
3rd Reading 39

ORDINANCE NO. 956
AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1977 AND ENDING JUNE 30, 1978

1st Reading 23
2nd Reading 33
3rd Reading 40

ORDINANCE NO. 957
AN ORDINANCE ESTABLISHING THE ASHEVILLE UNIFORMED PERSONNEL RETIREMENT PLAN AND TRUST

1st Reading 46
2nd Reading 46
3rd Reading

ORDINANCE NO. 958
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Richmond Hill Road)

1st Reading 52
2nd Reading 65
3rd Reading 74

ORDINANCE NO. 959
AN ORDINANCE PROVIDING FOR REVISIONS TO THE WATER RATES AND CHARGES

1st Reading 54
2nd Reading 64
3rd Reading 64

ORDINANCE NO. 960
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77 AND ESTABLISHING A NEW PROJECT IN THE GENERAL CAPITAL PROJECTS FUND

1st Reading 55
2nd Reading 55
3rd Reading 55

ORDINANCE NO. 961
AN ORDINANCE AMENDING AND APPROVING THE COMMUNITY DEVELOPMENT BUDGET CHANGES SET FORTH IN THE CITY OF ASHEVILLE GENERAL FUND BUDGET 1976-77 TO COMPLETE THE SHILOH-OAKLEY PUBLIC WORKS PROJECT

1st Reading 66
2nd Reading 66
3rd Reading 66

ORDINANCE NO. 962
AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1977-78

1st Reading 75
2nd Reading 90
3rd Reading 100

ORDINANCE NO. 963
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (City's extraterritorial jurisdiction)

1st Reading 79
2nd Reading
3rd Reading

ORDINANCE NO. 987
AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (waste water treatment system at the Asheville Airport)

1st Reading 217
2nd Reading 217
3rd Reading 218

ORDINANCE NO. 988
AN ORDINANCE ESTABLISHING THE ASHEVILLE-BUNCOMBE REVITALIZATION CAPITAL IMPROVEMENT FUND

1st Reading 220
2nd Reading 232
3rd Reading 232

ORDINANCE NO. 989
AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (maintenance contract for the Asheville Art Museum Security System)

1st Reading 227
2nd Reading 227
3rd Reading 228

ORDINANCE NO. 990
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (property on Mildred Avenue, requested by Mr. J. D. Caudle)

1st Reading 234
2nd Reading 254
3rd Reading 254

ORDINANCE NO. 991
AN ORDINANCE AMENDING THE CAPITAL PROJECTS AND ASHEVILLE-BUNCOMBE REVITALIZATION CAPITAL IMPROVEMENT FUND BUDGETS TO INCLUDE THE PACK SQUARE AREA REHABILITATION PROJECT

1st Reading 236
2nd Reading 236
3rd Reading 236

ORDINANCE NO. 992
AN ORDINANCE AMENDING THE CAPITAL PROJECTS AND OPERATING BUDGET FOR THE CITY OF ASHEVILLE (repaving of the FBO ramp)

1st Reading 242
2nd Reading 249
3rd Reading 265

ORDINANCE NO. 993
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (funds for the Audit and Evaluation Division)

1st Reading 243
2nd Reading 243
3rd Reading 244

ORDINANCE NO. 994
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Stoner Road requested by Ms. Evelyn K. Ness)

1st Reading 254
2nd Reading 266
3rd Reading 271

ORDINANCE NO. 995
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (wording amendment)

1st Reading 267
2nd Reading 267
3rd Reading 271

ORDINANCE NO. 996
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (east side of Leicester Highway, requested by Mr. J. F. Bridges, Jr.)

1st Reading 273
2nd Reading 281
3rd Reading 291

ORDINANCE NO. 975
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (training program "Principles of Police Management")

1st Reading 169
2nd Reading 169
3rd Reading 169

ORDINANCE NO. 976
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (equipment to clean City vehicles)

1st Reading 182
2nd Reading 182
3rd Reading 182

ORDINANCE NO. 977
ORDINANCE AMENDING ORDINANCE GRANTING FRANCHISE TO THOMS BROADCASTING COMPANIES, INC.

1st Reading 186
2nd Reading 253
3rd Reading 264

ORDINANCE NO. 978
ORDINANCE AMENDING THE HEALTH AND SANITATION CODES, CHAPTER 14 OF THE CODE OF ORDINANCES, CITY OF ASHEVILLE, NORTH CAROLINA

1st Reading 189
2nd Reading 197
3rd Reading 202

ORDINANCE NO. 979
ORDINANCE AMENDING THE GARBAGE AND TRASH CODES, CHAPTER 13 OF THE CODE OF ORDINANCES, CITY OF ASHEVILLE, NORTH CAROLINA

1st Reading 190
2nd Reading 197
3rd Reading 202

ORDINANCE NO. 980
ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (electric fencing at the Asheville Airport)

1st Reading 190
2nd Reading 190
3rd Reading 190

ORDINANCE NO. 981
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (property bounded by State Street, Michigan Avenue & Amboy Road)

1st Reading 194
2nd Reading 201
3rd Reading 208

ORDINANCE NO. 982
AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 35 CLAYTON STREET, 33 GRAY STREET, 160 HAZEL MILL ROAD, 36 SHORT MADISON AVENUE AND 106 MOUNT CLARE AVENUE

1st Reading 198
2nd Reading 201
3rd Reading 208

ORDINANCE NO. 983
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (creation of Advertising Services and Promotions activities in conjunction with the Civic Center)

1st Reading 198
2nd Reading 198
3rd Reading 198

ORDINANCE NO. 984
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (federal funds for new fire station in West Asheville)

1st Reading 202
2nd Reading 203
3rd Reading 203

ORDINANCE NO. 985
AN ORDINANCE REALLOCATING, AMENDING AND APPROVING COMMUNITY DEVELOPMENT BUDGET FUNDS IN THE CITY OF ASHEVILLE GENERAL FUND BUDGETS FOR 1975-76, 1976-77 AND 1977-78

1st Reading 209
2nd Reading 209
3rd Reading 209

ORDINANCE NO. 986
AN ORDINANCE AMENDING ORDINANCE NO. 813 - REVISED BY ORDINANCE NO. 846, KNOWN AS "CITY OF ASHEVILLE EROSION CONTROL ORDINANCE," AS AMENDED

1st Reading 125
2nd Reading 219
3rd Reading 232

ORDINANCE NO. 1008
ORDINANCE ESTABLISHING PROCEDURES FOR USE OF A CONSENT AGENDA

1st Reading 317
2nd Reading 317
3rd Reading 317

ORDINANCE NO. 1009
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (using antirecession funds for Longevity Pay)

1st Reading 318
2nd Reading 319
3rd Reading 319

ORDINANCE NO. 1010
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (items requested by the Police Department, Collection Division and the Traffic Engineering Division)

1st Reading 320
2nd Reading 320
3rd Reading 320

ORDINANCE NO. 1011
AN ORDINANCE REPEALING SECTIONS 5-7 AND 5-8 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE AND REPLACING THEM WITH NEW SECTIONS 5-7, 5-8 AND 5-9 (Dogs)

1st Reading 325
2nd Reading 7 - book 44
3rd Reading 15

ORDINANCE NO. 1012
AN ORDINANCE REPEALING IN ITS ENTIRETY SECTION 2-3 OF THE CODE OF ORDINANCES (Residency of City Employees)

1st Reading 333
2nd Reading 333
3rd Reading 333

ORDINANCE NO. 997
AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CAPITAL PROJECTS ORDINANCE EFFECTIVE OCTOBER 15, 1977, TO INCLUDE AN APPALACHIAN REGIONAL COMMISSION GRANT IN THE AMOUNT OF $246,000

1st Reading 274
2nd Reading - TABLED - PAGE 290
3rd Reading

ORDINANCE NO. 998
AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CAPITAL PROJECTS ORDINANCE IN EFFECT AS OF OCTOBER 15, 1977, AND AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

1st Reading 275
2nd Reading 275
3rd Reading 275

ORDINANCE NO. 999
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

1st Reading 283
2nd Reading 283
3rd Reading 283

ORDINANCE NO. 1000
AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CAPITAL PROJECTS ORDINANCE EFFECTIVE OCTOBER 15, 1977, TO INCLUDE AN APPALACHIAN REGIONAL COMMISSION GRANT IN THE AMOUNT OF $246,000

1st Reading 290
2nd Reading 291
3rd Reading 291

ORDINANCE NO. 1001
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED (rezoning request of G. N. Koon to rezone property on Tunnel Road)

1st Reading 293
2nd Reading 293
3rd Reading 316

ORDINANCE NO. 1002
AN ORDINANCE ESTABLISHING THE ASHEVILLE UNIFORMED POLICEMEN'S RETIREMENT PLAN AND TRUST

1st Reading 296
2nd Reading 296
3rd Reading 296

ORDINANCE NO. 1003
AN ORDINANCE ESTABLISHING THE ASHEVILLE UNIFORMED FIREMEN'S RETIREMENT PLAN AND TRUST

1st Reading 296
2nd Reading 296
3rd Reading 296

ORDINANCE NO. 1004
AN ORDINANCE AMENDING THE CITY OF ASHEVILLE FISCAL 1977-78 ANNUAL OPERATING BUDGET (Pack Memorial Library received a grant)

1st Reading 297
2nd Reading 297
3rd Reading 297

ORDINANCE NO. 1005
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (Police/Fire Cadet Program)

1st Reading 298
2nd Reading 298
3rd Reading 298

ORDINANCE NO. 1006
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (additional appropriation for the "Principles of Police Management Program")

1st Reading 304
2nd Reading 304
3rd Reading 304

ORDINANCE NO. 1007
AN ORDINANCE RENUMBERING SECTIONS 28-81.1 THROUGH 28-84 OF ARTICLE IV (SPEED REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, AMENDING NEWLY RENUMBERED SECTIONS 28-81.2, 28-81.3 AND 28-81.4, AND ADDING A NEW SECTION 28-81.1

1st Reading 316
2nd Reading 316
3rd Reading 6 - book 44

Oak Street - Requests from citizens to leave this street with its present name. 26

Oak Street - Councilwoman Swilling moved that this street be designated as a historical street. 36

Opportunity Corporation - Lease agreement with this corporation to sub-lease the Shiloh School. 120

Obscenity - Vice-Mayor Horton said there is a revised public nuisance statute which now covers obscenity and pornography. 121

Orr, Mrs. Jan - Was appointed a member to the Adult Advisory Board of the Asheville Buncombe County Youth Council. 137

Orr, Robert F. - Was appointed a member of the Asheville Revitalization Commission. 140

Osteen, Mrs. - She and Ruth Chambers complained about the bad road and sidewalk conditions on Blair Street and Albemarle Road. 146

Ordinances - Mr. E. R. McCarthy complained about having three readings of an ordinance at one meeting. 147

Ordinance No. 322, Readoption of - Mr. Emrick, Planning Director, asked if this could be postponed until re-advertised - page 195 and 206.

Operation Complex Funds - The City will use these funds to winterize the City barn. 220

Obscene Magazines - Mrs. Montgomery appealed to Council for help regarding obscene literature being distributed in her Riceville area - referred to DA Bob Fisher. 241

Obscene Literature - Mrs. Montgomery again appealed to Council for help regarding the distribution of obscene magazines in the Riceville area. 253

Obscenity - Vice-Mayor Horton reported on the meeting with DA Bob Fisher relative to this. 278

Obscenity - Vice-Mayor Horton reported that another meeting was set up with DA Bob Fisher concerning the actual implementation of our State Statute on obscenity and pornography. 280

Ordinance No. 957 - Tabled.- Establishment of the Asheville Uniformed Personnel Retirement Plan and Trust. 293

Oteen Shopping Center - Date set for approval of the proposed Oteen Shopping Center to be located on U.S. Highway 70 at Oteen - page 317; hearing and approval - page

Ochsenreiter, Eugene C., Jr. - Resolution of appreciation of support to this Mayor from Quality Forward. 333

Public Works Grant - Statement by Mayor that these grants were received. 73

Police Department - Ralph Bishop complained that this department did nothing about the lottery sales. 77

Payne, William Erwin - Easement from this person for an 8-inch sewer line between Taft and Hampton Streets. 82

Parks and Recreation Department - Bids awarded to Farm Equipment Company for a diesel tractor for this department. 82

Proclamation - The week of June 18-26, 1977 proclaimed as "National Tennis Week". 86

Petition - Was presented from the residents of North Asheville to request that something be done about roaming dogs. 86

Proclamation - Craftsman Fair Week is proclaimed as the week of July 11-15, 1977. 109

Policemen - Councilman Michael requested policement on Tunnel Road during the rush hour traffic. 109

Petition - Residents of Longview, Ridgelawn and Garden Circle presented a petition for more police patrol, signs for a 20 mph zone and signs for children playing. 115

Police Patrol - Residents of Longview, Ridgelawn and Garden Circle presented a petition for this, signs for a 20 mph zone and signs for children playing. 115

Penland, McKinley - Recognition of this retired city employee. 116

Posey, Thomas C. - Appreciation to this person for services as a member of the City of Asheville Civil Service Board. 119

Privilege Taxes - Vice-Mayor Horton expressed concern about businesses not paying their privilege taxes. 121

Proclamation - Cystic Fibrosis Week proclaimed as July 11-15, 1977. 121

Pornography Shops - Councilman Rainey would like these included in the resolution to the Alcohol Enforcement Division. 122

Postal Service - Public hearing set on a group development of the proposed general mail facility to be located on Brevard Road. 127

Pornographic Clubs and Shops - Councilman Rainey wants the elimination of these in the downtown area. 128

Proclamation - The week of July 25-29, 1977 proclaimed as "Minority Business Enterprise Week". 130

Parks and Recreation Director - Was directed to proceed with the acquisition of property immediately adjacent to West Asheville Park. 135

Proposals - Asheville-Buncombe County Youth Council presented proposals on City Day. 1

Parks and Recreation Department - Bids awarded to Matthews Motors, Inc. and Apple Tree Chevrolet for a car and trucks for this department. 12

Proclamation - The week of May 1-7, 1977 proclaimed as "Respect for Law Week". 14

Proclamation - The weekend of April 29 - May 1 proclaimed as "Shrine Hospital Weekend". 14

Proclamation - The week of May 1-7, 1977 proclaimed as "Ora Blackmun Week". 14

Proclamation - The week of April 24-30, 1977 proclaimed as "National Secretaries Week". 14

Parking - George Moorefield requested information relative to the removal of parking meters on Haywood Street and not on the Pack Square side of town. 15

Privilege Taxes - Levying, assessing, imposing and defining the license and privilege taxes - 1st reading - page 23, 2nd reading - page 33, 3rd reading - page 40.

Parking - Comments by Councilman Rainey relative to the parking violation administration. 26

Proclamation - The month of May, 1977 proclaimed as "Senior Citizens Month". 27

Proclamation - The week of May 20, 1977 proclaimed as "National Transportation Week". 37

Proclamation - The week of May 15-21, 1977 proclaimed as "Heritage Week". 37

Police Cruiser - Purchase of this on an emergency basis (contract with Matthews Motors, Inc.) 40

Parcels 85, 86 and 87 - Sale of these parcels in the East Riverside Project to Wilkins-Hart Mortuary, Inc. 42

Proclamation - The week of May 16-22, 1977 proclaimed as "American Business Women's Week". 42

Proclamation - The Week of May 22-28, 1977 proclaimed as "National Public Works Week". 42

Praytor, Robert Y. - Appreciation to this person for services as a member of the Asheville Civil Service Board. 45

Psychological Screening - Contract with the Blue Ridge Community Mental Health Center for this type of screening as part of the employment procedure for policemen. 46

Police Department - Contract with Blue Ridge Community Mental Health Center for psychological screening as part of the employment procedure for policement. 46

Paving Program 1977-78 - Bids awarded to Asheville Paving Company for this program. 58

Policeman - Sympathy to Terry William's family. 60

Public Property - Regulating the installation and erection of marquees, awnings, canopies over this type of property. 70

Police Escort - Discontinue of police escort services except for funeral escorts. 71

Pack Square - Sale of certain subsurface portions of the property to Akzona, Inc. on North Pack Square Street. 211

Pack Square Rehabilitation Project - The City established this project. 214

Permit - A permit for temporary permission to proceed with work contemplated under pending applications for a Development Permit; 1st reading - page 215, 2nd reading - page 219, 3rd reading - page 232.

Parcels - The Asheville Housing Authority requested approval of the sale of these parcels (51, 54-54A, 116, 132, 138 and 145-146) in the East Riverside Urban Renewal Project. 216

Parks and Recreation Department - Bids awarded to American Locker Security Systems, Inc. for 216 coin-operated lockers for this department. 218

Property - The City of Asheville is selling some property located in Biltmore Village. 219

Police Department - Bids were awarded to Stinnette Uniform Sales, Inc. for uniforms for this department. 227

Parks and Recreation Department - Bids awarded to Asheville Roofing, Inc. for re-roofing the building known as the Senior Opportunity Center on 36 Grove Street for this department. 229

Proclamation - The week of October 2-8, 1977 proclaimed as "National Employ the Handicapped Week". 229

Permits - The Department of Inspections prepared a Chart of Permits. 229

Police Chief - Mr. Joseph Singleton commented on the process of the selection for this position. 230

Police Chief - Mr. Ralph Bishop expressed his dissatisfaction on the selection process for this position. 230

Pack Square, North - City of Asheville accepted a quitclaim deed from Buncombe County for certain property on this square for Akzona, Inc. 231

Pack Square, North - Akzona, Inc. was sold certain subsurface portions of property on this square. 235

Property - Akzona, Inc. was sold certain subsurface portions of property on North Pack Square. 235

Pack Square Area Rehabilitation Project - 1977-78 Capital Projects and Asheville-Buncombe Revitalization Capital Improvement Fund Budgets amended to include this project. 236

Proclamation - Vice-Mayor Horton proclaimed the week of October 9-15, 1977 as "French Broad River Awareness Week." 244

Police Department - City Manager reported that speed limit signs and children playing signs have been erected around the Garden Circle, Longview Road, Ridgelawn Road area and police have been patrolling more frequently. 138

Pay Plan - Budget amendment for distributing the funding of the Pay Plan. 144

Pipe - Bids were awarded to Wheeling Corrugating Company for galvanized corrugated steel pipe for Riverside Park. 145

Pensacola Road - Right-of-way easement from Beaver Enterprises, Inc. for 2-inch and 6-inch water lines from this road into the Mountain Heights Sub-division, Arden, North Carolina. 145

Price, Graham - Was reappointed an alternate member to the Board of Adjustment. 146

Proclamation - The month of August, 1977 proclaimed as "National Apprenticeship Month". 146

Planning & Zoning Commission - J. Bertram King was presented a resolution of appreciation for his services as Chairman of this Commission. 148

Policy - Adoption of a policy regarding substantiation of rents, fees, etc. received by the City of Asheville. 158

Planning Department - Mrs. Kaghen requested that the plans for the County Club of Asheville project in Lakeview Park be submitted to this department. 159

Principles of Police Management - Budget amended to fund this program. 169

Principles of Police Management - Resolution for a budget amendment to fund this program. 169

Parking Lots - Zoning ordinance amendment relative to the joint use of parking lots - off-street parking and loading. 179

Parks and Recreation, Director of - This person authorized to file an application with the Bureau of Outdoor Recreation for funds for the North Asheville Park. 183

Perry Alexander Construction Company - Contract with them for the project known as Redwood Forest 6-inch water line. 192

Proclamation - The weekend of September 4-5, 1977 proclaimed as "Jerry Lewis Muscular Dystrophy Telethon Weekend." 192

Parking - Free parking at the Civic Center garage for a special event sponsored by the Civic Center Commission for one night in September. 192

Proclamation - September 8, 1977 proclaimed as "National Cancer Day." 199

Planning and Zoning Commission - Cleatus B. Tate was appointed to this Commission. 203

Proclamation - The week of September 17-23, 1977 proclaimed as "Constitution Week". 204

Pornography - Vice-Mayor Horton asked the City Manager to obtain a copy of the City of Gastonia's anti-obscenity ordinance for Asheville to study. 2-4

Print Shop Division - Bids awarded to Young Phillips Sales for a power paper cutter for this division. 286

Paper Cutter - Bids awarded to Young Phillips Sales for a power paper cutter for the Print Shop Division. 286

Poles - Much discussion relative to 80 foot power lines being installed by Carolina Power and Light Company in North Asheville. 287

Policemen - A public hearing was held establishing the Asheville Uniformed Policemen's Retirement Plan and Trust. 294

Policemen - City Manager directed to proceed with a request to the State of North Carolina to enroll policemen and firemen employed after December 1, 1977 into the Local Government Employee's Retirement System. 297

Police Cadet Program - 1977-78 Budget amendment relative to the Police/Cadet Program. 298

Principles of Police Management - 1977-78 Budget amendment relative to this program - additional appropriation. 304

Proclamation - The day of November 11, 1977 proclaimed as "Veterans Day". 314

Perry Alexander, Jr. - Date set for a rezoning request by this person to rezone property at the Old VA Hospital - page 317; hearing and 1st reading - page ; 2nd reading - page ; 3rd reading - page .

Phifer Street - Date set for hearing relative to a rezoning request by Osborne Hart to rezone property on this street and Asheland Avenue - page 318; hearing and 1st reading - page ; 2nd reading - page ; 3rd reading - page .

Police Department - 1977-78 Budget amended relative to items requested by this department. 320

Paddy Wagons - Bids awarded to Apple Tree Chevrolet for three paddy wagons and one station wagon for the Police Department. 320

Police Department - Bids awarded to Apple Tree Chevrolet for three paddy wagons and one station wagon for this department. 320

Panel System - Bids awarded to Talman Office Supplies, Inc. for office furniture and panel system for the Collection Division. 322

Pumper - Bids awarded to American LaFrance, Inc. for one 1000 g.p.m. custom built triple combination pumper for the Fire Department. 323

Parks and Recreation Department - Bids were awarded to Superior Sports Supply, Inc. for a boxing and wrestling ring for the Livingston Street Community Center. 323

Proclamation - Vice-Mayor Horton proclaimed the month of October as "National Hobby Month". 244

Proclamation - Vice-Mayor Horton proclaimed the week of October 9-15, 1977 as "National Fire Prevention Week in Asheville". 244

Police Department - Bids were awarded to Apple Tree Chevrolet for 21 four-door police type vehicles for this department. 256

Paving Enterprises, Inc. - Bids were awarded to this company for four out of six tennis courts for the Parks and Recreation Department. 258

Parks and Recreation Department - Bids were awarded to Paving Enterprises, Inc. for four out of six asphalt tennis courts for this department. 258

Parks and Recreation Department - Bids were postponed relative to the chainlink fence around six tennis courts for this department. 258

Proclamation - The week of October 9-15, 1977 was proclaimed as "Alpha Delta Kappa Week." 259

Police/Fire Cadet Training Program - An agreement with the County of Buncombe for this program. 267

Parks and Recreation Department - Bids awarded to Asheville Fence Company for chain-link fence around four tennis courts for this department. 269

Proclamation - The week of October 24-30, 1977 as "Toastmistress Week." 270

Proclamation - October 20, 1977 proclaimed as "Credit Union Day." 270

Proclamation - The week of November 21-27, 1977 proclaimed as "Parents Without Partners Week." 270

Proclamation - October 24, 1977 proclaimed as "United Nations Day." 270

Proclamation - October 27, 1977 proclaimed as "Day in Court for Legal Secretaries." 270

Parents Without Partners Week - The week of November 21-27, 1977 proclaimed as such. 270

Proclamation - October 31, 1977 proclaimed as "Meet 'N Treat Day." 277

Proclamation - The month of November, 1977 proclaimed as "Epilepsy Month." 277

Proclamation - The week of October 31 - November 4, 1977 proclaimed as "American Production and Inventory Control Week in Asheville." 277

Proclamation - The week of November 6 - 12, 1977 as "United States Marine Corps Week in Asheville, North Carolina." 283

Property - Director of Finance directed to sell surplus property (boat at Northfork Reservoir.) 284

Price-Ray Constructors - Contract with this company for the project known as "Main Fire House Floor Bracing." 284

Proclamation - The week of November 20-27, 1977 proclaimed as "Bible Week". 328

Price, Norma T. - This person was announced as a new City Council member. 328

Quality Forward - Jean Johnson of this organization requested that the City Council consider sharing expenses with the county for a Show Mobile. 14

Quality Forward - They presented a resolution of appreciation to Mayor Eugene C. Ochsenreiter for his support of this program. 333

Reed, Al - This person expressed appreciation to the City for the fine condition of the Municipal Golf Course and for upgrading the water. 115

Reeder, Mrs. Wilma - Recognition of this retired City employee. 116

Report - Nasty Branch Study was distributed to City Council. 121

Rainey, Councilman - Would like to include pornography shops and pornography private clubs into the resolution relative to the Alcohol Enforcement Division. 122

Right-of-Way Agreement - This agreement with the North Carolina Department of Transportation for the installation of a 16-inch water line on State Road 3412-3414 (Sand Hill Road). 126

Ramp Fee - Public hearing set relative to establishing a ramp fee for transient general aviation aircraft at the Asheville Airport - page 127, hearing and 1st reading - page , 2nd reading - page , 3rd reading - page .

Rainey, Councilman - Would like the elimination of bars, taverns and pornography shops and clubs in the downtown area. 128

Roylance, Terry - Was designated the architect for the Shiloh Recreation Center. 136

Right-of-Way Agreement - This agreement with Southern Railway concerning a water line and sewer pipe line. 136

Recreation Board - William M. Rocamora and Frank T. Leppert were reappointed members of this Board. 136

Rocamora, William M. - Was reappointed a member of the Recreation Board. 136

Roylance, Terry - Was appointed as a member of the Adult Advisory Board of the Asheville Buncombe County Youth Council. 137

Ridgelawn Road - City Manager reported that speed limit signs and children playing signs have been erected in this area and that the Police Department would patrol more frequently. 138

Report - City Manager spoke relative to the runway extension at the Asheville Airport. 138

Rainey, Councilman - Commended the Vice-Squad of the Police Department in obtaining successful court cases against lottery peddlers. 139

Rocamora, Leon - Was appointed a member of the Asheville Revitalization Commission. 140

Riverside Park - Bids awarded to Wheeling Corrugating Company for galvanized corrugated steel pipe for this park. 145

Residency of City Employees - Public hearing was held relative to this. 2

Roberson, Dr. Joe B., Jr. - Recieved an amended notice of claim by this person. 14

Respect for Law Week - The week of May 1-7, 1977 proclaimed as such. 14

Rule 21 of Civil Services Rules and Regulations - Councilwoman Swilling requested a review of this rule relating to City employees participating in political activities. 16

Retirement and Disability Plan for Police and Fire Employees - Hearing set - page 22, hearing and 1st reading - page , 2nd reading - page , 3rd reading - page .

Rainey, Gene E. - Comments relative to parking violation administration. 26

Richmond Hill Road - Public hearing set on rezoning request of WNC Baptist Homes, Inc. and Cecil's Leases, Inc. on this road - page 26, hearing and first reading - page 52, 2nd reading - page 65, 3rd reading - page 74.

Right-of-Way Agreement - Agreement with the North Carolina Department of Transportation for the purpose of widening Cherry Street. 34

Reed Street - Public hearing set on rezoning request of Robert and Ann Harroff and Alan and Lucy Butterworth to rezone property on this street and Fairview Street - page 34, hearing - page 62, continuation of hearing and 1st reading - page 126, 2nd reading - page 133,3rd reading - page 141.

Rehabilitation Grant Program - Discussion relative to increase income limitations on this Community Development Program. 35

Report - Status of Women for Asheville-Buncombe County. 38

Recreation Park - Requests from residents in the North Asheville area for a recreation park. 43

Rehabilitation Grant Program - Amendment of this Community Development Program in the eligibility requirements. 55

Right-of-Way Agreement - With Southern Railway Company for a water line. 57

Rest Room Facility - This facility located on Eagle Street will be demolished and used as a parking facility. 60

Ranger Construction Company - Attorneys are requested to continue their work in overseeing the completion of the work at the Civic Center. 85

Report - Given by Vice-Mayor Horton relative to local distribution of tax revenues. 92

Report - Fixed Asset Accounting Report from Marshall and Stevens was received and will be furnished to Council. 108

Ridgelawn - Residents of this street presented a petition for more police patrol, signs for a 20 mph zone and signs for children playing. 115

Robinson, Bobby Jack - A claim was presented from James A. Hugenschmidt, Attorney, on behalf of this person. 115

Report - The City Manager reported on the Senior Opportunity Center van and Council decided to purchase a $9,000 van. 246

Report - The City Manager said that he was in the process of preparing a resolution to deal with Mrs. Noblett's problem on 15 McIntosh Road. 246

Report - The City Manager said that work will be started on Mr. John Bohannan's problem on 75 Macon Avenue as soon as a right-of-way has been obtained from adjoining property owners. 246

Rainey, Gene E. - Councilman Rainey requested the City Manager to distribute the memorandum sent to him by the City Manager relative to drainage problems of Mr. John Q. Shell and Mr. John Johnston on 184 and 186 Country Club Road. 246

Report - The City Manager gave a report on the question of whether to install a cul-de-sac on Inglewood Road or leave it open as a thoroughfare. 248

Robertson, Mr. - This person complained of noise from Doc's Rock Shop and the Cosmic Ballroom. 255

Retirement Plan and Trust - Public hearing date set to establish the Asheville Police and Asheville Fire Uniformed Personnel Retirement Plan and Trust. 270

Rainey, Gene E. - This councilman asked if the high utility poles being installed in North Asheville could stop. 270

Residency - The City Manager received a resolution from the Fraternal Order of Police Board relative to the residency requirements of City employees. 270

Recreation Centers - Bids were awarded to Castt Office Furniture for folding tables and chairs for use at the various Recreation Centers. 285

Re-Employment of City Employees - Public hearing date set relative to amendments to the Asheville Civil Service Rules and Regulations concerning this and Residency of City Employees - page 287; hearing - page 330.

Residency of City Employees - Public hearing date set relative to amendments to the Asheville Civil Service Rules and Regulations concerning this and the Re-Employment of City Employees - page 287; hearing - page 330.

Rainey, Gene E. - Question the status of the Senior Opportunity Center Van - specifications are being prepared. 289

Rainey, Gene E. - Question on the status of the Bohannan property - improvements made as recommeded by the Street Superintendent. 289

Right-of-Way - This easement from Beaver Enterprises, Inc. for 2-inch and 6-inch water lines from Pensacola Road into the Mountain Heights sub-division, Arden, North Carolina. 145

Robinson, Ridgley K., Jr. - Received a claim from this person. 146

Report - Given by the City Manager relative to road conditions on Albemarle Road and Blair Street. 153

Rents - Adoption of a policy regarding substantiation of rents, fees, etc. received by the City of Asheville. 158

Report - The City Manager said that a dead-end sign was installed at the end of Charles Street. 160

Recycling Trash - Tim Wiley requested that Council look into a resource recovery plant in Asheville for this. 162

Right-of-Way - This agreement with the N. C. Department of Transportation for a 8-inch water line on Town Mountain Road. 182

Robindale Avenue - Hearing date set of intent to close an unnamed alley way between Julia Street, this avenue and Henrietta Street - page 183, 203, hearing and resolution to close this alley - page 266 .

Redwood Forest 6-Inch Water Line - Contract with Perry M. Alexander Construction Company for this project. 192

Recreation Park - Bids awarded to Koppers Company, Inc. for one pre-fabricated picnic park shelter for this park. 204

Rainey, Gene E. - This Councilman asked if the Akzona, Inc. proposed group development was approved, was there federal money available to help the small businesses relocate. 205

Ray, Doug - Asked Council if anything has been done relative to his proposed second FBO at the Asheville Airport. 205

Roller Skates - Bids were discussed for roller skates at the Asheville Civic Center. 214

Report - Discussion was given by the City Manager relative to a second FBO at the Asheville Airport. 216

Rainey, Gene E. - This Councilman said that the people at the Senior Opportunity Center are still hoping for a van. 217

Residency Requirements - The Civil Service Board was asked to give City Council recommendations relative to employee residency requirements. 225

Rogers, Mrs. - Again asked Council for a new van for the Senior Opportunity Center. 228

Re-Roofing - Bids were awarded to Asheville Roofing, Inc. to re-roof the Senior Opportunity Center, 36 Grove Street, for the Parks and Recreation Department. 229

Roller Skates - Bids were awarded to Johnny Jones, Jr. for roller skates for use at the Asheville Civic Center. 239

Retirement Plan and Trust, Asheville Uniformed Personnel - This ordinance no. 957 was tabled. 293

Retirement Plan and Trust - The Asheville Uniformed Policemen's Retirement Plan and Trust and The Asheville Uniformed Firemen's Retirement Plan and Trust were established and a public hearing was held. 294

Retirement - The City Manager was directed to proceed with a request to the State of North Carolina to enroll policemen and firemen employed after December 1, 1977 into the Local Government Employees' Retirement System. 297

Report - The City Manager gave a report relative to the residents of the Shiloh area using the Shiloh Community Center during construction after hours. 312

Robinson, Marvin F. and Leona - Claim was received by these people. 327

Report - Given by the Mayor's Community Development Committee. 328

Supply Specialities, Inc. - Was awarded bids for an estimated 6 months requirements for cast iron water main fittings and valves. 76

Sanitation Division - Bids were awarded to Matthews Motors, Inc. for one pick-up truck and two dump trucks for this division. 76

Swain Property - North Asheville Booster Club again requested a ballpark on this property. 79

Schumacher, Sister Mary Veronica - Was appointed to the Civil Service Board over Lucille Gunter. 79

Sign Permit - La Chateau Steak House was approved this. 81

Sports World of Asheville, Inc. - Bids were awarded to this company for one multi-station gym machine with 16 stations. 85

Senior Opportunity Center - Request for bus. 92

Swilling, J. C. - A claim for damages was received by this person. 94

Space Mission - A complaint letter was received by Mrs. Jackie Kettleson from Better Homes Reality relative to this establishment on Merrimon Avenue. 95

School - Resolution of appreciation to Woodrow P. Griffin, Superintendent of the Asheville City Schools who is retiring. 97

Stevens, John D. - A claim was presented from Jones and Parker Attorneys on behalf of this person. 115

Self, Mr. James R. - Recognition of this retired City employee. 116

Sharp, Mr. Wayne - Recognition of this retired City employee. 116

Shiloh School - Lease agreement with the Opportunity of Madison-Buncombe Counties, Inc. to sub-lease the Shiloh School. 120

Sand Hill Road - Right-of-way agreement with the North Carolina Department of Transportation for the installation of a 16-inch water line on State Road 3412-3414 (Sand Hill Road.) 126

Shiloh Recreation Center - Terry Roylance was designated the architect for this center. 136

Southern Railway Company - Right-of-way agreement with this company concerning a water line and sewer pipe line. 136

Snow, Mrs. J. W. - Was reappointed a member of the Asheville Library Board. 137

Simmons, L. B. - Was reappointed a member of the Board of Examiners of Motion Picture Operators. 137

Saunooke, Thomas E. - Was reappointed a member of the Boxing and Wrestling Commission. 137

Shrine Hospital Weekend - The weekend of April 29 - May 1, 1977 proclaimed as such. 14

Secretaries Week - The week of April 24-30, 1977, proclaimed as "National Secretaries Week". 14

Show Mobile Request - Jean Johnson of Quality Forward requested that City Council consider sharing expenses with the county for a Show Mobile. 14

Stepp, Ray - Presented a resolution urging Council to review the entire act establishing the Asheville Civil Service system. 16

Signs - Discussion of third reading of Sign Ordinance No. 945. 16

Swilling, JoAnn M. - Appointed as a member of the Asheville Police and Fire Pension Fund Board of Trustees. 21

Senior Citizens Month - The month of May, 1977 proclaimed as such. 27

Signs - Discussion on third reading of Sign Ordinance No. 945. 28

Section 8 - Request HUD to raise fair market units in the Section 8 existing housing assistance program. 35

School Tax - Councilman Rainey requested the County Board of Commissioners not to increase the Asheville School Tax. 37

Snack Shop - Advertising of a lease agreement with Cathey's Kitchen, Inc. for a snack shop in the City Hall Building. 41

Signs - Amendment to the sign Ordinance No. 945 requested by the Asheville Board of Realtors relative to real estate signs. 42

Smith, Mrs. - This person of 128 S. Grove Street appealed to Council to improve a public alley behind her house for better access to her house. 43

Swimming Pools - Resolution to set a public hearing establishing standards governing these pools - page 47, hearing - page 80, 1st reading - page 89 , 2nd reading - pgs. 98 & 111 3rd reading - page 111.

Signs - Discussion on the third reading of Sign Ordinance No. 945. 47

Shiloh School Building - Permission requested from the Buncombe County Board of Education to make certain modifications to this building. 56

Southern Railway Company - Right-of-way agreement with this company for a water line. 57

Snack Bar - Lease with Cathey's Kitchen, Inc. for this in the City Hall Building. 58

Shiloh-Oakley Public Works Project - Amendement in the Community Development budget to complete this project, 1st, 2nd and 3rd reading - page 66.

Status of Women - Minister was concerned that the City might impose women ministers in his church. 72

State Tax Revenues - Report relative to method of distribution of state tax revenues to the City and County is postponed due to new developments that need to be pursued. 73

Singleton, Joseph - Commented on the process the City Manager is taking on selecting a new Chief of Police. 230

Shiloh School - The City of Asheville entered into an agreement with the Buncombe County Board of Education to demolish a portion of Shiloh School. 243

Senior Opportunity Center - The City Manager reported on the van for this Center and Council decided to purchase a $9,000 van. 246

Street Department - Bids were awarded to North Carolina Equipment Company for five self-contained hopper type salt/sand spreaders for this department. 257

Slide Program - The League of Women Voters, Mrs. Pauline Tennant, presented a slide program "The First Ingredient" to Council. 261

Street Department - Bids were discussed for one motor grader for this department from Western Carolina Tractor Company. 268

Sand Hill Road - A contract with W. & W. Contracting Company for the project known as "Sand Hill Road - Greenbriar Road 16-Inch Water Line." 285

Shiloh Community Center - Mr. Virgil McConnell asked Council if the shiloh residents could remain in this center during renovation. 288

Senior Opportunity Center Van - Councilman Rainey questioned what was being done - specifications are being prepared. 289

Street Department - Bids were awarded to Western Carolina Tractor Company for one motor grader for this department. 303

Shiloh Community Center - The City Manager gave a report relative to the Shiloh residents using this center after construction hours. 312

Speed Regulations - Amending of this ordinance - 1st reading - page 316; 2nd reading - page 316; 3rd reading - page 6 : book 44

Superior Sports Supply, Inc. - Bids were awarded to this company for a boxing and wrestling ring for the Livingston Street Community Center - Parks and Recreation Department. 323

Sewell, Ernest Lee Jr. - Was appointed a member to the Adult Advisory Board of the Asheville Buncombe County Youth Council. 137

Spells, Ray - Was appointed a member to the Asheville Area Civic Center Commission. 138

Sluder, A. R. - Was reappointed a member to the Board of Adjustment. 146

Swilling, JoAnn M. - Councilwoman Swilling announced a public hearing on the nomination of Montford Community Historical District to the Historical Register. 148

State Street - Hearing set for rezoning property requested by C. C. Blount & Assoc., Inc. of property generally bounded by this street, Michigan Avenue and Amboy Road - page 150, hearing-pg. 187 & 194, 1st reading-pg. 194, 2nd reading-pg. 201, 3rd reading-pg. 207.

Square D. Company - Hearing set on the approval of the site plan of the proposed expansion of the Square D Company located on Bingham Road - page 150, hearing and approval - page 187.

Six Associates, Inc. - Mayor authorized to enter into an agreement with them to provide design and consultant services evaluation of City facilities. 199

Stoner Road - Public hearing date set relative to a rezoning request by Ms. Evelyn K. Ness to rezone property on this road and in Biltmore - page 204, hearing and 1st reading - page 254, 2nd reading - page 266, 3rd reading - page 271.

Shelter - Bids awarded to Koppers Company, Inc. for one pre-fabricated park picnic shelter for the Recreation Park. 204

Street Washing - Vice-Mayor Horton suggested log books be installed in street washing trucks to see the streets that are being missed. 204

Swilling, JoAnn M. - This Councilwoman suggested that a staff person be assigned to find out the areas that need repair in the City. 205

Senior Opportunity Center - Councilman Rainey said that the people at this Center are still concerned about getting a new van. 217

State Water Bond Funds - Application for these funds for the Beaverdam Project and the Charlotte Highway Water Line Project. 217

Safety Shoes - Bids awarded to Asheville Army Store for safety shoes to meet OSHA safety standards for various departments. 218

Six Associates, Inc. - Prepared a report on the benefits of the City purchasing the E. Ted Linn property. 221

Smith, R. A. Electric Co., Inc. - Bids were awarded to this company to do electrical work on the fire and crash building at the Asheville Airport. 226

Stinnette Uniform Sales, Inc. - Bids were awarded to this company for uniforms for the Police Department. 227

Senior Opportunity Center - Mrs. Rogers again asked Council for a new van for this center. 228

Senior Opportunity Center - Bids awarded to Asheville Roofing, Inc. to re-roof this center, 36 Grove Street, for the Parks and Recreation Department. 229

Tate, Cleatus B. - Was appointed to the Planning and Zoning Commission for a two year term. 203

Twentieth Century Heating Co. - This company was awarded bids for the mechanical work on the fire and crash building at the Asheville Airport. 226

Transit Marketing Program - An agreement with the City of Asheville and the North Carolina Department of Commerce, Energy Division for this program. 243

Tunnel Road - Date set for a public hearing to rezone property on this road, requested by Mr. G. N. Koon - page 256; hearing and 1st reading - page 293; 2nd reading - page 293; 3rd reading - page 316.

Tennis Courts - Bids were awarded to Paving Enterprises, Inc. for four out of six tennis courts for the Parks and Recreation Department. 258

Toastmistress Week - The week of October 24-30, 1977 was proclaimed as such. 270

Tenie Street - Date set relative to closing a portion of this street - page 275, hearing and resolution to close - page .

Tiernan Street - Date set relative to closing a portion of this street - page 275, hearing and resolution to close - page .

Tables - Bids awarded to Castt Office Furniture for folding tables and chairs for use at various recreation centers. 285

Testing - A public hearing was held relative to this as recommended by the Civil Service Board. 305

Traffic Engineering Division - 1977-78 Budget amended relative to items requested by this division. 320

Talman Office Supplies, Inc. - Bids were awarded to this company for office furniture and panel system for the Collection Division. 322

Traffic Engineering Division - Bids were awarded to Murphy Body Distributors for one hydraulic powered aerial ladder for this division. 323

Tolley, Mrs. Betty - A claim was received by this person, 7 Woodrow Avenue. 327

Town Mountain Fire Line - Bids were awarded to Hobson Construction Company, Inc. for this project. 327

Trantham, Roy M. - Mayor Ochsenreiter introduced this person as a new City Council member. 328

Thoms Cablevision - Support to this company to amend Section 76.54 of the FCC regulations. 11

Trucks - Bids awarded to Matthews Motors, Inc. and Apple Tree Chevrolet for trucks for the Parks and Recreation Department and the Traffic Engineering Division. 12

Traffic Engineering Division - Bids awarded to Matthews Motors, Inc. and Apple Tree Chevrolet for trucks for this division. 12

Taxes - Levying, assessing, imposting and defining the license and privilege taxes of the City, 1st reading - page 23, 2nd reading - page 33, 3rd reading - page 40.

Tag - Statement by E. R. McCarthy relative to City motor vehicles tag. 58

Trucks - Bids were awarded to Matthews Motors, Inc. for one pick-up truck and two dump trucks for the Sanitation Division. 76

Taft Street - Easement from William Erwin Payne for an 8-inch sewer line between this street and Hampton Street. 82

Tractor - Bids were awarded to Farm Equipment Company for a diesel tractor for the Parks and Recreation Department. 82

Thompson-Hayward Chemical Company, Thomasville, NC - Bids were awarded to this company for chemicals for treatment of water for fiscal year July 1, 1977 through June 30, 1978. 83

Tax - Report by Vice-Mayor Horton relative to local distribution of tax revenues. 92

Thigpen, Luther B. - Resolution of appreciation was given to him for his work in the Housing Authority Commission. 99

Taft Street - Hearing set on intent to close a portion of this street - page 108, hearing and resolution closing a portion of this street - page 131.

Tunnel Road - Councilman Michael requested policemen on Tunnel Road during rush hour traffic. 109

Taverns - Councilman Rainey would like the elimination of these in the downtown area. 128

Thoms Cablevision - This company requested to increase authorized rates - public hearing scheduled - page 133, hearing - page 180; 1st reading - page 186; 2nd reading - page 253; 3rd reading - page 264.

Tennis Courts - Discussion to establish fees for the use of these courts at Aston Park. 133

Tisdale, George M. - Was appointed a member of the Asheville Revitalization Commission. 140

Timothy Street - Mr. Robert Fields presented the City Council with a list of needed improvements on this street and Charles Street. 152

Town Mountain Road - Right-of-way agreement with the N. C. Department of Transportation for an 8-inch water line on this road. 182

Tacoma Circle - Rev. Samuel A. Friedman requested dog control on this street. 190

United States Department of Transportation - Contract between the City of Asheville and this department, Urgan Mass Transportation Administration, Grant No. NC-09-0030, and authorizing the City Manager to receive and expend federal funds. 141

Uniforms - Bids were awarded to Stinnette Uniform Sales, Inc. for uniforms for the Police Department. 227

United Nations Day - October 24, 1977 proclaimed as such. 270

Utility Poles - Councilman Rainey asked if the high utility poles being installed in North Asheville could stop. 270

Ureka Fire Hose Company - This company was awarded the bid for a fire hose for the Asheville Fire Department. 277

Urban Revitalization Grant - Councilman Michael urged the City staff to apply for these funds. 279

United States Marine Corps Week in Asheville, North Carolina - The week of November 6 - 12, 1977 proclaimed as such. 283

Uniforms - Bids were awarded to the Asheville Army Store for these for the Asheville Fire Department. 286

Utility Poles - Discussion as to these 80' utility poles being installed in North Asheville by CP&L. 335

Vernon Road - Right-of-way agreement with Southern Railway Company concerning a water line and sewer pipe line to serve the proposed new Victoria Health Center that will be constructed on this road. 136

Veterans Day - November 11, 1977 was proclaimed as such. 314

VA Hospital - Date set for rezoning of the Old VA Hospital requested by Perry Alexander, Jr. - page 317; hearing and 1st reading - page ; 2nd reading - page ; 3rd reading - page .

Wurst, Robert - Was appointed to head this new division called Administrative Audit and Evaluation Division. 160

Wiley, Tim - Asked Council to look into a resource recovery plant in Asheville for recycling trash. 162

Wells, Mary E. - Resolution of appreciation and commendation to this person. 168

Water Bond Funds - Application for State Water Bond Funds for the projects, Beaverdam Project and Charlotte Highway Water Line Project. 217

Waste Waster Treatment System - 1977-78 budget amendment for this system at the Asheville Airport. 217

Winterization of the City Barn - Operation Complex funds will be used for this. 221

Walker and Whiteside, Inc. - This company was awarded bids for the refurbishing of H.I. Runway and M.I. Taxiway Lighting at the Asheville Airport. 226

Walter Motor Truck Co. - Bids were awarded to this company for a fire and rescue vehicle at the Asheville Airport. 226

Whitesides, Alfred J. - Was appointed to the Joint Study Committee to study the consolidation of Asheville City and Buncombe County Schools. 229

Water Bill - Mr. Harold Grossman of 88 College Street appealed to Council to help him straighten out his outrageous water bill. 230

West Asheville Medical Center - Date set for a public hearing relative to rezoning property on Green Hill Avenue requested by this center and the Western Food Systems, Inc. - page 244; hearing - page 281, 1st reading - page ; 2nd reading - page ; 3rd reading - page .

Western Food Systems, Inc. - Date set for a public hearing relative to rezoning property on Green Hill Avenue requested by this company and the West Asheville Medical Center - page 244; hearing-pg. 281; 1st reading - page ; 2nd reading - page ; 3rd reading - page .

Wachovia Bank and Trust Company - Date set for a public hearing relative to rezoning property on Hazel Mill Road request by this company - page 256; hearing and first reading - page - ; 2nd reading - page ; 3rd reading - page .

Water Department - Mr. Don Meade asked Council what was being done about the Water Department investigation. 266

Wyoming Road Relocation Project Area - The Housing Authority asked City Council to condemn some parcels in this area and the Kenilworth Park Project Area. 268

Water - Public hearing set relative to increasing water rates - page 14, hearing - page 38, 1st reading - page 54, 2nd reading - page 64, 3rd reading - page 64.

Wallack Street - Public hearing held relative to closing all of this street - page 22, hearing continued and resolution to close this street - page 35.

WNC Baptist Homes, Inc. - Public hearing scheduled on zoning request of this company and Cecil's Leases, Inc. to rezone property on Richmond Hill Road - public hearing set - page 26, haring and 1st reading - page 53, 2nd reading - page 65, 3rd reading - page 74.

Women - Report on Status of Women for Asheville-Buncombe County. 38

WNC Regional Office and Museum - Support of this establishment. 40

Wilkins-Hart Mortuary, Inc. - Sale of Parcels 85, 86 and 87 from the East Riverside Project to this mortuary. 42

Water Meters - Notification that these will be read bi-monthly. 60

Williams, Terry - Sympathy to this patrolman's family. 60

West Asheville Business Association - Wayne Cooper, president of this association, presented some requests for improvements in West Asheville. 65

Weed Control Plan - Plan to mail out letters to all households relative to the Brush and Weed Control Plan. 72

Water Main Fittings - Bids were awarded to Supply Specialities, Inc. for an estimated 6 months requirements for these fittings and valves. 76

Wilson, Mrs. Gayla Hope - Claim received from this person. 109

West Asheville Park - Establishment of a fair market value for a portion of certain property immediately adjacent to this park and authorizing the Director of Parks and Recreation to proceed with the acquisition of said property. 135

Williams, Mrs. Becky - Was reappointed a member of the Adult Advisory Board of the Asheville Buncombe County Youth Council. 137

Watts, Herb - Was appointed a member of the Adult Advisory Board of the Asheville Buncombe County Youth Council. 137

Walker, Drew - Vice-Mayor Horton read a resolution by the Fraternal Order of Police commending this Police Legal Advisory for his efforts in his job. 139

Wheeling Corrugating Company - Bids were awarded to this company for galvanized corrugated steel pipe for Riverside Park. 145

Wallace, Herbert A. - Was appointed a member of the Board of Adjustment. 146

Webster, Richard F. - Was appointed an alternate member of the Board of Adjustment. 146

Western North Carolina Regional Air Pollution Board - Mrs. Jones Byrd was appointed to this Board. 146

Western Carolina Tractor Company - Disussion to award bids to this company for one motor grader for the Street Department. 268

W. & W. Contracting Company - Contract with this company for the project known as "Sand Hill Road - Greenbriar Road 16-Inch Water Line." 285

Western Carolina Tractor Company - Bids were awarded to this company for one motor grader for the Street Department. 303

Wood Avenue - Date set for approval of a site plan of the proposed Arrowhead Apartments to be located on this street - page 317; hearing and approval - page .

Water Maintenance Division - Bids awarded to North Carolina Equipment Company for a portable air compressor for this division. 325

Wilson, Virginia - A claim was received by this person, 711 Vanderbilt Apartments. 327

Youth Outreach Program - Application for a federal grant with the North Carolina Division of Law and Order for this program. 12

Young Phillips Sales - Bids were awarded to this company for one power paper cutter for the Print Shop Division. 286

Zoning - Public hearing scheduled to rezone property on Hazel Mill Road, requested by Wachovia Bank and Trust Company - page 256; hearing and 1st reading - page ; 2nd reading - page ; 3rd reading - page 316.

Zoning - Public hearing scheduled to rezone property on Tunnel Road, requested by Mr. G. N. Koon - page 256; hearing and 1st reading - page 293; 2nd reading - page 293; 3rd reading - page .

Zoning - Public hearing scheduled to rezone property at the Old VA Hospital requested by Perry Alexander, Jr. - page 317; hearing and 1st reading - page ; 2nd reading - page ; 3rd reading - page .

Zoning - Public hearing scheduled to rezone property on Phifer Street and Asheland Avenue requested by Osborne Hart - page 318; hearing and 1st reading - page ; 2nd reading - page ; 3rd reading - page .

Zoning - Written notice to the County Commissioners and the Town of Biltmore Forest of the intenet to modify the extraterritorial boundary description. 11

Zoning - Public hearing scheduled of the rezoning request of WNC Baptist Homes, Inc. and Cecil's Leases, Inc. to rezone property on Richmond Hill Road - page 26, hearing and 1st reading - page 52, 2nd reading - page 65, 3rd reading - page 74.

Zoning - Public hearing set on the rezoning request of Robert and Ann Harroff and Alan and Lucy Butterworth to rezone property on Reed Street and Fairview Street - page 34, hearing - page 62, continuation of hearing and 1st reading - page 126, 2nd reading - page 133, 3rd reading - page 141.

Zoning - Public hearing scheduled to amend zoning ordinance no. 322, Sections 30-1-3 and 30-4-1 to make changes in the boundaries of the one mile perimeter - page 41, hearing and 1st reading - page 79, 2nd reading - page , 3rd reading - page .

Zoning - Public hearing set on the rezoning request of Samuel Graves to rezone property in the Montford area - page 120, hearing rescheduled - page 144 and 160, sent back to Planning and Zoning Commission - page 199.

Zoning - Public hearing rescheduled relative to the readoption of the City Zoning Ordinance - page 133, hearing and 1st reading - page 167 2nd reading - page 188, 3rd reading postponed - page 195, 206, 3rd reading - page 233.

Zoning - Public hearing scheduled to rezone property generally bounded by State Street, Amboy Road and Michigan Avenue, requested by C. C. Blount and Associates, Inc. - page 150, hearing-pg. 187 & 194, 1st reading-pg. 194, 2nd reading-pg. 201, 3rd reading-pg. 208.

Zoning - An amendment to the zoning ordinance relative to joint use of parking lots - off-street parking and loading. 179

Zoning - Public hearing scheduled to rezone property on Mildred Avenue, requested by J. D. Cauble - page 203, hearing and 1st reading - page 234, 2nd reading - page 254, 3rd reading - page 254.

Zoning - Public hearing scheduled relative to rezoning property in Biltmore and on Stoner Road requested by Ms. Evelyn K. Ness - page 204, hearing and 1st reading - page 254, 2nd reading - page 266, 3rd reading - page 271.

Zoning - Public hearing scheduled relative to amending the Zoning Ordinance in reference to permitted uses in CH Commercial Highway District - page 204, hearing -page 255; 1st reading - page 267, 2nd reading - page 267, 3rd reading - page 271.

Zoning - Public hearing scheduled relative to rezoning property on the east side of Leicester Highway requested by Mr. J. F. Bridges, Jr. - page 228; hearing and 1st reading - page 273, 2nd reading - page 281, 3rd reading - page 291.

Zoning - Public hearing scheduled relative to rezoning property at the Manor Inn - page 233, hearing and 1st reading - page , 2nd reading - page , 3rd reading - page .

Zoning - Public hearing scheduled relative to rezoning property on Green Hill Avenue requested by the West Asheville Medical Center and the Western Food Systems, Inc. - page 244, hearing - page 281, 1st reading - page ; 2nd reading - page ; 3rd reading - page .

Mike Summey, of Summey Sign Company, said he had reviewed the proposed changes. Referring to Section 30-9-3 (E) of the ordinance he said, Mr. Emrick of the Planning Division had made several suggestions regarding principal use identification signs. He said he would recommend that Council approve the following suggestion: "For principal use identification signs an individual business may use either of the following:

(1) One (1) free-standing sign or wall sign of the maximum size shall be allowed, or

(2) One (1) free-standing and one (1) wall sign provided that the total square footage of both signs does not exceed five hundred (500) square feet.

Additional signage shall be approved by the Board of Adjustment in accordance with the provisions of Section 30-9-6 of the ordinance."

Mr. Summey also recommended that Council consider amending the ordinance to provide for a "grandfather clause" for existing fixed signs.

Lee Thompson of Exxon, Inc. also recommended that Council consider the amendment suggested by Mr. Mike Summey relative to Section 30-9-3 (E). He also suggested that Section 30-9-1 (B) (5) be amended to allow for information and direction signs to be four (4) square feet per face in lieu of the present three (3) square feet per face.

Mary Evelyn Hicks opposed Council inserting a "grandfather clause" into the sign ordinance. She said all the "trash" signs would be continued.

Councilman Rainey said he would not be in favor of a "grandfather clause". He presented several suggestions for amendments regarding licensing and enforcement if Council so desired to insert into the ordinance a grandfather clause.

Mayor Ochsenreiter said the ordinance amendments would be considered during the next two weeks prior to the third reading of the ordinance.

PUBLIC HEARING - RESIDENCY OF CITY EMPLOYEES

4. A public hearing was held relative to the residency of city employees.

Mayor Ochsenreiter opened the public hearing at 8:05 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

The City Manager said the City Council had requested the Civil Service Board to review the residency rule for city employees and to make a recommendation of the Civil Service Board to the City Council. He said the recommendation of the Board is as follows:

Thursday - April 28, 1977 - 7:30 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Gene E. Rainey, J. W. Hoyle, Otis B. Michael, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

APPROVAL OF MINUTES

1. Approval of minutes of April 21, 1977 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Swilling, the minutes of the April 21, 1977 meeting were unanimously approved as submitted.

ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL - "CITY DAY" - PROPOSALS PRESENTED

2. Eddie Mullis with the Asheville-Buncombe County Youth Council presented a list of proposals to the Asheville City Council that were discussed during City Day. The proposals were as follows:

a) Lights for Oakley Ballfield, to replace vandalized and/or worn ones.
b) Roads, paving, city roads only.
c) Livingston Street Outdoor Basketball Court.
d) More clarification of city responsibilities.
e) Zoning Ordinance - citizens to be made more aware of zoning regulations.
f) More trash cans in park could solve many problems.
g) Picking up of leaves by the City - faster service.
h) School monitors at Civic Center functions are a bad idea.
i) Investigation of youth things at Civic Center is discriminatory if not applied to all events.
j) Airport officials to live inside city limits unfair.
k) Consider blending the city and county into a metropolitan system.
l) Consider concerts at Civic Center lasting longer than 12 a. m.
m) Revenue is lost by people moving to County for lower taxes.

Mayor Ochsenreiter thanked the Youth Council for the list of proposals and for participating in the City Day activities.

ORDINANCE NO. 945 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Sign Regulations)

3. Mayor Ochsenreiter stated that the third reading of Ordinance No. 945, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended relative to sign regulations would not be considered at this meeting. However, Council members as well as sign representatives have been furnished with copies of the proposed changes to the ordinance.

2. Employees working in City agencies headquartered outside the corporate boundaries of the City of Asheville are exempted from coverage of this Rule; provided, however, all such employees must be residents of Buncombe County within sixty (60) days after the effective date of this Rule. Such agencies shall include, but shall not be limited to, the City of Asheville Airport, the recreation facility at Bee Tree Lake, and the water production and treatment facility at North Fork Water Reservoir.

(b) Applicants for employment within the Classified Service of the City of Asheville are not required to be residents of the City, but must establish such residency, as defined in this Rule, within six (6) calendar months from the date of employment.

(c) The requirement for residency within the corporate boundaries of the City of Asheville may be waived upon written request of the appointing authority with the concurrence of the City Manager to the Civil Service Board in filling positions within the Classified Service requiring technical, scientific, or other special qualifications and skills or when the local supply of applicants, as determined by the Board, becomes inadequate to fill vacancies; provided, however, that no such employee of the City of Asheville may reside outside of Buncombe County.

If the Civil Service Board can provide you or any member of the City Council any additional information regarding this matter, we will be happy to meet with you at your convenience.

Respectfully submitted,

W. Earl Williams

W. Earl Williams
Director
Asheville Civil Service Board

WEW:llh

cc: Kenneth M. Michalove
Acting City Manager

CITY OF ASHEVILLE

CIVIL SERVICE BOARD

April 7, 1977

Asheville City Council
c/o Mayor Eugene C. Ochsenreiter, Jr.
P. O. Box 7148
Asheville, North Carolina 28807

Dear Mayor Ochsenreiter:

I am writing this letter to you in response to the City Council's request that the Civil Service Board make recommendations regarding questions that have arisen about the City's policy on residence for City employees. At the regular monthly meeting of the Civil Service Board on April 6, 1977, the Board considered this question and makes the following recommendation:

1. That Ordinance No. 640 (Section 2-3, Code of Ordinances, City of Asheville, North Carolina), be deleted and repealed in its entirety.

2. That the City Council, in accordance with Section 28(a) of the Charter Appendix - Related Laws, Code of Ordinances, City of Asheville, North Carolina, approve the following rule on residence for City employees:

   RULE 11 - Residence of City Employees.

   (a) All employees in the Classified Service of the City of Asheville must maintain their primary place of residence within the corporate boundaries of the City of Asheville after the effective date of this Rule. The following exceptions are granted to persons employed in the Classified Service of the City of Asheville prior to the effective date of this Rule:

      1. Employees residing outside the corporate boundaries of the City of Asheville but inside the boundaries of Buncombe County are exempted from coverage of this Rule; provided, however, if such employee changes his primary place of residence after the effective date of this Rule, he must then reside within the corporate boundaries of the City of Asheville.

The City Manager said he had also received a telephone call from a police officer, who was unable to attend the meeting, but expressed concern about the proposed rule change which would cause him a hardship.

Councilman Rainey commented that Council could change the rule at a later date and he felt Council members were not too happy with the unpopular provision requiring present employees to move into the City if they leave their present homes. He said perhaps Council could consider a "grandfather clause" for present employees.

Mayor Ochsenreiter said Council would not make a decision on the residency rule at this time but would hear public comments on the matter.

Albert L. Sneed, Jr., attorney representing Merle Baldwin, an airport employee, said nine (9) of the airport employees live in Henderson County. He distributed copies of his client's application for employment with the City, in which he indicated clearly that he lived neither in the City nor the County. Despite that fact, Baldwin's name was placed on the eligible list. He said other airport employees have letters from the Civil Service Board, addressed to them at their Henderson County homes, informing them of their certification to the city's eligible list.

Mr. Sneed noted that recently an airport employee had written to the Civil Service Board informing them of the employees living in Henderson County. He said Ordinance No. 640 adopted in 1969 allowing city employees to reside in Buncombe County was illegally adopted and that fact prompted the Civil Service Board to review the entire rule.

He asked Council to consider the unfairness of the proposal and recommended that the Airport be considered separate. He said airport employees need to be readily available to the Airport and this proposed rule would prohibit this readiness.

Ken Bishop, representing Local 865 of the International Association of Firefighters, spoke in opposition to the proposed residency rule. He said most city employees are in the lower or middle income bracket and must buy houses where they can afford them. He said the proposed rule could possibly prohibit the City from finding qualified personnel. He said the city employees are dedicated and "have the city at heart" and also patronize city businesses, churches, organizations, and functions even though they live in the County.

Mr. Bishop said other cities such as Durham, who are requiring their employees to live inside the City Limits are from a metropolitan government and in most cases encompasses an entire County.

Gary Taylor, Director of Aviation, representing his employees as well as himself read the following letter:

He said in compliance with Section 28(a) of the Charter Appendix of the City of Asheville Code of Ordinances the Council set this time for a public hearing on the matter. He said all city employees were sent a letter notifying them that they would be given the opportunity to voice their opinion regarding the rule change at the public hearing. He read the letter and the notice of the proposed rule change which was sent to all city employees.

The City Manager also read the following resolution adopted by the Asheville Area Civic Center Commission relative to the city employee residency rule:

ASHEVILLE AREA CIVIC CENTER COMMISSION

RESOLUTION NUMBER 77-4

DATE April 25, 1977

RESOLUTION OPPOSING THE REQUIREMENT OF CITY EMPLOYEES TO LIVE WITHIN CITY LIMITS

Whereas, the Asheville Area Civic Center Commission is of the opinion that requiring city employees to live within the city limits will severely inhibit the ability to attract qualified employees; and

Whereas, the Asheville Civic Center Commission is of the opinion that it limits employees from living where they choose; and

Whereas, the Asheville Area Civic Center Commission is of the opinion that the Civic Center is a facility for use by the people not only in the city limits;

Now, therefore, be it resolved by the Asheville Area Civic Center Commission: The Commission goes on record as opposing any requirement of city employees living with in city limits.

Read, unanimously approved and adopted, this 25 day of April 1977.

ASHEVILLE AREA CIVIC CENTER COMMISSION

By: B. Paul Goodman, Chairman

In order to comply with federal regulations it is necessary to create an Airport Aircraft Emergency Plan. This plan consist of letters of agreement from all the various fire departments servicing the airport, the Highway Patrol and the Sheriff's Department of counties other than Buncombe. These agreements state that each unit will exercise its complete service to the Asheville Airport when the need arises at no cost to the City of Asheville. Isolating employees to a restricted area has become a common in as much as these units have agreed to participate because they feel the airport is a vital asset to them as well as the City of Asheville and Buncombe County.

Certainly it makes sense that airport employees should live close to the airport. For example, several times this season due to adverse weather conditions, I have been forced to ask those employees that were on duty at the beginning of these adverse weather conditions to work additional hours because other employees could not get to there work because of the distance of their residence and weather conditions at the time. In an incidence this season my Superintendent spent sixteen hours on duty. His over exertion contributed to his suffering through heart condition.

I joined employment with the City of Asheville on June 6, 1965 at which time it was brought to my attention that myself and all of my employees would be restricted to live in the City limits and cost of transportation would be provided in excess of regular salaries. Shortly after this date it was brought to my attention that I had two employees whose residence was within a quarter of a mile of the airport. However, located in Henderson County. I brought this to the attention of the City Manager and also the Director of Civil Service Commission at that time. I was informed that one of these employees was a night watchman at the airport and one was responsible for opening and closing the restaurant. The restaurant being operated by the City at that time and that it was necessary that these persons reside at these locations to take quick action in emergencies. One of these employees at present is a Security Officer assigned to night duty and his residence is in approximately the same location as it was when I joined employment with the City of Asheville and his quick response has saved the City a considerable amount of money.

Attached please find letter dated August 7, 197[illegible] requesting the Asheville Airport be exempted from Sec. 11 of the Civil Service Rules and Regulations. The request was made due to additional management responsibilities. The [illegible]

CITY OF ASHEVILLE

Office of Aviation Department

U. GARY TAYLOR
DIRECTOR

P.O. BOX 847 • FLETCHER, N. C. 28732 • PHONE 684-2226

March 7, 1977

Mr. Ken Michelove
acting City Manager
P. O. Box 7148
Asheville, N. C. 28807

Dear Ken:

This is in reference to letter dated March 2, 1977 from Mr. Earl Williams concerning the residence restriction by Rule 11, Ordinance #640. Under the amendment to this rule approved by City Council November 6, 1969 and effective November 21, 1969, I feel in order to perform my assigned duties conscientiously and in a responsible manner, it is necessary that I be readily accessible to the airport at all times without regards to geographical boundaries that may be required under approved amended Rule 11.

With respect to my personal residence location I found it impossible to choose a location that would be within the limitation of Rule #11 and continue to perform the services expected in the supervision and operation of the airport. Further it is my opinion, rather than a restriction to residency in the City of Asheville or Buncombe County it would be in the best interest of those served by the Asheville Airport that all employees be required to reside in the immediate vacinity of the operational area.

Due to the location of the airport being in both Buncombe and Henderson County, it is very difficult to locate property with zoning and development of business trends and keeping in mind the importance of quick accessibility to the airport operational area that would comply with Rule 11. In order to comply with various federal regulations which includes aircarrier certification (FAR PART 139), I am required to have on duty and/or on call a staff which includes safety, security, maintenance, office staff, and etc.

I have discussed this with employees whose names have been previously furnished. From these interviews it was evident that to comply with this rule would cause the loss of personnel which have been trained to perform their assigned duties to assure a safe and serviceable facility for the area that is served by the Asheville Airport.

Mr. J. E. Johnson, Director of Inspections and Demolitions, said the employees in his department favor status quo. As for himself, although he has lived in the City since coming to work he said he thinks he should be allowed to move to the County if he wanted to.

Floyd Worley, of the Water Department, also spoke in opposition to the new ruling.

E. R. McCarthy said he thought city employees should reside in the City Limits.

Jim Evans, Manager of the Civic Center, spoke in opposition to the new ruling on behalf of his employees and himself.

Jack Babb, an Asheville Fireman, spoke in opposition to the proposed rule and asked Council what benefit the City could possibly derive if he moved into Asheville, since he would no doubt be occupying a residence where the previous occupant had already been paying either taxes or rent.

Fred Moeller, an employee of the Data Processing Division, spoke in opposition to the proposed rule.

Marvin Vierra, an employee in the Planning Division, presented Council with statements from several employees in the Planning Division opposing the proposed change. He said he had such high regard for the Personnel Division that he did not see the need for a Civil Service Board.

Mayor Ochsenreiter closed the public hearing at 9:26 o'clock p. m. and stated that Council would consider the comments made by the employees and a decision made on the matter in the near future.

COUNCIL RECESS

Mayor Ochsenreiter called for a recess of Council at 9:30 o'clock p. m.

Council reconvened at 9:40 o'clock p. m.

PUBLIC HEARING - ORDINANCE DEALING WITH ELIMINATION OF METER FEEDING

ORDINANCE NO. 952 - AN ORDINANCE DELETING SECTION 28-119 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE ENTITLED "DEPOSIT OF COIN FOR PURPOSE OF EXTENDING TIME"

5. A public hearing was held relative to an ordinance change dealing with the elimination of meter feeding.

Mayor Ochsenreiter opened the public hearing at 9:40 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

The City Manager explained that this public hearing was brought about by a conflict in ordinances dealing with meter feeding. He said this has been done administratively however, this ordinance would legally delete meter feeding.

letter indicated, I could not get the highly qualified employees that were required for key positions in Buncombe County. Several qualified personnel were available, however when asked if they would reside in Buncombe County they immediately rejected any offer of employment.

My Civil Service records indicate I have requested on many occasions an eligible list of qualified persons to fill positions any many occasions the Civil Service Board could not furnish any qualified persons.

Due to the above reasons I respectfully request Civil Service Rule 11 and City Ordinance #640, be amended to enable employees to have residence in a limited diameter around the Asheville Airport.

Respectfully submitted,

U. Gary Taylor
Director of Aviation

UGT:ss
Enclosure
cc: Copies withheld pending your consideration

Mr. Taylor further commented that he felt the Airport should be considered separate and employees be allowed to live within a six to eight mile radius of the Airport.

Mr. Harold Trantham, an employee of the Fire Department, also spoke in opposition to the proposed residency rule. He also commented on the unfairness of the five-point provision given to City residents on Civil Service examinations.

Mr. John Young, also an employee of the Fire Department, presented Council with several petitions which he said had been signed by local citizens opposed to the new rule. He said an employee's residence is a personal matter and any residency restriction imposed by an employer is in violation of the employee's constitutional rights.

RESOLUTION NO. 77-68 - RESOLUTION RELATING TO RULES AND REGULATIONS FOR DISCO DANCES HELD AT THE ASHEVILLE CIVIC CENTER COMPLEX

8. Consideration was given to a resolution relating to rules and regulations for Disco Dances held at the Asheville Civic Center Complex.

The City Manager read the resolution and details of the rules and regulations for the Disco Dances.

John Jerose, a member of the Asheville Area Civic Center Commission, said incidents had occurred during these dances which prompted the establishment of these rules. He urged Council's approval of the regulations.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Horton, Resolution No. 77-68 was unanimously adopted.

Complete text of Resolution No. 77-68 will be found in Resolution Book No. 9 at page 274.

RESOLUTION NO. 77-69 - RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION FOR FEDERAL GRANT WITH THE NORTH CAROLINA DIVISION OF LAW AND ORDER FOR THE PROJECT YOUTH OUTREACH PROGRAM

9. Consideration was given to a resolution authorizing the Mayor to file an application for federal grant with the North Carolina Division of Law and Order for the Project Youth Outreach Program.

The City Manager read the resolution.

Bill Fesperman of the YMCA and Director of the Project Youth Outreach Program explained that the program has proven to be very successful. He presented statistics showing the success of the program. He also noted that no city funds are involved in the project and that the YMCA will seek all necessary matching funds.

Upon motion of Councilman Morris, seconded by Councilman Michael, Resolution No. 77-69 was unanimously adopted.

Complete text of Resolution No. 77-69 will be found in Resolution Book No. 9 at page 275.

BIDS - ONE (1) FOUR DOOR CAR, FOUR (4) PICK-UP TRUCKS, TWO (2) DUMP TRUCKS, AND ONE (1) VAN TYPE TRUCK FOR PARKS AND RECREATION DEPARTMENT: AND ONE (1) CAB AND CHASSIS FOR TRAFFIC ENGINEERING DIVISION

10. Consideration was given to bids received April 14, 1977 for one (1) four door car, four (4) pick-up trucks, two (2) dump trucks, and one (1) van type truck for Parks and Recreation Department; and one (1) cab and chassis for Traffic Engineering Division.

Councilman Rainey suggested that a two hour limit be installed with no further time allowed for parking.

Vice-Mayor Horton noted that a study of this type is being made and should be forthcoming in the near future.

Mayor Ochsenreiter closed the public hearing at 9:45 o'clock p. m.

The City Manager read the ordinance.

Councilman Rainey moved for the adoption of Ordinance No. 952. This motion was seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 952, passed on first reading.

RESOLUTION NO. 77-66 - RESOLUTION SUPPORTING THOMS CABLEVISION IN REQUESTING THAT THE FEDERAL COMMUNICATIONS COMMISSION AMEND SECTION 76.54 OF THE FCC REGULATIONS

6. Consideration was given to a resolution supporting Thoms Cablevision in requesting that the Federal Communications Commission amend Section 76.54 of the FCC regulations.

Mayor Ochsenreiter stated that this resolution had been considered on two previous occasions but was tabled for language modification.

The City Manager read the revised resolution.

Upon motion of Councilwoman Swilling, seconded by Councilman Morris, Resolution No. 77-66 was unanimously adopted.

Complete text of Resolution No. 77-66 will be found in Resolution Book No. 9 at page 270.

RESOLUTION NO. 77-67 - RESOLUTION PROVIDING WRITTEN NOTICE TO THE COUNTY COMMISSIONERS OF THE COUNTY OF BUNCOMBE AND THE TOWN COUNCIL OF BILTMORE FOREST, NORTH CAROLINA, OF THE INTENT OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE TO MODIFY THE EXISTING EXTRATERRITORIAL BOUNDARY DESCRIPTION AND CERTAIN FUNCTIONAL RESPONSIBILITIES

7. Consideration was given to a resolution providing written notice to the County Commissioners of the County of Buncombe and the Town Council of Biltmore Forest, North Carolina, of the intent of the City Council of the City of Asheville to modify the existing extraterritorial boundary description and certain functional responsibilities.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Swilling, Resolution No. 77-67 was unanimously adopted.

Complete text of Resolution No. 77-67 will be found in Resolution Book No. 9 at page 272.

PUBLIC HEARING SET - INCREASING WATER RATES

11. The City Manager requested that Council schedule a public hearing for the purpose of increasing water rates.

Councilman Michael moved to schedule a public hearing for the purpose of increasing water rates for May 19, 1977. This motion was seconded by Councilwoman Swilling and carried unanimously.

CLAIM - DR. W. P. CAVE, HOLLY McKEE, DR. JOE B. ROBERSON, JR., AND DENTAL ASSOCIATES, INCORPORATED

The City Manager presented an amended notice of claim on behalf of Dr. W. P. Cave, Holly McKee, Dr. Joe B. Roberson, Jr., and Dental Associates, Inc.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - RESPECT FOR LAW WEEK - MAY 1-7, 1977

Mayor Ochsenreiter proclaimed the week of May 1 - 7, 1977 as "Respect for Law Week".

PROCLAMATION - SHRINE HOSPITAL WEEKEND - APRIL 29 - MAY 1

Mayor Ochsenreiter proclaimed the weekend of April 29 through May 1, as "Shrine Hospital Weekend."

PROCLAMATION - ORA BLACKMUN WEEK - MAY 1 - 7

Mayor Ochsenreiter proclaimed the week of May 1 - 7 as "Ora Blackmun Week" honoring Ora Blackmun, 915 Vanderbilt Apartments for her efforts in providing "Western North Carolina; Its Mountains and its People to 1880".

PROCLAMATION - NATIONAL SECRETARIES WEEK - APRIL 24 - 30, 1977

Mayor Ochsenreiter proclaimed the week of April 24 - 30, 1977 as National Secretaries Week.

SHOW-MOBILE REQUEST - JEAN JOHNSON - QUALITY FORWARD

Jean Johnson, a committee member with Quality Forward, requested that City Council consider sharing expenses with the County for a Show Mobile. She said the Show Mobile would be used by many agencies for various occasions and events such as arts and crafts, street dances, symphonies, and plays. She said the cost of the Show Mobile is $32,000.

Mayor Ochsenreiter informed Mrs. Johnson that Council would consider her request.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the lowest bidder on a per item basis as follows:

Apple Tree Chevrolet

Item # 1	Four Door Car	$4,348.59
Item # 6	Metro Van Type Truck	6,814.50

Matthews Motors, Inc.

Item #2	(3) Pick-up trucks	$12,802.02
Item #3	Pick-up Dump Truck	4,993.34
Item #4	One Cab and Chassis w/5 yd. Dump Bed	13,089.61
Item #5	1 Flat Bed Dump Truck	7,440.40
Item #7	One Cab and Chassis	5,634.40

A complete bid summary is on file in the Office of the City Clerk.

The City Manager advised that if Council desires to accept the bids as recommended the bids exceed the original appropriation in the total amount of $3,884.00 and he was prepared to present a budget ordinance amendment to cover the deficit.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent on the foregoing bids. This motion was seconded by Councilman Hoyle and carried unanimously.

ORDINANCE NO. 953 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1976-77 (Appropriating funds to cover bid deficit on vehicles)

The City Manager read the ordinance.

Vice-Mayor Horton moved for the adoption of Ordinance No. 953. This motion was seconded by Councilman Rainey.

On a roll call vote of 6-0, Ordinance No. 953 passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 953. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 953 passed on second reading.

Councilwoman Swilling moved to suspend the rules and proceed to the third and final reading of Ordinance No. 953. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 953 passed on third and final reading.

Complete text of Ordinance No. 953 will be found in Ordinance Book No. 7 at page 132.

Thursday - May 5, 1977 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Gene E. Rainey, J. W. Hoyle, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Otis B. Michael

APPROVAL OF MINUTES

1. Approval of the minutes of the April 28, 1977 meeting.

Upon motion of Councilman Rainey, seconded by Councilman Hoyle, the minutes of the April 28, 1977 meeting were unanimously approved as submitted.

RAY STEPP - ASHEVILLE CENTRAL LABOR UNION - CITY EMPLOYEES PARTICIPATING IN POLITICS

Mr. Ray Stepp, President of the Asheville Central Labor Union, presented a resolution urging Council to review the entire act establishing the Asheville Civil Service system, with particular attention and emphasis being given to those portions purporting to control political participation on the part of municipal workers.

A complete copy of the resolution presented by Mr. Stepp is on file in the Office of the City Clerk.

The City Manager advised that he had requested that this matter be brought before the Asheville Civil Service Board for recommendations on any changes needed. He said a report from the Board should be forthcoming in the next week or two.

ORDINANCE NO. 945 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Sign Regulations)

2. Mayor Ochsenreiter stated that the third reading of Ordinance No. 945, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended relative to sign regulations would not be considered at this meeting. However, proposed changes to the ordinance would be considered.

Verl Emrick, Planning Director, reviewed the amendments made to the ordinance through the April 21, 1977 meeting.

Mr. Emrick suggested that Council amend Section 30-9-3 (E) relative to prinicipal use identification signs to read as follows:

"For principal use identification signs an individual business may use either of the following:

(1) One (1) free-standing sign or wall sign of the maximum size shall be allowed, or
(2) One (1) free-standing and one (1) wall sign provided that the total square footage of both signs does not exceed five hundred (500) square feet.

Additional signage shall be approved by the Board of Adjustment in accordance with the provisions of Section 30-9-6 of this Ordinance. "

REQUEST FOR REVIEW OF RULE 21 OF THE CIVIL SERVICE RULES AND REGULATIONS

Councilwoman Swilling requested the City Manager to review Rule 21 of the rules and regulations of the Civil Service Board relating to City employees participating in political activities.

GEORGE MOOREFIELD - PARKING

Mr. George Moorefield requested information relative to the removal of parking meters on Haywood Street and the surrounding area and not on the Pack Square side of town.

Councilman Hoyle explained that this program was a pilot program to determine if the removal of the meters would help the downtown businesses. He said a study is being made to extend the program to other areas of downtown in the near future.

RALPH BISHOP - LOTTERY SALES

Mr. Ralph Bishop again complained to Council about the lottery sales in the City of Asheville.

Mayor Ochsenreiter suggested that he meet with the City Manager regarding the problem.

Adjournment.

Eugene C. Ochsenreiter
MAYOR

William S. Malcolm
CITY CLERK

AMENDMENT TO THE ZONING ORDINANCE

Section 30-9-4 Maintenance and Enforcement.

(A) To insure that signs are erected and maintainted in a safe and esthetic manner, it shall be unlawful for any sign visible from any public street or highway within the City of Asheville to be erected, posted, placed, hung or painted by any person, firm or corporation other than by a sign contractor properly licensed under Section 30-9-1 or by a designated representative of such licensed contractor.

(B) The following maintenance requirements must be observed for all signs visible from any public street or highway within the jurisdiction of this ordinance:

1. No sign shall have more than 10% of its surface area covered with disfigured, cracked, ripped or peeling paint or poster paper for a period of more than 30 successive days.

2. No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts or be allowed to stand more than 15 degrees away from the perpendicular for a period of more than 30 successive days.

3. No sign shall be allowed to have weeds, trees, vines or other vegetation growing upon it or obscuring its view from the street or highway from which it is to be viewed for a period of more than 30 successive days.

4. No neon or internally illuminated sign may be allowed to stand with only partial illumination for a period of more than 30 successive days.

(C) The duties of the Building Inspector of the City of Asheville with regard to sign maintenance and enforcement shall be as follows:

1. To inspect all free standing signs, wall signs, projecting signs and roof signs in the jurisdiction of this ordinance at least once annually in order to determine that the same meet the requirements set forth in paragraph (B) of this Chapter.

2. To attach an inspection tag to all signs meeting the requirements set forth in paragraph (B) of this Chapter. Such inspection tag shall give the month and year of inspection and said tag shall be attached to the sign structure in a manner and in a place so as to be easily visible to any member of the public wishing to view the tag.

Councilman Morris moved to amend Section 30-9-3 (E) as recommended by the Planning Director. This motion was seconded by Vice-Mayor Horton and carried unanimously.

After discussing Section 30-9-1 (A) (7) Councilman Rainey moved that Section 30-9-1 (A) (7) be amended to read as follows:

Section 30-9-1 (A) (7) Sign Contractor's License to read as follows:

"No person, firm, or corporation shall engage in the business of installing, erecting, moving, or maintaining signs in the City of Asheville unless said person, firm, or corporation has been issued a sign contractor's license which license is in effect at the time of said work."

Section 3091 (A) (8) Outdoor Advertising License to read as follows:

"No person, firm, or corporation shall engage in the business of off premises advertising in the City of Asheville unless said person, firm, or corporation has been issued an outdoor advertising license which license is then in effect. In order to obtain an outdoor advertising license, the licensee must be a licensed sign contractor, as described in paragraph (7) above, and must submit annually upon renewal of this license a listing of all sign structures leased, owned or maintained by the licensee and such list shall give the specific location of each sign by reference to streets, business buildings or other identifiable geographic landmarks.

This motion was seconded by Councilman Morris and carried unanimously.

A discussion was held relative to Section 30-9-5, Non-Conforming Signs, however, no amendments were made to this particular section.

Councilman Rainey offered the following amendment to Section 30-9-4, relative to Maintenance and Enforcement, for Council's consideration:

5. To issue citations for any violation of this Ordinance, other than Section 30-9-4(B), said citations to be issued to the owner of the sign or if the owner of the sign cannot be ascertained from the public record or the reports filed under this Chapter, then to the land owner or the lessee in control of the property where the violation occurs.

6. Cure Orders and Remove Orders issued under this section may be appealed to the Board of Adjustment within 10 days after the receipt thereof. During the appeal, the time limits herein shall be suspended. If the Board of Adjustment finds that the Cure Order or Remove Order, as the case may be, has been issued in accordance with this Ordinance, then the time period for compliance shall run from the date of the Order of the Board of Adjustment.

7. To remove immediately any sign or sign structure which the Building Inspector reasonably deems to be in danger of falling or otherwise creating an immediate safety hazard. Such removal shall be at the expense of the land owner as provided in Section 30-9-5(d) of this Ordinance.

(E) The following penalties shall be imposed upon any person, firm, or corporation found guilty of any violation of this Article 9 "Sign Regulations":

1. First Offense - Fine of not less than $25.00 and court costs.

2. Second Offense Involving the Same Sign - Fine of not less than $50.00 and court costs.

3. Third Offense Involving the Same Sign - Fine of not less than $100.00 and court costs.

4. Fourth Offense Involving the Same Sign - Fine of not less than $200.00, confiscation of the sign and court costs.

After discussion, it was the consensus of Council to review the language of the proposed amendment before taking a final vote on the amendment.

ORDINANCE NO. 952 - AN ORDINANCE DELETING SECTION 28-119 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE ENTITLED "DEPOSIT OF COIN FOR PURPOSE OF EXTENDING TIME"

3. Consideration was given to the second reading of Ordinance No. 952, an ordinance deleting Section 28-119 of the Code of Ordinances of the City of Asheville entitled "Deposit of Coin for purpose of extending time."

Mayor Ochsenreiter advised that the ordinance was previously read on first reading and members of Council were furnished copies of the ordinance and it would not be re-read in its entirety unless there is a specific request to do so.

3. To require proof that any newly-discovered sign work has been or is being done by a licensed sign contractor as provided for in Section 30-9-1 (a) of this Ordinance.

(D) To enforce the regulations set forth in this Ordinance, the Building Inspector shall have the following authority:

1. To issue a Cure Order for any violation of paragraph (B) above. Said Cure Orders are to be delivered by certified mail, return receipt requested to the owner of the sign in violation of this Ordinance and the time period provided herein shall begin upon receipt of said Cure Order. If the owner of the sign cannot be ascertained, the notice may be sent to the record land owner owning the land whereon the sign is erected. The Cure Order shall be directed to the sign owner and land owner and shall describe in detail the exact nature of the violation, reference the section of the Ordinance violated and specify what actions must be taken to effect the Cure.

2. To grant a single 30 day extension of time within which the sign owner must comply with the Cure Order, upon receipt of a written request for an extension of time in which to cure all or part of the violations set out in the Cure Order stating valid reasons for not being able to comply within the time period allowed.

3. To issue Remove Orders for any sign not repaired within the time allotted under a Cure Order as set out above or for any prohibited sign as defined in Section 30-9-1(C) of this Ordinance. Said Remove Orders are to be issued to the owner of the sign and if such owner cannot be ascertained to the record owner of the real property whereon the sign is located. Such notice is to be delivered by Certified Mail, Return Receipt Requested and shall not be effective until delivered. The sign owner or the land owner as the case may be shall be allowed a period of 30 days after the receipt of the Remove Order within which to remove the sign at his own expense. The Remove Order shall be directed to the sign owner and land owner and shall describe with particularity the location of the sign to be removed and all of the reasons for issuance of the Remove Order, making specific reference to the section of this Ordinance.

4. To remove or cause to be removed any sign not removed within 30 days of the receipt of a Remove Order and to tax the property owner for said removal as provided for in Section 30-9-5(D) of this Ordinance.

PUBLIC HEARING - CLOSING PORTION OF ASHELAND AVENUE AND ALL OF CROSS STREET, WALLACK STREET, SHORT McDOWELL STREET, AND TWO UNNAMED ALLEYS

RESOLUTION NO. _____ RESOLUTION TO CLOSE A PORTION OF ASHELAND AVENUE AND ALL OF CROSS STREET, WALLACK STREET, SHORT McDOWELL STREET, AND TWO (2) UNNAMED ALLEYS

6. A public hearing was held relative to closing a portion of Asheland Avenue and all of Cross Street, Wallack Street, Short McDowell Street, and two unnamed alleys.

Mayor Ochsenreiter opened the public hearing at 5:00 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing, which took the form of Resolution No. 77-51, and the affidavit of publication. He also read an affidavit from Charles E. Vess stating that the properties in question had been posted with the Resolution of Intent to close and that the adjacent property owners had been notified by certified mail.

Larry Holt, Deputy Executive Director of the Asheville Housing Authority, described the location of each of the streets in question.

Mr. Trayham Houston, part of owner of Warlick, et al, properties on Wallack Street, appealed to Council to leave a portion of this alley open for public access.

Mr. Holt explained that a right-of-way or easement could be provided but no improvements could be made to the topography.

After discussion, Councilman Hoyle moved to continue the public hearing until Mr. Houston's problem could be worked out with the Housing Authority for the City of Asheville. This motion was seconded by Councilman Morris and carried unanimously.

PUBLIC HEARING SET - NEW RETIREMENT AND DISABILITY PLAN FOR POLICE AND FIRE EMPLOYEES

7. The City Manager requested that Council schedule a public hearing regarding the adoption of an ordinance establishing a new retirement and disability plan for the Police and Fire Department employees.

Councilwoman Swilling moved to schedule a public hearing on the matter for May 26, 1977. This motion was seconded by Councilman Morris and carried unanimously.

ORDINANCE NO. 955 - AN ORDINANCE AUTHORIZING THE REFUND OF AD VALOREM TAXES TO INTER-CHURCH HOUSING ASSOCIATION, INC.

8. Consideration was given to an ordinance authorizing the refund of ad valorem taxes to Inter-Church Housing Association, Inc.

The City Manager read the ordinance and explained that N. C. G. S. 105-278.6 (a) (8) exempted certain non-profit organizations from ad valorem taxation and the Buncombe County Board of Tax Supervision approved a request for refund of taxes on property charged in the name of Inter-Church Housing Association, Inc., known as Mountainside Apartments. He said the Tax Collector, R. D. Eskridge has requested that the Director of Finance refund ad valorem taxes paid by this association for the City of Asheville for the years 1973, 1974, and 1975 totaling $21,752.03. He said after research and inquiry the Corporation Counsel has recommended that the City abide by this request. This budget amendment would be necessary due to no funds appropriated for this refund in the current fiscal year budget.

On a roll call vote of 5-0, Ordinance No. 952 passed on its second reading.

PUBLIC HEARING - ASHEVILLE DOWNTOWN REVITALIZATION AND APPEARANCE COMMISSION

ORDINANCE NO. 954 - AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE BODY KNOWN AS THE ASHEVILLE DOWNTOWN REVITALIZATION AND APPEARANCE COMMISSION

4. A public hearing was held relative to the establishment of an administrative body to be known as the Asheville Downtown Revitalization and Appearance Commission.

Mayor Ochsenreiter opened the public hearing at 4:20 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, highlighted the details of the proposed establishment of the Asheville Downtown Revitalization and Appearance Commission.

Council also discussed enabling legislation providing for tax reduction on redeveloped properties.

Mayor Ochsenreiter closed the public hearing at 4:35 o'clock p. m.

The City Manager read the ordinance.

Councilman Rainey commented on amendments for several sections of the ordinance.

Mayor Ochsenreiter advised that Council would review the entire ordinance prior to the second reading.

Councilman Rainey moved for the adoption of Ordinance No. 954. This motion was seconded by Councilman Hoyle.

On a roll call vote of 5-0, Ordinance No. 954 passed on first reading.

RESOLUTION NO. 77-70 - RESOLUTION APPOINTING COUNCILWOMAN JOANN SWILLING TO THE ASHEVILLE POLICE AND FIRE PENSION FUND BOARD OF TRUSTEES

5. Consideration was given to a resolution appointing Councilwoman JoAnn Swilling to the Asheville Police and Fire Pension Fund Board of Trustees.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilman Morris, Resolution No. 77-70 was unanimously adopted.

Complete text of Resolution No. 77-70 will be found in Resolution Book No. 9 at page 277.

The City Manager also read memorandums from the Police and Fire Departments stating that John Best was elected as Board of Examiners for the Police Department and Cecil Burnette was elected Board of Trustees for the Police Department; Capt. J. E. Ertzberger was elected Board of Examiners for the Fire Department and Capt. John W. Parris was elected Board of Trustees for the Fire Department.

Upon motion of Councilman Hoyle, seconded by Councilman Rainey, Resolution No. 77-72 was unanimously adopted.

Complete text of Resolution No. 77-72 will be found in Resolution Book No. 9 at page 279.

5-5-77

BUDGET FOR YEAR 1977-78

STATEMENT BY VICE-MAYOR BILL B. HORTON

ASHEVILLE TAXPAYERS HAVE PAID TOO MUCH....FOR TOO LONG....IN SUPPORTING FACILITIES AND SERVICES WHICH HAVE BEEN OF OVER-ALL BENEFIT TO CITIZENS AND VISITORS FROM THE ENTIRE ASHEVILLE AREA.

IN MY OPINION, THIS CITY COUNCIL MUST DO ALL IT CAN TO RECTIFY THIS SITUATION....AND BRING ABOUT A MORE PRACTICAL...."FAIR-SHARE" CONCEPT OF BUDGETING FOR BOTH THE CITY AND THE COUNTY.

THE TAXPAYER BURDEN FOR ALL JOINTLY-FUNDED AND/OR JOINT-USE AND BENEFIT PROGRAMS MUST BE MORE FAIRLY EQUALIZED BETWEEN CITY PROPERTY OWNERS AND THOSE PROPERTY OWNERS LIVING OUTSIDE THE CITY.

SOME PROGRESS IN THIS DIRECTION WAS MADE LAST YEAR, BUT - OBVIOUSLY - MUCH MORE MUST BE ACCOMPLISHED THIS YEAR....IF THE CITIZENS OF ASHEVILLE ARE TO RIGHTLY BEAR NO MORE THAN A FAIR AND EQUITABLE SHARE OF THE COMBINED CITY AND COUNTY BUDGETS.

I SHOULD LIKE FOR ALL CITIZENS OF BUNCOMBE COUNTY -- INCLUDING ASHEVILLE RESIDENTS -- TO KNOW THAT THIS COUNCIL IS CALLING ON THE BOARD OF COUNTY COMMISSIONERS TO JOINTLY ADDRESS THIS "FAIR-SHARE" CONCEPT OF BUDGETING FOR THE UPCOMING FISCAL YEAR.

Bill B. Horton
Vice-Mayor, City of Asheville

Councilman Hoyle moved for the adoption of Ordinance No. 955. This motion was seconded by Councilman Rainey.

On a roll call vote of 5-0, Ordinance No. 955 passed on its first reading.

ORDINANCE NO. 956 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1977 AND ENDING JUNE 30, 1978

9. Consideration was given to an ordinance levying, assessing, imposing, and defining the license and privilege taxes of the City of Asheville for the fiscal year beginning July 1, 1977 and ending June 30, 1978.

The City Manager read the ordinance.

Councilwoman Swilling said she felt the ordinance needed to be reviewed for a thorough updating.

Councilman Rainey suggested that the City staff prepare an amendment to the ordinance prior to the second reading that would impose a $2.00 per year license fee for any peddler or garage sale held more than three (3) times a year.

After discussion, the City Manager was instructed to investigate the possibility of imposing a tax on flea market dealers and garage sales.

Councilwoman Swilling moved for the adoption of Ordinance No. 956. This motion was seconded by Councilman Hoyle.

On a roll call vote of 4-0, Ordinance No. 956 passed on first reading.

Mayor Ochsenreiter and Councilman Morris left the meeting at 5:30 o'clock p. m.

Vice-Mayor Horton then presided over the meeting.

RESOLUTION NO. 77-71 - RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE LIBRARY BOARD

10. Consideration was given to a resolution appointing member to the Asheville Library Board.

The City Manager read the resolution appointing Mr. Steve Mitchell as a member of the Asheville Library Board.

Upon motion of Councilwoman Swilling, seconded by Councilman Rainey, Resolution No. 77-71 was unanimously adopted.

Complete text of Resolution No. 77-71 will be found in Resolution Book No. 9 at page 278 .

RESOLUTION NO. 77-72 - RESOLUTION AUTHORIZING THE PURCHASE OF THE BURTON STREET SCHOOL FROM CITY BOARD OF EDUCATION

11. Consideration was given to a resolution authorizing the purchase of the Burton Street School from City Board of Education.

The City Manager read the resolution and explained that the building would be purchased with Community Development funds and used for recreational purposes.

PARKING VIOLATION ADMINISTRATION - COMMENTS BY COUNCILMAN RAINEY

Councilman Rainey said he felt there was a problem in the parking violation administration. He said he had received complaints from violators receiving $1.00 parking citations, a $5.00 penalty 15 days later then a summons 15 days later which cost them $27.00, making a total of $33.00 for one parking ticket. He requested that the City Manager review this procedure and give Council a report on the matter at next weeks meeting.

CLEAN-UP DRIVE - REPORT FROM CITY MANAGER

The City Manager reported that the City staff had conducted an extensive clean-up drive from April 22, 1977 through May 1, 1977. He said 3,297 cubic yards of trash was hauled to the landfill compared to the usual 1,144 cubic yards collected in a regular 40-hour week.

DRAINAGE PROBLEMS - HAW CREEK ROAD - MRS. NOBLETT

The City Manager reported that Mrs. Noblett from Haw Creek had reported to Council, several weeks ago, a drainage problem in the Haw Creek area. He said he had requested that Mr. Clark Brown, Street Superintendent, investigate the problem. He said Mr. Brown has advised that to replace the culverts, affecting Mrs. Noblett, with an open span bridge, stream bank stabilization and required channel alterations would cost approximately $7,500. Under the present drainage policy, he said he felt the City was not responsible for this problem. Mr. Brown had reported that the development of this drainage area is the primary factor because of the increased run-off into the receiving stream.

The City Manager further reported that he was looking into the possibility of establishing a drainage district program which may help people in these situations.

STREET NAME CHANGES - SUGGESTIONS

The City Manager reported that he had received several requests from citizens on Oak Street to leave the name as it is presently.

PUBLIC HEARING SCHEDULED - GROUP DEVELOPMENT REVIEW - ERWIN HILLS PLAZA

The City Manager read a letter from the Planning and Zoning Commission requesting approval of the site plan of the proposed expansion of the Erwin Hills Plaza located on Leicester Highway.

Councilwoman Swilling moved to schedule a public hearing on the matter for May 26, 1977. This motion was seconded by Councilman Hoyle and carried unanimously.

PUBLIC HEARING SCHEDULED - REZONING REQUEST - W.N.C. BAPTIST HOMES, INC. AND CECIL'S LEASES, INC.

The City Manager read a letter from the Planning and Zoning Commission recommending approval of the rezoning request of W.N.C. Baptist Homes, Inc. and Cecil's Leases, Inc. to rezone property on Richmond Hill Road from R-2 Residential District to R-3 Residential District.

5-5-77

To: Ken Michalove

From: Bill B. Horton

Subject: Special Budget Information from Buncombe County

Ken:

Please arrange to have the following information available for study and consideration as soon as possible:

1. Detailed computations for determining the city's share of revenues from:
   (a) State Intangibles Tax.
   (b) State Franchise Tax.
   (c) Beer & Wine Tax.
   (d) Local Option Sales Tax.

2. Details of original sources of school monies for both City and County systems for:
   (a) Operating costs.
   (b) Capital costs.

3. Details of basis of split between City and County school systems for allocation of:
   (a) Operating costs.
   (b) Capital costs.

Bill B. Horton
Vice-Mayor

Thursday, May 12, 1977 - 3:00 p.m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Gene E. Rainey, Ralph D. Morris, Jr., Dr. Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman J. W. Hoyle

APPROVAL OF MINUTES

1. Approval of the minutes of the May 5, 1977 meeting.

Upon motion of Councilman Michael, seconded by Vice Mayor Horton, the minutes of the May 5, 1977 meeting were unanimously approved as submitted.

ORDINANCE NO. 945 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOW AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Sign Regulations)

2. Mayor Ochsenreiter stated that the third reading of Ordinance No. 945, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended relative to sign regulations would not be considered at this meeting. However, proposed changes to the ordinance would be considered.

Verl Emrick, Planning Director, advised that Mr. H. B. Moore of Exxon, Inc. has requested that Section 30-9-1 (B) (5) be amended to allow for information and direction signs to be four (4) square feet per face or eight (8) square feet per sign in lieu of the present three (3) square feet per face or six (6) square feet per sign since this restriction will eliminate their "pricing signs."

Councilman Rainey moved to amend Section 30-9-1 (B) (5) of the ordinance to allow for information and direction signs to be four (4) square feet per face or eight (8) square feet per sign. This motion was seconded by Vice Mayor Horton and carried unanimously.

Michael Summey, of Summey Sign and Outdoor Advertising Company, again emphasized to Council that he could not go along with the amortization clause in the ordinance and that he would contest the ordinance in court if Council adopted the ordinance in its present form.

A discussion was held relative to major sign companies listing property tax in the City of Asheville. Councilman Michael requested that the City Manager check into property tax listings for major sign companies.

Albert Sneed, Attorney representing Summey Sign and Outdoor Advertising Company, said a grandfather clause would be fundamentally fair. He cited one example of the City providing a grandfather clause in the Asheville Zoning Ordinance, which allows non-conforming uses to continue. He said the City is proposing to treat signs and sign owners differently from anyone else, which is unfair and is not in accordance with the law.

Councilwoman Swilling moved to schedule a public hearing on the matter for May 26, 1977. This motion was seconded by Councilman Hoyle and carried unanimously.

PROCLAMATION - SENIOR CITIZENS MONTH - MAY, 1977

Vice-Mayor Horton proclaimed the month of May, 1977 as Senior Citizens Month in the City of Asheville.

Adjournment.

MAYOR

CITY CLERK

At the request of Vice-Mayor Horton, the Corporation Counsel said he could not advise Council as to what the courts would do with a case against the proposed ordinance.

Based on the legal questions involved in removing the signs without compensation, or using tax money to pay for them despite the fact that there seems to be no legal authority to do so, he recommended that Council include a grandfather clause in the ordinance. He said the legislators, at a later date, could make a provision for it to be legal for the City to use tax money to pay for the removing of the signs.

Mayor Ochsenreiter instructed the Planning Director to proceed with the preparation of the final version of the ordinance, incorporating all amendments made up to now. He further stated that the third and final reading of Ordinance No. 945 would be held on May 26, 1977.

ORDINANCE NO. 954 - AN ORDINANCE ESTABLISHING THE ASHEVILLE DOWNTOWN REVITALIZATION AND APPEARANCE COMMISSION

3. Consideration was given to the second reading of Ordinance No. 954, an ordinance establishing the Asheville Downtown Revitalization and Appearance Commission.

Mayor Ochsenreiter stated that the ordinance was previously read on first reading and members of Council have been furnished copies of the ordinance and it would not be re-read in its entirety unless there is a specific request to do so.

Verl Emrick, Planning Director, presented the following suggested wording changes to the Downtown Revitalization Commission ordinance along with staff comments regarding the change:

Submission by Dr. Rainey (May 5, 1977)

1. Section 1. Name of Commission - suggested change to Asheville Urban Development Commission.

   Staff Comment: Staff recommends that if the name is changed it should retain some uniqueness in the title so that there would be no confusion in its identifiability.

2. Suggestion that the Commission be set up basically same way the Civic Center Commission was. Specifically, that section in Ordinance # 954 (Civic Center Commission) which deals with Council's review of rule changes within a thirty (30) day time period.

   Staff Comments: The initial thought is that the type of review process specified in Ordinance # 951 is accommodated in the procedures specified in Section 4 of this proposal.

Mr. Sneed noted that the ordinance may be an ex post facto law in which laws are made making an act illegal after it has already been committed. He also noted that under the law you can not treat people unequal, which Council proposes to do with sign companies. He said the ordinance might also be considered unfair under the due process of law.

Mr. Sneed strongly charged that newspaper articles, printed by the Asheville Citizem-Times, regarding the sign ordinance were slanted and editorials were filled with innuendos. He implied that this was done in an attempt to do away with billboard advertising so that more advertising would be done in the newspapers.

Mr. Sneed pleaded with Council to adopt a fair ordinance which would include a fundamentally fair grandfather clause. He said if Council so desired to pass the ordinance in its present form a lawsuit would have to instigated.

Councilman Rainey said he felt that if the City was going to take personal property from the sign companies then compensation should be paid. However, he felt the ordinance itself is a good ordinance and he would vote for it in its present form.

Mr. Summey commented that under the present proposed ordinance many of the businessmen's advertising signs would be non-conforming and would have to be taken down.

Mayor Ochsenreiter said his opinion would be that the City of Asheville, along with its many budget problems, would not have the money to purchase the non-conforming signs. He said the City has many other important projects to complete with the tax revenues.

Councilman Michael said he could not support the ordinance with a "grandfather clause" because no improvements would be made in the City relative to signs.

Mr. Emrick noted that if Council decided to include a grandfather clause, all existing permanently fixed signs would be frozen, but this would not include prohibited or temporary signs. At the request of Council, he read the section of the ordinance dealing with prohibited signs, which could be taken even if a grandfather clause is included. He further commented that if the ordinance included a grandfather clause, it could immediately divorce the City from about a third of the non-conforming signs. He said he would prefer the amortization provision, but he added that he would rather see a grandfather clause added than to see the whole ordinance defeated.

Jane Bingham noted that if a billboard sign was properly maintained, it could exist forever.

George Gontero, of Lamar Dean Outdoor Adversiting Company, said the ordinance is intended to give the City control over the signs and not to eliminate them entirely.

Mr. Summey said he felt that the ordinance in its present form, with the inclusion of a grandfather clause, could do away with the majority of the problem or clutter signs.

Vice Mayor Horton said he did not feel the City could afford to adopt an ordinance with a compensation clause.

prescribed by the General Statutes of North Carolina. Funds received by the Commission by gift shall, if so provided, be disbursed in accordance with the terms of the gift; provided that the terms of the gift are lawful and acceptable by the City and the Commission

2. Section 7. Contracts

(i) The Commission shall be authorized to enter into and to let contracts for necessary services provided the Commission within the limits of the authority conferred upon the Commission under this article and within the limits of funds budgeted for the use and purposes of the Commission by City Council.

Councilman Rainey commented that he did not feel that Section 3 or 4 were very clear. He said these sections needed to be reviewed, particularly the time periods mentioned in these sections relative to review procedures. He said the same model ordinance used in establishing the Asheville Area Civic Center Commission should be used in establishing this Commission.

Councilman Michael suggested that the two areas around Patton Avenue being Eagle and Market Streets and Lexington Avenue and Broadway be included in the downtown boundary districts.

After considerable discussion regarding suggested amendments, Vice-Mayor Horton moved to continue the second reading of Ordinance No. 954 until the May 26, 1977 meeting. This motion was seconded by Councilwoman Swilling which motion carried with Councilman Michael voting "no".

Mayor Ochsenreiter advised that a workshop would be held on the suggested amendments prior to the second reading of the ordinance.

ORDINANCE NO. 955 - AN ORDINANCE AUTHORIZING THE REFUND OF AD VALOREM TAXES TO INTER-CHURCH HOUSING ASSOCIATION, INC.

4. Consideration was given to the second reading of Ordinance No. 955, an ordinance authorizing the refund of ad valorem taxes to Inter-Church Housing Association, Inc.

Mayor Ochsenreiter stated that the ordinance was previously read on first reading and members of Council were furnished copies of the ordinance and it would not be re-read in its entirety unless there is a specific request to do so.

The City Manager said he had talked with a representative of the Inter-Church Housing Association, Inc. and explained to him that if the ordinance is adopted that all their city services would be given at no cost. He said the Inter-Church Housing Association, Inc. expressed willingness to consider a payment in lieu of taxes.

Councilman Morris said he felt the attitude of the Inter-Church Housing Association, Inc. was a good jesture and suggested that Council also approach other local churchs or non-profit agencies about the possibility of their making payments in liew of taxes.

This section specifies that the development plan formulated by the Downtown Commission and any subsequent revisions shall be approved by the Asheville Planning and Zoning Commission and the City Council, so the control factor alluded to is embodied in this Ordinance.

3. Section 1 (i). Staffing of the Commission

Staff Comments: Agree that we do not need to establish another bureaucracy, but the project needs to have one individual who is primarily responsible for its day-to-day activities. Where that individual is housed is, of course, up to City Council to decide.

4. Section 3. Designation of Project Boundary

This must be done so that the scope of this particular project may be definitively outlined in the plan which is to be developed.

Staff wholly agrees that other portions of the City need this same type of treatment and if Council so designates this Commission could in the future address other specific areas, but I would recommend that the Asheville Planning and Zoning Commission address these other areas as they have on other specific projects in the past.

5. Section 5. Urban Design

The concerns voiced about requiring underground utility connections and provisions for litter and trash collection can be addressed in one of two ways:

1) These types of requirements can be placed in the development plan specifically; or
2) Reviewed on an individual basis.

Staff suggests that they be addressed as requirements in the plan.

Suggestions submitted by Finance Department

1. Section 6. Money of Commission

(h) Funds appropriated by the City Council for operation of the Commission shall be disbursed as other appropriations by the City. All funds collected or otherwise received by the Commission shall be deposited to the credit of the City for the use of the Commission and shall be disbursed by the Director of Finance on written requisition of the Chairman of the Commission or of such other person or persons as the Commission may authorize to make such requisitions. These disbursements shall be made within the limits of the authority granted from time to time to the Commission by City Council and as

RESOLUTION NO. 77-73 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF WIDENING OF CHERRY STREET

7. Consideration was given to a resolution authorizing Mayor to execute right-of-way agreement with the North Carolina Department of Transportation for the purpose of widening of Cherry Street.

The City Manager read the resolution and explained that this area is at the intersection of Flint Street and Cherry Street and runs approximately 800 feet toward Montford Avenue. He said this would be at no cost to the City.

Upon motion of Councilman Michael, seconded by Councilwoman Swilling, Resolution No. 77-73 was unanimously adopted.

Complete text of Resolution No. 77-73 will be found in Resolution Book 9, at page 281.

BIDS - ONE (1) CUBIC YARD COMPACTOR FOR CIVIC CENTER

8. Consideration was given to bids recieved April 21, 1977 for one (1) cu. yd. compactor for the Civic Center.

The City Manager read a memorandum from the Purchasing Agent which stated that two (2) responsive bids were received and recommended the acceptance of the second lowest bid by Sanco Corporation in the amount of $10,019.00. The third and lowest bid submitted by Quality Equipment and Supply Company did not meet specifications.

Jim Evans, Civic Center Manager, said this compactor would be a great advantage in the rapid turnover of garbage during major functions.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to Sanco Corporation in the amount of $10,019.00. This motion was seconded by Councilman Michael and carried unanimously.

Bid Summary

Bidder	Bid
Speciality Steel Fabrication, Inc.	$10,880.00
Sanco Corporation	$10,019.00

REZONING REQUEST - PUBLIC HEARING SET - ALAN AND LUCY BUTTERWORTH AND ROBERT AND ANN HARROFF - REED STREET AND FAIRVIEW STREET

9. The City Manager read a letter from the Planning and Zoning Commission recommending that the rezoning request of Robert and Ann Harroff and Alan and Lucy Butterworth to rezone property on Reed Street and Fairview Street be approved in part.

Councilwoman Swilling moved to schedule a public hearing on the matter for June 2, 1977 at 7:30 o'clock p.m. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 955 passed on second reading.

ORDINANCE NO. 956 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1977 AND ENDING JUNE 30, 1978

5. Consideration was given to the second reading of Ordinance No. 956, an ordinance levying, assessing, imposing, and defining the license and privilege taxes of the City of Asheville for the fiscal year beginning July 1, 1977 and ending June 30, 1978.

Mayor Ochsenreiter stated that the ordinance was previously read on first reading and members of Council have been furnished copies of the ordinance and it would not be re-read in its entirety unless there is a specific request to do so.

Vice-Mayor Horton said since the ordinance had not been updated since 1964, there was a need to thoroughly review the ordinance. However, due to time limitations this could not be done at this time. He did request that the City Manager pursue the fact that some businesses, particularly in the miscellaneous category, are not obtaining city privilege license. He requested that this be investigated prior to the third reading of the ordinance.

On a roll call vote of 5-0, Ordinance No. 956 passed on second reading.

Councilman Rainey suggested that prior to the adoption of the revenue ordinance next year that a study be made on it including flea markets to obtain business license since they do not pay state tax.

Councilwoman Swilling suggested that home rummage sales be included in the study.

ORDINANCE NO. 952 - AN ORDINANCE DELETING SECTION 28-119 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE ENTITLED "DEPOSIT OF COIN FOR PURPOSE OF EXTENDING TIME"

6. Consideration was given to the third and final reading of Ordinance No. 952, an ordinance deleting Section 28-119 of the Code of Ordinances of the City of Asheville entitled "Deposit of Coin for Purpose of Extending Time."

Mayor Ochsenreiter stated that the ordinance was previously read on first and second readings and members of Council have been furnished copies of the ordinance and it would not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 952 passed on its third and final reading.

Complete text of Ordinance No. 952 will be found in Ordinance Book 7 at page 131 .

Upon motion of Councilman Michael, seconded by Councilman Morris, Resolution No. 77-75 was unanimously adopted.

Complete text of Resolution No. 77-75 will be found in Resolution Book 9, at page 288 .

HOUSING PROJECTS - DISCUSSION

The City Manager commended Mr. Dave Jones, Executive Director of the Housing Authority, for being instrumental in getting the recent convention of housing officials from two states to hold their convention in Asheville. He said this convention included over 500 delegates for four days.

At the request of Council, Mr. Jones also reported that sometime ago their auditors ruled that the Housing Authority was in violation of the 1974 Act which required the Authority to charge at least 25% of the tenants adjusted income for public housing. He said in order to abate this violation the Authority has completely eliminated the ceiling rent and will charge 25% of a tenant's adjusted income effective July 1, 1977. He said this new policy has been explained to all the tenants.

Upon inquiry of Councilwoman Swilling regarding security guards at Pisgah View and West Asheville housing projects, Mr. Jones said that HUD would not provide funds for a security force at the projects due to the cooperation agreement providing for the City to provide such protection. He said a pilot program, mainly funded by Buncombe County, for extra patrolmen at Deaverview had proven to be most successful. He said he would encourage any help from Council to provide extra protection either through the Asheville Police Department, Buncombe County Sheriff's Department or through LEAA grants.

Councilman Michael suggested that the City Manager request the Chief of Police to provide regular patroling of these areas rather than the patrolman just going to the areas when called.

SPECIAL BUDGET INFORMATION REPORT

The City Manager presented members of Council with a report requested by Vice-Mayor Horton relative to Special Budget information. He said these various revenues are based on the ad valorem tax rate in the City of Asheville. He said if the tax rate of the County increase or if other cities increase in population and growth and the City of Asheville's does not, the City will be losing revenues from outside sources and it would be reflected not only in the state shared revenues, but also in the revenues received from general revenue sharing. He said indirectly holding a tax line does affect revenues from these outside sources.

OAK STREET NAME CHANGE

The City Manager reported that several weeks ago a resolution was considered by Council to change the name of Oak Street to Woodfin Street. He said property owners in that area were polled and it is their preference that Oak Street not be changed.

Councilwoman Swilling moved that the name of Oak Street be retained and that Oak Street be appropriately designated as a historical street, since First Baptist Church has been named a historical building. This motion was seconded by Councilman Rainey and carried unanimously.

CONTINUATION OF PUBLIC HEARING - CLOSING A PORTION OF ASHELAND AVENUE AND ALL OF CROSS STREET, WALLACK STREET, SHORT McDOWELL STREET, AND TWO (2) UNNAMED ALLEYS

RESOLUTION NO. 77-74 - RESOLUTION TO CLOSE A PORTION OF ASHELAND AVENUE AND ALL OF CROSS STREET, WALLACK STREET, SHORT McDOWELL STREET, AND TWO (2) UNNAMED ALLEYS

10. The public hearing relative to closing a portion of Asheland Avenue and Wallack Street, and all of Cross Street, Short McDowell Street, and two (2) unnamed alleys was continued at 5:06 o'clock p.m.

Larry Holt, Deputy Director of the Housing Authority of the City of Asheville, said the resolution had been amended to reflect the desires of Mr. Trayham Houston, who expressed a desire to leave a portion of Wallack Street open for public access to the Warlick et al properties. He said the Housing Authority would dedicate a right-of-way easement.

Mayor Ochsenreiter closed the public hearing at 5:11 o'closed p.m.

The City Manager read the resolution.

Upon motion of Councilman Rainey, seconded by Vice-Mayor Horton, Resolution No. 77-74 was unanimously adopted.

Complete text of Resolution No. 77-74 will be found in Resolution Book 9, at page 282 .

HUD GRANT PROGRAM - DISCUSSION

At the request of Councilman Michael, Larry Holt, Deputy Director of the Housing Authority, advised that he had received verbal approval on a request to increase income limitations of people eligible to receive the $5,000 rehabilitation grant. He said Mr. Glen Silvia, with HUD, had indicated that the adjusted income limits on the 235 Interest Loans could be increased by taking the gross income less 5% less $300 for each dependent for an adjusted income. He said final word should be forthcoming from HUD in the near future.

RESOLUTION NO. 77-75 - RESOLUTION REQUESTING THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO RAISE THE FAIR MARKET UNITS FOR THE SECTION 8 EXISTING HOUSING ASSISTANCE PROGRAM

11. Consideration was given to a resolution requesting the U. S. Department of Housing and Urban Development to raise the fiar market units for the Section 8 Existing Housing Assistance Program.

The City Manager read the resolution.

Mr. David Jones, Executive Director of the Housing Authority of the City of Asheville, said the proposed fair market rents by HUD for the Asheville area in the Federal Register dated May 4, 1977, do not reflect existing rents for comparable units within the City and the U. S. Department of Housing and Urban Development has provided for submission of written comments by interested parties on the proposed fair market rents by May 18, 1977. He said this resolution would request HUD to raise the fair market rents for the Section 8 Existing Housing Assistance Program by at least twenty percent (20%). He said Buncombe County and Region B was also being requested to pass similar resolutions.

Thursday - May 19, 1977 - 3:00 o'clock p. m.

Regular Meeting

Present: Vice-Mayor Bill B. Horton, Presiding; Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., Otis B. Michael, J. W. Hoyle, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Eugene C. Ochsenreiter, Jr. and Councilman Gene E. Rainey

APPROVAL OF MINUTES

1. Approval of the minutes of the May 12, 1977 meeting.

Upon motion of Councilman Hoyle, seconded by Councilwoman JoAnn M. Swilling, the minutes of the May 12, 1977 meeting were unanimously approved as submitted.

PRESENTATION OF COMMISSION REPORT ON STATUS OF WOMEN FOR ASHEVILLE-BUNCOMBE COUNTY

2. Ron McElrath, Executive Director of the Asheville-Buncombe County Community Relations Council, said in accordance with Resolution No. 75-27 adopted by City Council, a study was conducted on the status of women in the Asheville-Buncombe County area.

April Pierberg, coordinator of the study, presented members of Council with the Commissions report. She summarized the key findings and recommendations contained in the report. She said women represent 45 percent of the labor force in Buncombe County consisting of more than 24,000 women. Most of the private household workers, secretaries, teachers and medical personnel are women, she said, stating that women are still being pushed into roles that are at the bottom of the scale in pay. She said few women are found in leadership roles, citing fields of education, industry, and medical professions as examples. She urged Council to do what they could to correct this discrimination.

Mrs. Pierberg also noted that 34 percent of the heads of households in Buncombe County are women and there is a great need for better and affordable child care, particularly after-school care. She said a lot of time and work had gone into this study and she urged Council to go beyond researching and to begin implemention of the recommendations contained in the report.

Vice-Mayor Horton thanked those involved in implementing the study and said Council would pursue, with interest, the recommendations contained in the report.

Councilwoman Swilling introduced Ms. Nancy Justice from the Governor's Office who helped coordinate the study.

PUBLIC HEARING - REVISIONS TO WATER RATES AND CHARGES

3. A public hearing was held relative to revisions to the water rates and charges of the City of Asheville.

Vice-Mayor Horton opened the public hearing at 3:14 o'clock p.m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

PROCLAMATION - WEEK OF MAY 20, 1977 - NATIONAL TRANSPORTATION WEEK

Mayor Ochsenreiter proclaimed the week of May 20, 1977 as "National Transportation Week."

PROCLAMATION - HERITAGE WEEK - MAY 15 - 21, 1977

Mayor Ochsenreiter proclaimed the week of May 15 - 21, 1977 as "Heritage Week."

SCHOOL TAX PROPOSED

Councilman Rainey commented that the City of Asheville has just finished work on an extremely tight budget with no tax increase. He said it was his understanding that a large portion of the citizens of Asheville are being threatened with more taxes because of a deficit in the School budget. He said he wanted to make it clear that the City Council of the City of Asheville would not be the one to make the decision on a school tax levy. The projected raise, he said, is from 4-8 cents bringing it to the statutory limit of 25¢ and this decision would be made by the Buncombe County Commissioners. He said a tax increase would only postpone the real solution to the problem. He said the school system should tighten its belt on the budget as the City is having to do even if it means closing a school. He said the ultimate solution would be for consolidation. He suggested that Council go on record requesting the Commissioners not to increase the tax for the citizens of Asheville but rather to solve the deficit in the school system in another way.

Councilman Rainey then moved to request the Buncombe County Board of Commissioners not to increase the Asheville School tax. This motion was seconded by Councilman Michael, which motion carried unanimously.

Mayor Ochsenreiter instructed the City Manager to prepare a statement of the motion adopted to be hand carried by the Mayor to the Buncombe County Commissioners Friday morning, May 13, 1977.

Adjournment.

MAYOR

CITY CLERK

ORDINANCE NO. 956 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1977 AND ENDING JUNE 30, 1978

5. Consideration was given to the third and final reading of Ordinance No. 956, an ordinance levying, assessing, imposing, and defining the license and privilege taxes of the City of Asheville for the fiscal year beginning July 1, 1977 and ending June 30, 1978.

Vice-Mayor Horton advised that the ordinance was previously read on first and second readings and members of Council have been furnished copies of the ordinance and it would not be re-read in its entirety unless there is a specific request to do so.

Mr. E. R. McCarthy asked that Council review the business license fee for race tracks. He suggested that a proposed admission tax be charged.

Vice-Mayor Horton noted that the entire ordinance would be reviewed prior to the adoption of a revenue ordinance for fiscal year 1978-1979.

The City Manager noted that any changes made in the ordinance should not become effective in the middle of a fiscal year but at the beginning of a fiscal year.

On a roll call vote of 4-0, Ordinance No. 956 passed on its third and final reading.

Complete text of Ordinance No. 956 will be found in Ordinance Book No. 7 at page 142.

PURCHASE OF POLICE CRUISER

6. The City Manager advised that on April 11, 1977 a police cruiser was wrecked which was declared a total loss to the City. Negotiations were made with the insurance company and $1,703.85 was collected. Due to the police department being short one cruiser for the coming summer season, emergency bids were received from Dorato Motors, Apple Tree Chevrolet, and Matthews Ford for the replacement of the cruiser. Matthews Ford was the low bidder in the amount of $4,560.32. With the $400.00 allowed by Matthews Ford for trade-in and the $1,703.85 awarded by the insurance company, making a total of $2,103.85 to be applied toward purchase price. Therefore, it is recommended that Matthews Ford be awarded a contract to replace the cruiser on an emergency basis.

Councilman Hoyle moved to authorize the purchase of a police cruiser on an emergency basis, awarding the contract to Matthews Motors, Inc. This motion was seconded by Councilman Michael and carried unanimously.

RESOLUTION NO. 77-76 - RESOLUTION SUPPORTING THE ESTABLISHMENT OF A WNC REGIONAL OFFICE AND MUSEUM IN ASHEVILLE, NORTH CAROLINA, FOR THE STATE OF NORTH CAROLINA, DIVISION OF ARCHIVES AND HISTORY

7. Consideration was given to a resolution supporting the establishment of a WNC Regional Office and Museum in Asheville, North Carolina, for the State of North Carolina, Division of Archives and History.

Vice-Mayor Horton commented that a committee had met recently with industrial representatives and the results would be forthcoming from the committee on items of discussion regarding the proposed water rate increase.

The City Manager, in reviewing the background for the proposed increase, stated that an examination of proposed water rate increases began during the last fiscal years budget process. He said there was an anticipated need of $500,000 of which the City could receive $150,000 during this fiscal year. The additional revenue that would be generated by the increase would be used primarily for water meter renewals, fire hydrant replacements, operational expenses, and necessary improvements to the North Fork facility as well as offsetting unexpected expenses due to extreme cold weather.

Mr. Philip R. Elam, Manager of the Industrial Development Department of the Asheville Area Chamber of Commerce, said the indistrial leaders realize the need for the $500,000 for additional revenues and they would agree to an across the board increase, but they would object to the largest consumers being increased by 41 percent while the smallest would have theirs increased by only 7 percent. He said the Chamber of Commerce had not taken a position in the proposed increase but had only provided for meetings with the industrial representatives.

Councilman Michael noted that even with the proposed 41 percent increase for larger consumers, the rate would still be lower than any other water system in the state.

Vice-Mayor Horton said a work session would be held next week to study several alternatives that have been suggested for distributing the increase among the various water users.

Vice-Mayor Horton closed the public hearing at 3:28 o'clock p.m.

The City Manager advised that an ordinance revising the water rates and charges would be prepared for Council's consideration at the May 26, 1977 meeting.

ORDINANCE NO. 955 - AN ORDINANCE AUTHORIZING THE REFUND OF AD VALOREM TAXES TO INTER-CHURCH HOUSING ASSOCIATION, INC.

4. Consideration was given to the third and final reading of Ordinance No. 955, an ordinance authorizing the refund of ad valorem taxes to Inter-Church Housing Association, Inc.

Vice-Mayor Horton advised that the ordinance was previously read on first and second readings and members of Council have been furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 955 passed on its third and final reading.

Complete text of Ordinance No. 955 will be found in Ordinance Book No. 7 at page 141.

The City Manager read the resolution and explained that these closings would be in keeping with the overall urban renewal plan.

Councilman Michael moved for the adoption of Resolution No. 77-77 scheduling the public hearing for June 16, 1977. This motion was seconded by Councilman Hoyle and carried unanimously.

Complete text of Resolution No. 77-77 will be found in Resolution Book No. 9 at page 290.

SALE OF PARCELS 85, 86 AND 87 - EAST RIVERSIDE PROJECT NC R-48

The City Manager read a letter from the Housing Authority of the City of Asheville requesting approval of the sale of Parcels 85, 86 and 87 in the East Riverside Project N.C. R-48 to Wilkins-Hart Mortuary, Inc. for $39,000.00. The developer proposes to relocate the existing residential structure on the lots and construct a mortuary fronting on Phifer Street.

Councilman Michael moved to approve the sale of Parcels 85, 86 and 87 in the East Riverside Project N.C. R-48 to Wilkins-Hart Mortuary. Inc. for $39,000.00. This motion was seconded by Councilman Hoyle and carried unanimously.

PROCLAMATION - AMERICAN BUSINESS WOMEN'S WEEK - MAY 16 - 22, 1977

Vice-Mayor Horton proclaimed the week of May 16-22, 1977 as "American Business Women's Week" in the City of Asheville.

PROCLAMATION - NATIONAL PUBLIC WORKS WEEK - MAY 22 - 28, 1977

Vice-Mayor Horton proclaimed the week of May 22-28, 1977 as "National Public Works Week."

PUBLIC HEARING SCHEDULED - CLOSING OF BURTON STREET BRIDGE

The City Manager reported that he had received several requests to close Burton Street Bridge at Smith Mill Creek, due to the bridge acting as a dam during periods of high water, catching debris and causing water to back up onto property along the creek. He requested that Council schedule a public hearing on the matter.

Councilwoman Swilling moved to schedule a public hearing on the closing of Burton Street Bridge for June 16, 1977. This motion was seconded by Councilman Morris and carried unanimously.

AMENDMENT TO SIGN ORDINANCE REQUESTED BY ASHEVILLE BOARD OF REALTORS

The City Manager presented a letter from the Asheville Board of Realtors, Inc. requesting an amendment to the sign ordinance relative to real estate signs.

Vice-Mayor Horton referred the request to the Planning Director and the Corporation Counsel for recommendations.

The City Manager read the resolution and explained that a bill would be introduced to the legislators for appropriations for a feasibility study and establishment of such a facility in the Pack Memorial Library Building on Pack Square.

Mr. Bob Orr, with the Preservation Society, said this bill should be supported by all legislators in the WNC District and would include a permanent office in Asheville. He said the Pack Memorial Library Building would be reviewed for feasibility. He also noted that this would play a large part in the revitalization efforts for downtown. It would also serve the counties throughout Western North Carolina.

A discussion was held relative to the City furnishing the building and maintenance to the facility. It was determined that these facts would be established after the bill is adopted and the feasibility study completed.

Councilwoman Swilling noted that the County Commissioners had passed a similar resolution this week.

Upon motion of Councilwoman Swilling, seconded by Councilman Hoyle, Resolution No. 77-76 was unanimously adopted.

Complete text of Resolution No. 77-76 will be found in Resolution Book No. 9 at page 289.

PUBLIC HEARING SCHEDULED - AMENDING ZONING ORDINANCE NO. 322 - SECTIONS 30-1-3 AND 30-4-1

8. The City Manager advised that the Planning Staff has recommended amendments to Section 30-1-3, Jurisdiction and Section 30-4-1, Use Districts of the Zoning Ordinance No. 322 in order to provide for the changes Council wants to make in the boundaries of the one-mile perimeter.

Councilman Morris moved to schedule a public hearing on the proposed amendments for June 16, 1977. This motion was seconded by Councilman Michael, which motion carried unanimously.

LEASE AGREEMENT - CITY HALL SNACK SHOP

9. The City Manager advised that on April 21, 1977 Council authorized the advertising of a lease agreement for a City Hall Snack Shop and the advertisement gave notice that the City Council would consider authorizing such a lease agreement at the meeting on May 19, 1977. However, negotiations have not been completed with all interested parties, therefore, he requested that Council postpone action on this matter until the May 26, 1977 meeting.

Councilman Hoyle moved to postpone action on authorizing a lease agreement for the City Building Snack Shop until the May 26, 1977 meeting. This motion was seconded by Councilman Michael and carried unanimously.

RESOLUTION NO. 77-77 - RESOLUTION OF INTENT TO CLOSE TWO UN-NAMED ALLEYS AND CALLING A PUBLIC HEARING ON THE QUESTION

Consideration was given to a resolution of intent to close two un-named alleys and calling a public hearing on the question.

this meeting. He said his motion was based on critisms of Council postponing action on the ordinance.

Councilman Michael's motion died for the lack of a second.

Vice-Mayor Horton noted that the third and final reading of Ordinance No. 945 is scheduled for the May 26, 1977 meeting.

Adjournment.

Bill B. Horton
VICE-MAYOR

Frances S. Roberts
CITY CLERK

REQUEST FOR RECREATION PARK IN NORTH ASHEVILLE

Mr. James Moody, representing the North Asheville Boosters, requested that Council do what they could to provide a recreation park for the North Asheville area. He said the North Asheville area has only Weaver Park, with its one baseball field and two tennis courts. He said the North Asheville Boosters Athletic Program serves approximately 650 young people which also serves Hillcrest and Mountainside Apartments and approximately 35 percent of the participants are unable to pay the nomial registration fees. He said the football participants are forced to practice in a churchyard due to the lack of any other place to play.

Mr. Moody said it was his understanding that the Swain property, owned by the City, had been earmarked for a recreational area. He suggested that Council look into the possibility of developing this property into a recreational area.

Vice-Mayor Horton instructed the City Manager to look into the possibility of providing a recreational area in the North Asheville area and bring the report back to Council.

Councilman Morris suggested that the City Manager separate the costs involved in using the Swain property, particularly grading cost. He said it may be more feasible to look into the possibility of using flat lands.

MRS. SMITH - 128 SOUTH GROVE STREET - IMPROVING PUBLIC ALLEY

Mrs. Smith of 128 South Grove Street appealed to Council to improve a public alley behind her house to make a more comfortable access to her house.

After discussion, Vice-Mayor Horton suggested that Mrs. Smith meet with the City Manager after the meeting in an effort to solve her problem.

RALPH BISHOP - LOTTERY SALES

Mr. Ralph Bishop again told Council he could get no one to do anything about the open lottery sales in the City of Asheville.

LOOSE DOGS - COUNCILMAN MICHAEL

Councilman Michael said he had received complaints from postmen of dogs running at large. He requested the City Manager to see what could be done about the matter.

CITY VEHICLE MOTOR POOL

Councilman Michael reported that he had received complaints of City vehicles being used on weekends and for transporting family members to work. He again suggested the use of a motor pool for City vehicles and for vehicles to be turned in at a central location after hours.

ORDINANCE NO. 945 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (SIGN REGULATIONS) - SIGN ORDINANCE - REQUEST FOR THIRD READING

Councilman Michael moved that Council consider the third and final reading of Ordinance No. 945, an ordinance amending Ordinance No. 322, known as "An ordinance providing for the zoning of the City of Asheville," as amended (sign regulations) at

ORDINANCE NO. 957 - AN ORDINANCE ESTABLISHING THE ASHEVILLE UNIFORMED PERSONNEL RETIREMENT PLAN AND TRUST

The City Manager read the ordinance.

The Plan and Trust was read in its entirety.

Councilman Rainey requested the Corporate Attorney to draft an amendment to change Section 14 of the Charter of the City of Asheville in order that an ordinance may be read, but attachments need not be read if the majority of Council agrees.

The City Manager advised that the ordinance held the effective date to be June 10, 1977 which would require that three readings of the ordinance be held at this time. However, if Council so desired the effective date could be left blank until such time as the ordinance is adopted.

Councilwoman Swilling expressed concern regarding the applicability to clerical workers and other non-uniformed personnel as well as the use of the word "Board" to refer sometimes to the Board of Examiners and sometimes to the Board of Trustees. She urged that Council pass the ordinance on two readings, leaving the effective date of the ordinance blank in order that these points could be clarified.

Councilwoman Swilling then moved for the adoption of Ordinance No. 957. This motion was seconded by Councilman Hoyle.

Councilman Morris suggested that the consultant be contacted regarding the "portability" of clerical workers changing plans at some later date.

On a roll call vote of 6-0, Ordinance No. 957 passed on its first reading.

Councilman Michael moved to suspend the rules and proceed to the second reading of Ordinance No. 957.

On a roll call vote of 6-0, Ordinance No. 957 passed on its second reading.

RESOLUTION NO. 77-79 - RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH A PSYCHOLOGICAL TESTING CONSULTANT AND THE BLUE RIDGE COMMUNITY MENTAL HEALTH CENTER TO ESTABLISH A SYSTEM OF PSYCHOLOGICAL SCREENING AS A PART OF THE EMPLOYMENT PROCEDURE FOR POLICE PATROLMAN

4. Consideration was given to a resolution authorizing the City Manager to enter into agreements with a psychological testing consultant and the Blue Ridge Community Mental Health Center to establish a system of psychological screening as a part of the employment procedure for police patrolman.

The City Manager read the resolution.

Councilman Michael said he felt this psychological screening should also apply to policemen already on the force and in cases where policemen are repeatedly reported as being over-reactive or accused as being unjustly severe in arresting people.

Councilman Michael then moved to amend the resolution by adding that this procedure also apply to policemen presently employed and shall be given to policemen as deemed necessary by the City Manager or his designee. This motion was seconded by Councilman Rainey and carried unanimously.

Thursday - May 26, 1977 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., Otis B. Michael, J. W. Hoyle, Gene E. Rainey, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Acting City Clerk Carol Hensley.

Absent: Associate City Manager/City Clerk William F. Wolcott, Jr.

APPROVAL OF MINUTES

1. Approval of the minutes of the May 19, 1977 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Swilling, the minutes of the May 19, 1977 meeting were unanimously approved as submitted.

RESOLUTION NO. 77-78 - RESOLUTION OF APPRECIATION TO ROBERT Y. PRAYTOR FOR SERVICES AS A MEMBER OF THE CITY OF ASHEVILLE CIVIL SERVICE BOARD

2. Consideration was given to a resolution of appreciation to Robert Y. Praytor for services as a member of the City of Asheville Civil Service Board.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 77-78 was unanimously adopted.

Complete text of Resolution No. 77-78 will be found in Resolution Book No. 9 at page 292.

PUBLIC HEARING - ASHEVILLE UNIFORMED PERSONNEL RETIREMENT PLAN AND TRUST

3. A public hearing was held relative to the adoption of an ordinance establishing the Asheville Uniformed Personnel Retirement Plan and Trust.

Mayor Ochsenreiter opened the public hearing at 3:05 o'clock p.m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication. He explained that the purpose of the public hearing is to receive public comment on the proposed ordinance prior to its final inactment.

Michael Smith, Director of Central Services, said this plan was referred to in the legislation that was ratified by the General Assembly in the 1977 Session which would freeze the old Police and Fire Pension Plan in order to begin a new comprehensive plan. He said any member of the old plan will have the option to transfer to the new plan from one (1) year after the adoption of the new plan.

Mr. Smith said a question had arose regarding the definition of employee. He said there are several clerical workers and other non-uniformed personnel in the Police and Fire Departments and it would be his recommendation to allow such employees to join the General Employees Retirement Plan or the new Uniformed Personnel Retirement Plan. He said this new plan is, however, more condusive to uniformed personnel.

Mayor Ochsenreiter closed the public hearing at 3:12 o'clock p.m.

Larry McDevitt, attorney representing the Asheville Board of Realtors, asked for a clarification of Section 30-9-1(B)(1) relative to real estate signs.

Mr. Emrick, Planning Director, explained that real estate signs would have to be removed seven (7) days after a sale is consummated or a rental or lease contract has been entered into.

Mr. McDevit requested that the ordinance be amended relative to these real estate signs in order for the language to be clarified.

After discussion, Councilman Morris moved to amend Section 30-9-1(B)(1) of Ordinance No. 945 for the last sentence to read as follows:

"However, after a sale is consummated, or a rental or lease contract has been entered into, said sign shall be removed within one (1) week."

This motion was seconded by Councilman Hoyle and carried unanimously.

Councilwoman Swilling made the following statement and amendment relative to Section 30-9-5, Non-conforming signs:

"In 1975 when I ran for election to this seat, the first round with the sign ordinance had just finished in defeat. After my election, another round with a revised ordinance began. There were still more hours of hard work sessions by our very able Planning and Zoning Commission as well as more hearings and work. The many people who have worked so hard on this revision are outstanding and are to be commended for their unselfishness.

My position was that a grandfather clause in this ordinance would be the same as not having an ordinance. I have depended strongly on the Planning and Zoning Commission's revisions of this ordinance and I have seen consession after consession made by all parties involved. After many hours of work, the revised ordinance was ready for presentation, but due to a back log of many problems and projects, again and again this ordinance was delayed in getting before Council. Finally early this year we were able to have the presentation. Even after this presentation, the priority of other things have delayed us accomplishing its passage.

I believe this Council to be very conscientious and feel each member of the Council is keenly aware that the decisions of the Council greatly affect the citizenary who put us here and the people with whom we live and love, so we have worked hard to explore every aspect of these decisions. Many times we hear, who will this effect the future of our city, our children and future governing boards, how does this effect us right now?

I have looked long and hard at this sign ordinance with and without a grandfather clause. I have recieved many cards and letters for and against different parts of this ordinance. The past two weeks over a hundred letters from people of all walks of life have come to me urging the passage of this ordinance - passage with a grandfather clause.

I wish to make the following amendment to this ordinance fully realizing what it means and of my own deeply thought through feeling that it is unfair to take personal property without fair and just compensation and since our present laws prevent this governing body to compensate for condemnation of signs so stated by our legal counsel's understanding, and that Section 30-9-5 as now stated be amended to read as follows:

Upon inquiry of Councilman Rainey, the City Manager said the testing procedure would only be a part of the employment procedure. He said work records, civil service examinations and oral interviews are also considered. He said an applicant would not be turned down solely because of the psychological screening test.

Councilman Michael moved for the adoption of Resolution No. 77-79, as amended. This motion was seconded by Councilman Morris and carried unanimously.

Complete text of Resolution No. 77-79 will be found in Resolution Book No. 9 at page 293 .

Ralph Bishop objected to the City paying taxpayers money for such tests. He said such tests would be degrading the City employees and further deteriorate the Police Department.

RESOLUTION NO. 77-80 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE ESTABLISHING STANDARDS GOVERNING THE DESIGN, CONSTRUCTION, AND MAINTENANCE OF PUBLIC AND RESIDENTIAL SWIMMING POOLS

5. Consideration was given to a resolution called for a public hearing for the adoption of an ordinance establishing standards governing the design, construction, and maintenance of public and residential swimming pools.

The City Manager read the resolution called for a public hearing on June 16, 1977.

Councilman Michael said he felt the proposed ordinance was too restrictive. He said it was his understanding that Council only wanted to provide for the fencing and safety of the residential pools.

J. E. Johnson, Director of Inspections, said his division presently enforces the standards provided for in the proposed ordinance except for the provision of fencing in of swimming pools.

Councilman Rainey moved for the adoption of Resolution No. 77-80 scheduling the public hearing for June 16, 1977. This motion was seconded by Councilman Hoyle and carried unanimously.

Complete text of Resolution No. 77-80 will be found in Resolution Book No. 9 at page 294.

Richard Ford, attorney representing a group of interested citizens, said they would favor the fencing and safety provisions but not necessarily the restrictive construction standards.

ORDINANCE NO. 945 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED

6. Consideration was given to the third and final reading of Ordinance No. 945, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville" as amended.

Mayor Ochsenreiter stated that the ordinance was previously read on two readings and members of Council have been furnished copies of the ordinance, together with all amendments through May 26, 1977, and the ordinance would not be re-read in its entirety unless there was a specific request to do so.

tained by the licensee and such list shall give the specific location of each sign by reference to streets, business buildings or other identifiable geographic landmarks." The Collector of Revenue shall send a copy of the annual list, including their exact location, to the Board of Tax Supervision for the purpose of assessing taxes on each location.

This motion was seconded by Councilman Michael and carried unanimously.

Councilman Rainey then moved to amend Section 30-9-4, Maintenance and Enforcement to read as follows:

Section 30-9-4 Maintenance and Enforcement.

(A) To insure that signs are erected and maintainted in a safe and esthetic manner, it shall be unlawful for any sign visible from any public street or highway within the City of Asheville to be erected, posted, placed, hung or painted by any person, firm or corporation other than by a sign contractor properly licensed under Section 30-9-1 or by a designated representative of such licensed contractor.

(B) The following maintenance requirements must be observed for all signs visible from any public street or highway within the jurisdiction of this ordinance:

1. No sign shall have more than 20% of its surface area covered with disfigured, cracked, ripped or peeling paint or poster paper for a period of more than 30 successive days.

2. No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts or be allowed to stand more than 15 degrees away from the perpendicular for a period of more than 30 successive days.

3. No sign shall be allowed to have weeds, trees, vines or other vegetation growing upon it or obscuring its view from the street or highway from which it is to be viewed for a period of more than 30 successive days.

4. No neon or internally illuminated sign may be allowed to stand with only partial illumination for a period of more than 30 successive days.

(C) The duties of the Building Inspector of the City of Asheville with regard to sign maintenance and enforcement shall be as follows:

1. To inspect all free standing signs, wall signs, projecting signs and roof signs in the jurisdiction of this ordinance at least once annually in order to determine that the same meet the requirements set forth in paragraph (B) of this Chapter.

2. To attach an inspection tag to all signs meeting the requirements set forth in paragraph (B) of this Chapter. Such inspection tag shall give the month and year of inspection and said tag shall be attached to the sign structure in a manner and in a place so as to be easily visible to any member of the public wishing to view the tag.

'Section 30-9-5 Nonconforming Signs.

A. After the effective date of this Ordinance, it shall be unlawful for any person to erect or place any sign which does not conform to the requirements set forth herein.

Any off-premise or principal use identification sign which is not specifically prohibited and is permanently affixed to a building, structure or the ground made nonconforming because of its height, size, or setback shall be allowed to continue and shall be maintained as provided for in Sec. 30-9-4, but shall not be:

(1) changed to another nonconforming sign;

(2) structurally altered (except to meet safety requirements);

(3) altered so as to increase the degree of nonconformity of the sign;

(4) expanded;

(5) reestablished after its discontinuance for sixty (60) days;

(6) continued in use after cessation or change of the business or activity to which the sign pertains; or

(7) reestablished after damage or destruction if the estimated cost of reconstruction exceeds seventy-five (75%) percent of the appraised replacement cost (as determined by the Building Inspector).'

I would further urge that a review of our present laws that prohibit compensation for sign condemnation be reviewed and that the legislation be formally requested to revise these laws so that such compensation can be achieved. The passage of such changes would make it possible to remove this section and replace it with a schedule by which we would remove the nonconforming uses with a just and fair compensation schedule!

This is a beginning, it is not, I feel, a defeat but a delay in the future beauty of our City - we do have visual pollution, it is not only in signs, but vacant buildings, unpaved and dirty streets as well as runned-down areas within walking distance of this room. We must begin working together on all these needs. We've studied long enough, lets begin, for the struggle is long and difficult and we are so far behind!"

This motion was seconded by Councilman Hoyle, which motion carried 4-2 with Councilmen Michael and Rainey voting "no".

After discussion, Councilman Rainey moved to amend Section 30-9-1(A)(8) to read as follows:

"No person, firm, or corporation shall place or maintain off permise advertising structures in the City of Asheville unless said person, firm, or corporation has been issued an outdoor advertising license which license is then in effect.

In order to obtain an outdoor advertising license, the licensee must be a licensed sign contractor, as described in paragraph 7 above, and must submit annually upon renewal of this license, a listing of all sign structures leased, owned, or main-

5. To issue citations for any violation of this Ordinance, other than Section 30-9-4(B), said citations to be issued to the owner of the sign or if the owner of the sign cannot be ascertained from the public record or the reports filed under this Chapter, then to the land owner or the lessee in control of the property where the violation occurs.

6. Violation Orders and Remove Orders issued under this section may be appealed to the Board of Adjustment within ten (10) days after the receipt thereof. During the appeal, the time limits herein shall be suspended. If the Board of Adjustment finds that the Violation Order or Remove Order, as the case may be, has been issued in accordance with this Ordinance, then the time period for compliance shall run from the date of the Order of the Board of Adjustment.

7. To remove immediately any sign or sign structure which the Building Inspector reasonably deems to be in danger of falling or otherwise creating an immediate safety hazard. Such removal shall be at the expense of the land owner as provided in Section 30-9-5(d) of this Ordinance.

(E) Any sign that is not brought into conformance with the provisions prescribed in this section or such other applicable codes of the City of Asheville, the Chief Building Inspector shall issue a citation in accordance to law in an amount no less than Fifty Dollars ($50.00) to the owner of the sign or land owner where the sign is located. In the case of a continuing violation, each twenty-four (24) hour period in which the violation exists shall constitute a separate violation.

This motion was seconded by Councilman Michael and carried unanimously.

Councilman Morris then moved to continue the third reading of Ordinance No. 945, as amended until June 2, 1977 giving the public an opportunity to comment on the amendments made at this meeting. This motion was seconded by Councilman Michael, which motion carried with a 4-2 vote, with Councilmen Rainey and Hoyle voting "no".

PUBLIC HEARING - REZONING - RICHMOND HILL DRIVE - WESTERN NORTH CAROLINA BAPTIST HOMES, INC. AND CECIL'S LEASES, INC.

ORDINANCE NO. 958 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWS AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

7. A public hearing was held relative to rezoning property on Richmond Hill Drive from R-2 Residential District to R-3 Residential District, property owned by Western North Carolina Baptist Homes, Inc. and Cecil's Leases, Inc.

3. To require proof that any newly-discovered sign work has been or is being done by a licensed sign contractor as provided for in Section 30-9-1 (a) of this Ordinance.

(D) To enforce the regulations set forth in this Ordinance, the Building Inspector shall have the following authority:

1. To issue a Violation Order for any violation of paragraph (B) above. Said Violation Orders are to be delivered by certified mail, return receipt requested to the owner of the sign in violation of this Ordinance and the time period provided herein shall begin upon receipt of said Violation Order. If the owner of the sign cannot be ascertained, the notice may be sent to the record land owner owning the land whereon the sign is erected. The Violation Order shall be directed to the sign owner and land owner and shall describe in detail the exact nature of the violation, reference the section of the Ordinance violated and specify what actions must be taken to correct the the violation.

2. To grant a single thirty (30) day extension of time within which the sign owner must comply with the Violation Order, upon receipt of a written request for an extension of time in which to correct all or part of the violations set out in the Violation Order stating valid reasons for not being able to comply within the time period allowed.

3. To issue Remove Orders for any sign not repaired within the time allotted under a Violation Order as set out above or for any prohibited sign as defined in Section 30-9-1(C) of this Ordinance. Said Remove Orders are to be issued to the owner of the sign and if such owner cannot be ascertained to the record owner of the real property whereon the sign is located, such notice is to be delivered by Certified Mail, Return Receipt Requested and shall not be effective until delivered. The sign owner or the land owner as the case may be shall be allowed a period of thirty (30) days after the receipt of the Remove Order within which to remove the sign at his own expense. The Remove Order shall be directed to the sign owner and land owner and shall describe with particularity the location of the sign to be removed and all of the reasons for issuance of the Remove Order, making specific reference to the section of this Ordinance.

4. To remove or cause to be removed any sign not removed within thirty (30) days of the receipt of a Remove Order and to tax the property owner for said removal as provided for in Section 30-9-5(D) of this Ordinance.

Councilwoman Swilling moved to approve the site plan of the proposed expansion of the Erwin Hills Plaza located on Leicester Highway. This motion was seconded by Councilman Hoyle and carried unanimously.

ORDINANCE NO. 959 - AN ORDINANCE PROVIDING FOR REVISIONS TO THE WATER RATES AND CHARGES

9. Consideration was given to an ordinance providing for revisions to the water rates and charges.

The City Manager read the ordinance and explained that the ordinance reflects a 7¢ rate increase per 100 cubic feet of which part of the revenues would be reflected in this fiscal year.

A discussion was held relative to the rates paid by Gerber Products, under which a separate agreement is in effect until 1982.

Councilman Michael commented that the City is selling water to Gerber at a loss.

Councilman Rainey said since there is a meeting scheduled to review the Water Budget, he would vote no on the ordinance until after the review is completed.

Councilman Michael then moved that Gerber's rate be increased in proportion as other industries, which motion died for a lack of a second.

Councilwoman Swilling moved for the adoption of Ordinance No. 959. This motion was seconded by Councilman Morris.

Councilman Morris requested Larry Fisher, Director of Finance, to work up comparison figures for an alternate system of increasing water rates by starting with a 10 percent rate increase at the lowest step and increasing gradually up to 23 percent for the highest step. He requested that the figures be furnished to members of Council prior to the second reading of the ordinance.

On a roll call vote of 4-2, Ordinance No. 959 passed on first reading with Councilmen Rainey and Michael voting "no".

RESOLUTION NO. 77-81 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE JOINT AGREEMENTS WITH THE COUNTY OF BUNCOMBE AND THE TOWN OF BILTMORE FOREST

10. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute on behalf of the City of Asheville joint agreements with the County of Buncombe and the Town of Biltmore Forest.

The City Manager read the resolution explaining that the agreements would reflect requests of Council regarding modifications to the Zoning Map relative to the City's extraterritorial jurisdiction as well as inspections and code enforcement within the entire extraterritorial area.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, Resolution No. 77-81 was unanimously adopted.

Complete text of Resolution No. 77-81 will be found in Resolution Book No. 9 at page 295.

Mayor Ochsenreiter opened the public hearing at 6:04 o'clock p.m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, advised that the Planning and Zoning Commission reviewed the request of the Western North Carolina Baptist Homes, Inc. and Cecil's Leases, Inc. on May 4, 1977. He said a ruling by the Department of Human Resources re-classifying the Baptist Home to a Home for the Aging necessitated a request for rezoning the property R-3 Residential since this category would not be accommodated under the existing R-2 Residential zone. He said the Planning and Zoning Commission had recommended approval of the rezoning request since the project had received all necessary group development approvals.

Mr. Starnes, a local trustee of the Baptist Home, said no plans had changed for the type of home proposed to be built. However, the requirements of the Department of Human Resources are being complied with.

Mr. Emrick commented that the Planning and Zoning Commission had received no objections to the proposed rezoning.

Mayor Ochsenreiter closed the public hearing at 6:12 o'clock p.m.

The City Manager read the ordinance rezoning the property as requested.

Vice-Mayor Horton moved for the adoption of Ordinance No. 958. This motion was seconded by Councilman Michael.

On a roll call vote of 6-0, Ordinance No. 958 passed on first reading.

PUBLIC HEARING - ERWIN HILLS PLAZA - LEICESTER HIGHWAY

8. A public hearing was held relative to the site plan of the proposed expansion of the Erwin Hills Plaza located on Leicester Highway.

Mayor Ochsenreiter opended the public hearing at 6:15 o'clock p.m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, advised that the Planning and Zoning Commission recommended approval of the proposed expansion subject to the following conditions:

1. That the developer provide, in addition to the 42 spaces shown, a total of 101 parking spaces. These additional spaces shall be paved and marked in accordance with Section 30-3-11, Items B of the City's Zoning Ordinance.

2. That the developer obtain permission, in writing, from the County of Buncombe to make connection to the existing sanitary sewer line on New Leicester Highway.

He said all these conditions had been satisfied.

Mayor Ochsenreiter closed the public hearing at 6:17 o'clock p.m.

The City Manager read the resolution and explained that the resolution was prepared at the direction of Council.

Logan Delany, Community Development Coordinator, explained that the resolution would amend the requirement regarding an applicant's income not to exceed $15,000 (adjusted net income) plus shelter expenses instead of the present requirement of $5,000. He said actually this would eliminate any income limitations. However, he said since this regulation had not received HUD approval and a future audit finding might encumbrance the City to pay the funds back at some late date if HUD did not approve such income limits he would recommend HUD's approval prior to enactment.

Larry Holt, Deputy Executive Director of the Asheville Housing Authority said HUD had suggested, as guidelines only, to accept the Section 235 income limits, which is 95 percent of the median income for the area or the following schedule:

	PERSONS PER FAMILY							
	1	2	3	4	5	6	7	8+
Buncombe Co.	8350	9500	10700	11900	12650	13400	14150	14900

These income limits are for "adjusted income" which is gross income less than five percent less $300 for each dependent.

It was also recommended that investor-owners meeting the above income requirements be allowed to participate in the grant program.

Mr. Holt reminded Council that these suggestions were intended to be guidelines only.

After discussion, Councilman Rainey moved to table the resolution until recommendations from staff could be obtained. This motion was seconded by Councilman Morris, which motion failed on a 3-2 vote.

After further discussion, Councilman Michael moved to adopt the resolution as read, which motion died for a lack of a second.

Vice-Mayor Horton moved to adopt the resolution and to amend the resolution by substituting the income limits as described in the Schedule for Section 235 Program as recommended, as a guideline, by HUD. This motion was seconded by Councilman Hoyle and carried on a vote of 4-1, with Councilman Michael voting "no".

Complete text of Resolution No. 77-82 will be found in Resolution Book No. 9 at page 296.

RESOLUTION NO. 77-83 - RESOLUTION REQUESTING PERMISSION FROM THE BUNCOMBE COUNTY BOARD OF EDUCATION TO MAKE CERTAIN MODIFICATIONS TO THE SHILOH SCHOOL BUILDING

14. Consideration was given to a resolution requesting permission from the Buncombe County Board of Education to make certain modifications to the Shiloh School building.

The City Manager read the resolution and explained that by lease agreement with the Buncombe County Board of Education for the lease of the Shiloh School property any major physical improvements to the property must be approved by the Buncombe County Board of Education and this resolution would request permission from the Board

ORDINANCE NO. 954 - AN ORDINANCE ESTABLISHING THE ASHEVILLE DOWNTOWN REVITALIZATION AND APPEARANCE COMMISSION

11. Consideration was given to continuing the second reading of Ordinance No. 954, an ordinance establishing the Asheville Downtown Revitalization and Appearance Commission.

Councilman Rainey moved to continue the second reading of Ordinance No. 954 until June 2, 1977. This motion was seconded by Vice-Mayor Horton and carried unanimously.

ORDINANCE NO. 960 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1976-77 AND ESTABLISHING A NEW PROJECT IN THE GENERAL CAPITAL PROJECTS FUND

12. Consideration was given to an ordinance amending the operating budget of the City of Asheville for Fiscal Year 1976-77 and establishing a new project in the General Capital Projects Fund.

The City Manager read the ordinance and explained that this ordinance would reallocate funds for a matching grant for the purchase of an emergency standby generator at the Asheville Airport. He said FAA had requested that this generator be installed.

Vice-Mayor Horton was excused from the meeting at 6:40 o'clock p.m.

Councilwoman Swilling was excused from the meeting at 6:40 o'clock p.m.

Councilman Morris moved for the adoption of Ordinance No. 960. This motion was seconded by Councilman Rainey.

On a roll call vote of 4-0, Ordinance No. 960 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 960. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 960 passed on its second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 960. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 960 passed on its third and final reading.

Complete test of Ordinance No. 960 will be found in Ordinance Book No. 7 at page 151.

Vice-Mayor Horton returned to the meeting at 6:50 o'clock p.m.

RESOLUTION NO. 77-82 - RESOLUTION AMENDING AND APPROVING PROGRAM ELIGIBILITY REQUIREMENTS IN THE ASHEVILLE COMMUNITY DEVELOPMENT REHABILITATION GRANT PROGRAM CONTRACT

13. Consideration was given to a resolution amending and approving program eligibility requirements in the Asheville Community Development Rehabilitation Grant Program contract.

BIDS - 1977-78 PAVING PROGRAM

17. Consideration was given to bids received May 23, 1977 for the 1977-78 Paving Program.

The City Manager read a memorandum from the Purchasing Agent which recommended the lowest overall bidder, Asheville Paving Company, Inc. for a total of $392,200.00. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

Bidder	Bid
Asheville Paving Company	$392,200.00
Paving Enterprises, Inc.	$401,512.50
Warren Brothers Company	$401,075.00

RESOLUTION NO. 77-86 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CATHEY'S KITCHEN, INC. FOR THE OPERATION OF A SNACK BAR IN THE CITY BUILDING

18. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with Cathey's Kitchen, Inc. for the operation of a snack bar in the City Building.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Michael, Resolution No. 77-86 will be found in Resolution Book No. 9 at page 301.

RESOLUTION NO. 77-87 - RESOLUTION OF INTENT TO CLOSE BURTON STREET BRIDGE

19. Consideration was given to a resolution of intent to close Burton Street Bridge.

The City Manager read the resolution scheduling a public hearing on the closing of Burton Street Bridge for June 23, 1977.

Upon motion of Vice-Mayor Horton, seconded by Councilman Michael, Resolution No. 77-87 was unanimously adopted.

Complete text of Resolution No. 77-87 will be found in Resolution Book No. 9 at page 302.

CLAIM - JUDY STILLS LADSHAW

The City Manager presented a claim for reimbursement from Judy Stills Ladshaw.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

STATEMENT - E. R. McCARTHY - CITY MOTOR VEHICLES TAG

The City Manager read the following statement as requested by Mr. E. R. McCarthy:

to demolish a portion of the old building and construct a new recreational facility. He said this resolution further requests that the Board deed this property to the City of Asheville without cost for use as a neighborhood park and recreation facility.

The City Manager further advised that he had received a letter from Virgil McConnell, Chairman of the Advisory Committee for the South Asheville Community Center, stating that they were in agreement with the preliminary plans for the development of the Shiloh Community Center.

A discussion was held relative to the time schedule involved in completing the new facility.

Councilman Rainey was excused from the meeting at 7:20 o'clock p.m.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Horton, Resolution No. 77-83 was unanimously adopted.

Complete text of Resolution No. 77-83 will be found in Resolution Book No. 9 at page 297.

RESOLUTION NO. 77-84 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN NECESSARY DOCUMENTS TO SELL THAT CERTAIN UNDIVIDED ONE-HALF (½) INTEREST IN PROPERTY LOCATED EAST OF MC-DOWELL STREET IN THE CITY OF ASHEVILLE TO THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE

15. Consideration was given to a resolution authorizing the Mayor to sign necessary documents to sell that certain undivided one-half (½) interest in property located East of McDowell Street in the City of Asehville to the Housing Authority of the City of Asheville.

The City Manager read the resolution.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 77-84 was unanimously adopted.

Complete text of Resolution No. 77-84 will be found in Resolution Book No. 9 at page 299.

RESOLUTION NO. 77-85 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY AGREEMENT WITH THE SOUTHERN RAILWAY COMPANY CONCERNING A 16-INCH WATER LINE IN ASHEVILLE, NORTH CAROLINA

16. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way agreement with the Southern Railway Company concerning a 16-inch water line in Asheville, North Carolina.

The City Manager read the resolution and explained that this is an agreement to cross Southern Railway's tracks on Haywood Street with a 16-inch feeder main which is to be installed from Patton Avenue to Smith Bridge. This main will close the 16-inch loop around the central business district and will improve fire protection. Also, this feeder main will interconnect Beaucatcher Reservoir with White Fawn supplying more water to West Asheville and the Emma section.

Upon motion of Councilman Hoyle, seconded by Councilman Morris, Resolution No. 77-85 was unanimously adopted.

Complete text of Resolution No. 77-85 will be found in Resolution Book No. 9 at page 300.

The City Manager read the resolution scheduling a public hearing on the closing of a portion of McLean Street for June 23, 1977.

Upon motion of Councilman Michael, seconded by Councilman Morris, Resolution No. 77-88 was unanimously adopted.

Complete text of Resolution No. 77-88 will be found in Resolution Book No. 7 at page 303.

REST ROOM FACILITY - EAGLE STREET

The City Manager advised that the rest room facility located on Eagle Street behind the Municipal Building would be demolished and used as a parking facility. He said the property would be posted for two weeks prior to the demolition.

CLAIM - ROBERT ALAN EVANS

The City Manager presented a claim from Nationwide Insurance on behalf of Robert Alan Evans.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

WATER METERS READ BI-MONTHLY - NOTIFICATION

Vice-Mayor Horton suggested that it might be helpful to the water consumers to put a sticker or something on their water bill to let them know the City is now reading water meters every other month.

STATEMENT - COUNCILMAN MICHAEL - REQUEST OF STATE LEGISLATORS

Councilman Michael requested that the State legislators consult the City Council before passing legislation affecting city rules, regulations and powers.

He also requested that the State legislators repeal the Sullivan Act on the basis that the City can no longer afford to supply water services at a loss outside the City limits.

Mayor Ochsenreiter said he would inform the State legislators of Councilman Michael's requests.

PASSING OF TERRY WILLIAMS - CITY PATROLMAN

Mayor Ochsenreiter, on behalf of the Asheville City Council, extended sympathy to the family of Terry Williams, a City of Asheville patrolman, who recently drowned.

RALPH BISHOP - LOTTERY

Ralph Bishop again complained to Council about the lottery sales in the City of Asheville.

Adjournment.

Eugene S. Ochsenreiter
MAYOR

Norman D. Malcolm
CITY CLERK

Asheville City Council:

Several decades ago ABC stores were authorized locally in a referendum. One reason for the vote was the promise by that City Council to remove the requirement for city tags on motor vehicles.

Later, another city council saw fit to reinstate the tags, or a sticker, costing $1.00. Now it appears the present city council has obtained special legislation in Raleigh authorizing the city to charge $5.00 for a sticker.

At the last council meeting I brought up the question of the West Asheville race track paying only $37.50 a year in privilege taxes, as I have done for lo these many years. City Manager Michelove pointed out, quite properly, that it was rather late to raise that this year.

However, I also mentioned, again, the possibility of an admission tax. I do not have solid facts on actual attendance, in fact I doubt any one does. But, a 25¢ head tax, as is charged at the Civic Center Flea Market, would probably yield half as much as the proposed $5.00 auto sticker, possibly more. A 50¢ tax, along with the current $1.00 auto sticker, would yield more and, I am very sure, would be far more popular than the proposed $5.00 auto sticker.

If this cannot presently be done, I am sure you could get more special legislation in Raleigh to enable you to do this.

E. R. McCarthy

E. R. McCarthy,
43 Grandview Drive,
Asheville, N. C. 28806

Mayor Ochsenreiter requested that the Corporation Counsel research the legality of Mr. McCarthy's request.

RESOLUTION NO. 77-88 - RESOLUTION OF INTENT TO CLOSE A PORTION OF McLEAN STREET AND CALLING A PUBLIC HEARING ON THE QUESTION

Consideration was given to a resolution of intent to close a portion of McLean Street and calling a public hearing on the question.

Thursday - June 2, 1977 - 7:30 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Gene E. Rainey, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Otis B. Michael

APPROVAL OF MINUTES

1. Approval of the minutes of the May 26, 1977 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, the minutes of the May 26, 1977 meeting were unanimously approved as submitted.

PUBLIC HEARING - REZONING - REED STREET AND FAIRVIEW STREET - ALAN AND LUCY BUTTERWORTH AND ROBERT A. AND ANN B. HARROFF

2. A public hearing was held relative to rezoning property on Reed Street and Fairview Street, from R-3 Residential District to CH Commercial Highway, property owned by Alan and Lucy Butterworth and Robert A. and Ann B. Harroff.

Mayor Ochsenreiter opened the public hearing at 7:35 o'clock p. m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, advised that the Planning and Zoning Commission reviewed the requested rezoning, to rezone Lots 25, 26, and 25-1/4 from R-3 Residential District to CH Commercial Highway District. The Planning and Zoning Commission's recommendation was that the request be approved, in part, to recommend extending the Commercial Highway zone back to the existing R-3 Residential District (as shown on the City of Asheville Zoning Map) thereby disapproving the request to rezone the rear portions of Lots 25 and 26. The reason for denying rezoning the rear portions of Lots 25 and 26 was because this could provide a point of access onto a street which will not adequately accommodate volumes of traffic created by the proposed use as well as adversly affecting adjoining residential property on Reed Street by increased traffic and noise. He said the recommendation for approving the rezoning of the front portions of Lots 25 and 26 and all of Lot 25-1/4 would not substantially increase the impact of commercial activities on residential property over what presently exists. The extension of Commercial Highway Zoning to this additional depth of fifty (50) to sixty-five (65) feet would compensate for right-of-way to be taken in 1981 for the widening of Hendersonville Road. It is projected that the right-of-way for this widening will be approximately 30 feet with a possible 50 foot construction limit on the southern portion of the property if substantial filling is required.

Mr. Emrick said as a result of protest petitions which have been submitted, the twenty percent (20%) protest rule applies to this rezoning which requires a favorable vote of three-fourths of all members of City Council for final approval.

Tuesday - May 31, 1977 - 3:00 o'clock p. m.

Special Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., Otis B. Michael, J. W. Hoyle, Gene E. Rainey, City Manager K. M. Michalove, Acting City Clerk Carol Hensley.

Absent: Corporation Counsel William C. Moore, Associate City Manager/ City Clerk William F. Wolcott, Jr.

PRESENTATION OF BUDGET FOR FISCAL YEAR 1977-78

The City Manager read a prepared budget letter to members of Council highlighting details of the proposed budget. He advised that the required statement that the budget has been submitted to the governing board and is available for public inspection is being published in the Asheville Times, today May 31, 1977. He also advised that the notice stated that a public hearing relative to the budget would be held June 9, 1977 at the regular meeting of the City Council.

The proposed budget was presented to members of Council. He said if members of Council would like to obtain a copy of the line item budget to let him know.

The City Manager also presented copies of budget letters for the past two fiscal years to be reviewed by members of Council along with the budget letter for fiscal year 1977-78. He said he felt this information may be helpful to Council.

Mayor Ochsenreiter advised that Council members would begin budget work sessions as soon as possible.

The City Manager asked if Council members desired any other detailed information relative to the budget.

As requested by several members of Council, the City Manager presented budget information relative to the Parks Program, Drug and Alcohol Abuse Advisory Commission and the Interagency Narcotic Squad.

Upon inquiry of Councilwoman Swilling, the City Manager advised that Council members would review the Civic Center Budget during a work session.

Councilman Rainey said he felt there was a need to appropriate funds for the purchase of surveillance equipment for the Interagency Narcotics Squad. He said perhaps some information could be obtained relative to the equipment and it could be discussed during a work session.

Councilwoman Swilling requested that she be furnished with a copy of the line item budget for Fiscal Year 1977-78.

Adjournment.

Eugene C. Ochsenreiter
MAYOR

Miriam F. Wolcott
CITY CLERK

At the suggestion of the City Manager, Council authorized the Inspection Department to move forward with beginning enforcement by concentrating on areas of high visibility, such as Tunnel Road, Merrimon Avenue, and Patton Avenue and the various business districts before moving into the residential areas.

ORDINANCE NO. 959 - AN ORDINANCE PROVIDING FOR REVISIONS TO THE WATER RATES AND CHARGES

4. Consideration was given to the second reading of Ordinance No. 959, an ordinance providing for revisions to the water rates and charges.

Councilman Rainey said he could not support the proposed ordinance unless the revenues derived could be put into the general fund or into a capital improvement fund. He questioned 90% of the present water budget being spent in only 3/4 of a year, particularly the amount spent on telephones.

The City Manager said the money generated by a water rate increase will go to general ongoing operations as well as for capital improvements. He said the program of work included $100,000 for Winter Contingency Fund for meeting demands of another severe winter; $30,000 for a meter renewal program; $70,000 for lowering water lines,; $42,000 for fire hydrant replacement program and $50,000 for capital projects. In addition, there is approximately $737,390 in the bond account for capital improvements. He said his goal would be to put as much as possible into capital projects.

Mr. E. R. McCarthy suggested that Council ban any further water connections in the County as long as the Sullivan Act is in effect.

Councilman Morris said he felt the proposed ordinance increased the rate for industrial customers too much. He said he would perfer the 10% to 23% ratio.

Vice-Mayor Horton said he felt strongly about protecting families and individuals using the minimum water. He said their rate should not be increased. He then moved to amend Ordinance No. 959, by including Rate Schedule #3 for Steps 2 and 6 which would provide for a distribution of 10% to 26%. He said this would also taper down the increase for industry. This motion was seconded by Councilman Rainey, which motion failed on a 3-2 vote.

Mayor Ochsenreiter commented that there had been no increase in water rates for operational expenses since 1966. He said with the proposed ordinance the minimum water charge would increase from $3.00 to $3.21.

Mayor Ochsenreiter then called for a roll call vote on Ordinance No. 959, with Councilman Rainey voting "no".

On a roll call vote of 4-1, Ordinance No. 959 passed on second reading.

Councilman Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 959. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 4-1, Ordinance No. 959 passed on its third and final reading, with Councilman Rainey voting 'No".

Complete text of Ordinance No. 959 will be found in Ordinance Book No. 7 at page 149 .

By the use of a map, Mr. Emrick reviewed the location of the property in question.

Alan Butterworth said the property is requested to be rezoned for redevelopment of the entire tract for a restaurant site. He said he was in agreement with the recommendation of the Planning and Zoning Commission. He said the property would be adequately buffered and landscaped to protect the residential neighborhood.

Mrs. R. B. White and Mr. Reese, residents of the area, objected to the proposed rezoning due to grading and paving involved in the project which would increase an existing water runoff problem. They commented that the drains presently located on the property are not sufficient in size to carry the present water runoff.

Mr. Emrick advised that the developer would have to comply with the Erosion and Sedimentation Ordinance involving grading and drainage on the property. He said this issue should be separated from the consideration of the rezoning of the property.

At the request of Council, Mr. Emrick reviewed the allowable uses in the Commercial Highway District.

After discussion, Mr. Emrick suggested that Council continue the public hearing until Council members have had a chance to visit the property in question.

Councilman Rainey also suggested that Mr. Butterworth obtain the efforts of a landscape architect to provide a drawing showing the proposed slope and buffering to be made on the property. He said this drawing would perhaps satisfy the objections of the adjoining property owners.

J. E. Johnson, Director of Inspections, also suggested that Mr. Butterworth work with the Sedimentation Control Officer relative to the drainage problems.

Councilman Rainey moved to continue the public hearing until questions relative to buffering and sedimentation have been answered and until Council members have had the opportunity to view the property. This motion was seconded by Vice-Mayor Horton and carried unanimously.

ORDINANCE NO. 945 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Sign Regulations)

3. Consideration was given to the third and final reading of Ordinance No. 945, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended relative to sign regulations.

Mayor Ochsenreiter stated that the ordinance was previously read on first and second readings and members of Council have been furnished copies of the ordinance with all amendments thereto and the ordinance would not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 945 passed on its third and final reading.

Complete text of Ordinance No. 945 will be found in Ordinance Book No. 7 at page 103 .

6. Parking areas and lots should be inventoried to see if any poles, etc. could be eliminated to make the parking easier and safer.
7. Construction of a traffic bridge over Patton Avenue at Louisiana Avenue.
8. All sewer manholes should be inspected and any excess debris should be pumped out and removed that is not disposed off through the sewage system.
9. Light the tennis court at Malvern Hills.
10. Light 191 from bridge to Intersection 40.
11. Canoe landing on French Broad river.

ORDINANCE NO. 961 - AN ORDINANCE AMENDING AND APPROVING COMMUNITY DEVELOPMENT BUDGET CHANGES SET FORTH IN THE CITY OF ASHEVILLE GENERAL FUND BUDGET 1976-77 TO COMPLETE THE SHILOH-OAKLEY PUBLIC WORKS PROJECT

8. Consideration was given to an ordinance amending and approving Community Development budget changes set forth in the City of Asheville General Fund Budget 1976-77 to complete the Shiloh-Oakley Public Works Project.

The City Manager read the ordinance and explained that the ordinance would transfer funds from projects that was over budgeted to provide the$85,000 needed to complete the Shiloh Streets and Sidewalks Project, $5,600 needed for the Oakley public works project and $11,000 needed for Shiloh streets and drainage. He said the projects over-budgeted was due to the plans being drafted in the beginning of the entire project.

The City Manager read a letter from Councilman Michael to Logan Delany, Community Development Coordinator, dated June 1, 1977, commending him for his work in the Shiloh area.

Councilwoman Swilling moved for the adoption of Ordinance No. 961. This motion was seconded by Councilman Hoyle.

On a roll call vote of 5-0, Ordinance No. 961 passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 961. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 961 passed on second reading.

Councilwoman Swilling moved to suspend the rules and proceed to the third and final reading of Ordinance No. 961. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 961 passed on third and final reading.

Complete text of Ordinance No. 961 will be found in Ordinance Book No. 7 at page 153.

Councilwoman Swilling suggested that Council consider some of the ideas of Councilman Rainey relative to capital improvements when the work session on the water budget is held.

ORDINANCE NO. 958 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended (Property on Richmond Hill Road)

5. Consideration was given to the second reading of Ordinance No. 958, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, rezoning property on Richmond Hill Road.

Mayor Ochsenreiter stated that the ordinance was previously read on first reading and members of Council have been furnished copies of the ordinance and it would not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 958 passed on its second reading.

ORDINANCE NO. 954 - AN ORDINANCE ESTABLISHING THE ASHEVILLE DOWNTOWN REVITALIZATION AND APPEARANCE COMMISSION

6. Consideration was given to continuing the second reading of Ordinance No. 954, an ordinance establishing the Asheville Downtown Revitalization and Appearance Commission.

Mayor Ochsenreiter said Council was continuing the second reading of this ordinance until Mr. Emrick and Councilmen Rainey and Hoyle could visit Lexington, Ky, in view of their downtown revitalization project.

Vice-Mayor Horton moved to continue the second reading of Ordinance No. 954 until the meeting of July 7, 1977. This motion was seconded by Councilman Rainey and carried unanimously.

REQUESTS OF WEST ASHEVILLE BUSINESS ASSOCIATION

7. Wayne Cooper, President of the West Asheville Business Association, presented the following requests for the improvement of West Asheville:

1. Repair all sidewalks that are in poor condition.
2. Furnish a full time person to keep rubbish and debris from the main arteries in West Asheville. In years past we always had such a person until he retired.
3. Eliminate dangerous corner spots where cars exit; such as having tall shubbery cut down to a minimum height. Layout different road intersections that were proposed several years ago. Two in specific were Sulphur Springs Road and Lanvale Avenue.
4. Inventory all poles placed at the intersections of Patton and Louisiana Avenue and other intersections, and along Haywood Road, to see if any poles could be eliminated for safety reasons as well as beautification.
5. All islands should be black topped as the grass and weeds grow up and are very unsightly.

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City Clerk

CERTIFICATION OF BOARD OF CANVASSERS

We, the undersigned Board of Canvassers, do hereby certify that we met in the City Hall on [illegible], 1977, and did canvass the original returns of the Superintendents of Election of the votes cast for members of the Civil Service Board by employees of the classified service, in accordance with House Bill 835 of the General Assembly of North Carolina at its 1953 Session and Ordinance No. 355 of the City of Asheville, and the following is a true and correct tabulation thereof.

CANDIDATES FOR MEMBERS OF CIVIL [illegible]	CITY HALL BUILDING	MUNICIPAL BUILDING	VALLEY STREET	TOTALS
[illegible]	2			2
[illegible]	5	2	7	14
[illegible]	31	184	115	331
Charles [illegible] Kermel	64	16	18	90
Kenneth [illegible]	7	2		9
Thomas P Gibson	49	14	9	72
[illegible]	5	4	2	11
Raymond B Stepp	47	189	131	367
Robert [illegible] Taylor	2			2
Chris [illegible]	1			1
Tony [illegible]		1		1
[illegible]			1	1
[illegible]			1	1
[illegible]			1	1
[illegible]			1	1

We, therefore, certify that pursuant to such tabulation we have judicially determined that:

FOR MEMBERS OF CIVIL SERVICE BOARD

[illegible], having received 331 votes

[illegible], having received 367 votes

and being the two highest and being qualified voters of the City of Asheville, not employed by the City, and have been duly elected members of the Civil Service Board by employees in the Classified Service, in accordance with House Bill 835 of the General Assembly of North Carolina at its 1953 Session and Ordinance

ORDINANCE NO. 957 - AN ORDINANCE ESTABLISHING THE ASHEVILLE UNIFORMED PERSONNEL RETIREMENT PLAN AND TRUST

9. Consideration was given to the third reading of Ordinance No. 957, an ordinance establishing the Asheville Uniformed Personnel Retirement Plan and Trust.

Mayor Ochsenreiter advised that the ordinance was previously read on first and second readings and members of Council have been furnished copies of the ordinance and it would not be re-read in its entirety unless there is a specific request to do so.

The City Manager advised that at last week's Council meeting several sections of the ordinance were found to be unclear and the Personnel Director is checking with the actuary consultant regarding these areas. He suggested that Council continue the third reading of this ordinance until the consultant could check on these particular areas.

Councilman Rainey expressed concern about the sections dealing with the City's right to terminate the plan and discontinue its contributions. He said members of the legislative delegation as well as members of the Fire Department had expressed concern regarding these sections. He suggested that the Personnel Director investigate the possiblity of deleting these particular sections.

John Young, Fire Department representative, said there were several sections of the plan that were unclear. He said a complete review is needed prior to final adoption.

Mr. Young, in particular referred to the sections dealing with the city's right to terminate, the percentage to be paid when retired, and the break in employment area.

Councilwoman Swilling, who serves on the Board of Trustees for the plan, said she could not vote for the ordinance until it is totally understood by the members of both the police and fire department.

Councilman Morris moved to continue the third reading of Ordinance No. 957 until June 9, 1977. This motion was seconded by Councilman Rainey and carried unanimously.

REPORT OF CIVIL SERVICE BOARD ELECTION

10. The City Manager advised that the Civil Service Board Election for the members of the Civil Service Board to be voted on by the members of the Classified Service was held on May 22, 1977. He said as a part of that procedure the certified results are to be presented to members of Council.

The City Manager presented the following certification of results of the Civil Service Board Election:

We, therefore, certify that pursuant to such tabulation we have judicially determined that:

FOR MEMBERS OF CIVIL SERVICE BOARD

[redacted], having received 331 votes

[redacted], having received 367 votes

and being the two highest and being qualified voters of the City of Asheville, not employed by the City, and have been duly elected members of the Civil Service Board by employees in the Classified Service, in accordance with House Bill 835 of the General Assembly of North Carolina at its 1953 Session and Ordinance 355 of the City of Asheville, for a term of two years.

BOARD OF CANVASSERS

CITY COUNCIL APPOINTMENT TO THE CIVIL SERVICE BOARD

11. Mayor Ochsenreiter advised that M. M. Avery had requested that Council replace him as a member of the Civil Service Board.

Councilman Hoyle moved that Osborne Hart be appointed as a Council appointee to the Civil Service Board. This motion was seconded by Vice-Mayor Horton and carried unanimously.

RESOLUTION NO. 77-89 - RESOLUTION REGULATING THE INSTALLATION AND ERECTION OF MARQUEES, AWNINGS, CANOPIES, (FIXED AND MOVABLE) OVER PUBLIC PROPERTY, INCLUDING POSTS, PIERS, AND COLUMNS FOR SAME

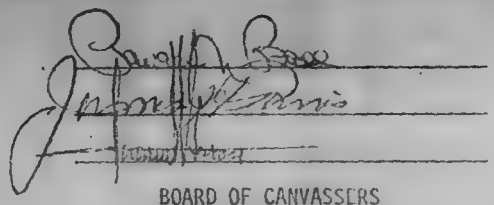
12. . Consideration was given to a resolution regulating the installation and erection of marquees, awnings, canopies, (fixed and movable) over public property, including posts, piers, and columns for same.

The Associate City Manager read the resolution.

J. E. Johnson, Director of Inspections, said these regulations would give uniformity in the downtown business district.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, Resolution No. 77-89 was unanimously adopted.

355 of the City of Asheville, for a term of two years.



BOARD OF CANVASSERS

City Clerk

CERTIFICATION OF BOARD OF CANVASSERS

We, the undersigned Board of Canvassers, do hereby certify that we met in the City Hall on May 27 1977, and did canvass the original returns of the Superintendents of Election of the votes cast for members of the Civil Service Board by employees of the classified service, in accordance with House Bill 835 of the General Assembly of North Carolina at its 1953 Session and Ordinance No. 355 of the City of Asheville, and the following is a true and correct tabulation thereof.

CANDIDATES FOR MEMBERS OF CIVIL SERVICE BOARD	CITY HALL BUILDING	MUNICIPAL BUILDING	VALLEY STREET	TOTALS
H. W. Swearingen		1		1
Charles Morris		1		1
Tom Stepp		1		1
Mr Pratt		1		
Tony Metcalf			1	1
Joseph W Rowe	1	15	4	16
Dennis Lankford		6		6
Mary Lankford		1		1
Dennis		1		1
R. H. Mitchell			1	1
Ray Payne			1	1
Wells			1	1
Jim Lance		1	1	1
Parker			1	1
Ray Payne			2	2
J Taylor			1	1
C. Lance			1	1
George Smith			1	1
Gordon Taylor			1	1
Ray Taylor		2		2
Joseph Leonard		1		1
Smith		1		1
W. Morris		1		1
L. Harrison		1		1

The City Manager suggested that Council establish a policy to eliminate this public service as of July 1, 1977, except for funeral escorts. He said he felt this would be in the best interest of the Police Department. He said notification of this elimination of public service would be given to the businesses now being served.

Councilman Hoyle moved to eliminate escort services being provided by the Police Department except for funeral escorts effective July 1, 1977. This motion was seconded by Councilman Rainey and carried unanimously.

Councilman Morris suggested that the matter of funeral escorts also be investigated to determine whether a fee could be charged or whether a private agency could handle these funeral escort services.

BRUSH AND WEED CONTROL PLAN

The City Manager suggested that Council consider a plan to mail out bulk-rate letters to all households in the City of Asheville, explaining what is required, by ordinance, to control brush and weeds in the City, particularly on on vacant lots. He said the letter would require the clearing of vacant lots at least twice a year - on June 1 and September 30 of each year. He said the cost of mailing out these letters would be $1,850.00 which could be covered without a new appropriation. He said he felt the impact of these letters would encourage people who have vacant lots to have them cleared. He said along with the mail out, present staff in the Inspections Department would be assigned to deal only with this activity during specific times of the year.

Councilman Rainey requested that the plan be postponed for at least two weeks. He said he would like to discuss the details of the plan with the City Manager before finalizing the mail-out letter.

COMMENTS - REPORT OF "STATUS OF WOMEN"

Councilman Rainey said he had been approached by a local minister who was concerned over a statement made in the recent report given for the Status of Women. The statement in the report stated that "in the minds of some, there are roles so closely associated with maleness that it is not preceived as discrimination when such a role is denied to women." He said the minister was concerned that the City might consider doing something about imposing women ministers on his church of which he did not approve.

Councilman Rainey said he had studied the report and found nothing at all in the contents of the recommendation which attempted to tear down separation of church and state and he felt there was no intention on the part of the Status of Women group to approach church and state relations in this way.

Councilwoman Swilling agreed with the comments made by Councilman Rainey, assuring that no intentions were made in the direction of separating church and state relations.

Adjournment.

MAYOR

CITY CLERK

BIDS - ELECTRONIC CASH REGISTER FOR COLLECTOR OF REVENUE

13. Consideration was given to bids received May 9, 1977 for an electronic cash register for the Collector of Revenue.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Cash Register Systems, Inc. in the amount of $2,645.10.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent awarding the bid to the low bidder, Cash Register Systems, Inc. in the amount of $2,645.10. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

Bidder	Bid
Cash Register System, Inc.	$2,645.10
NCR Corporation	3,752.25
Check Out Systems, Inc.	3,269.00

RESOLUTION NO. 77-90 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE NORTH CAROLINA ARTS COUNCIL

14. Consideration was given to a resolution authorizing the City Manager to sign an agreement with the North Carolina Arts Council.

The City Manager read the resolution and explained that the purpose of the agreement is to permit a theatre group to work under the direction of Oralene Simmons, Recreation Activity Leader at Livingston Street Center, to provide theatre presentation opportunities in the community. He said this grant was received last year and would be at no cost to the city. The local match would be through in-kind services.

Upon motion of Councilman Rainey, seconded by Councilman Morris, Resolution No. 77-90 was unanimously adopted.

Complete text of Resolution No. 77-90 will be found in Resolution Book No. 9 at page 307.

POLICE ESCORT SERVICES - DISCONTINUED

15. The City Manager advised that a study had been made on the number of escort services being provided by the Police Department as a public service. He said as a result of this study it was determined that during the month of March, 1977, 427 calls were made for escort services to various retail stores and restaurants for taking deposits to the banks. He said 18 of these calls were for funeral escorts. The time spent in the escorts amounted to 108 hours or over 2-1/2 weeks of work at 40 hours per week. In April, 1977 the Police Department answered 457 calls for escort services amounting to 103 hours or over 2-1/2 weeks of work. He said this escort service is tying up the patrol cars needed on patrol in residential and business districts. It was further determined that some of the break-ins were occuring during the escort time which is generally between the hours of 10:00 p. m. and midnight.

ORDINANCE NO. 958 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended (Property on Richmond Hill Road)

4. Consideration was given to the third and final reading of Ordinance No. 958, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, rezoning property on Richmond Hill Road.

Mayor Ochsenreiter stated that the ordinance was previously read on first and second readings and members of Council have been furnished copies of the ordinance and it would not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 958 passed on its third and final reading.

Complete text of Ordinance No. 958 will be found in Ordinance Book No. 7 at page 148.

ORDINANCE NO. 957 - AN ORDINANCE ESTABLISHING THE ASHEVILLE UNIFORMED PERSONNEL RETIREMENT PLAN AND TRUST

5. Mayor Ochsenreiter suggested that Council continue the third reading of Ordinance No. 957, an ordinance establishing the Asheville Uniformed Personnel Retirement Plan and Trust, for further clarification.

Councilman Morris moved to continue the third reading of Ordinance No. 957, until the June 16, 1977 meeting. This motion was seconded by Councilman Hoyle and carried unanimously.

PUBLIC HEARING - BUDGET FOR FISCAL YEAR 1977-78

ORDINANCE NO. 962 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1977-78

6. A public hearing was held relative to the City of Asheville Budget for Fiscal Year 1977-78.

Mayor Ochsenreiter opened the public hearing at 3:20 o'clock p. m.

The City Manager advised that the public hearing is held to give the public an opportunity to comment on the budget process.

Vice-Mayor Horton expressed that, even though the budget is balanced with no tax increased proposed, he was concerned with the fact that the $1.4 million in Revenue Sharing Funds was used for continuing operations. He said this alone would represent 21.9¢ on the tax rate. He said this places the city in a very undesirable position, particularly if and when these federal funds are eliminated. He said new sources of revenue need to be sought as well as revising expenditures to reduce the dependency on Revenue Sharing Funds for operations.

Mayor Ochsenreiter said he was concerned with the City's financial responsibility. Referring to the City Manager's budget letter, he said a number of important but unaffordable projects were being left out such as an unpaved

Thursday - June 9, 1977 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Gene E. Rainey, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilwoman JoAnn M. Swilling and Councilman Otis B. Michael

APPROVAL OF MINUTES

1. Approval of the minutes of the June 2, 1977 meeting.

Upon motion of Councilman Rainey, seconded by Vice-Mayor Horton, the minutes of the June 2, 1977 meeting were unanimously approved as submitted.

ASHEVILLE AREA MAYOR'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED AWARDS PROGRAM

2. Mr. Richard Hurley, Co-Chairman of the Mayor's Committee on Employment of the Handicapped, explained the functions of the Committee. Mayor Ochsenreiter presented awards to the following:

Jane Kirby - Pharmacist at Eckerd's Tunnel Road Store
Homer Fox - Employee of New Found Yarns
Nancy McKinney - Employee of Square D Company
June Bearden- Employee of Three Mountaineers, Inc.
David Hollifield- 1977 Graduate of Enka High School
Randy Crane - 1977 Graduate of the Orthopedic School

PUBLIC WORKS GRANTS RECEIVED

Mayor Ochsenreiter said that an announcement had been received from U. S. Rep. Lamar Gudger and U. S. Sen. Robert Morgan stating that the U. S. Economic Development Administration had made available to the City of Asheville $847,000 in federal public works grants. He said as a result of the grants, the 1977-78 budget currently under consideration would be reviewed in an effort to put some projects back in that were left out for lack of funds.

Verl Emrick, Planning Director, said projects to be considered under the grant program included a fire station for West Asheville, a new bridge over a railroad track on Deaverview Road, a new water line over Patton Avenue and Smith Bridge, and the Smith Mill Creek Sewer problem.

REPORT - METHOD OF DISTRIBUTION OF STATE TAX REVENUES - POSTPONED

3. Vice-Mayor Horton said the report that was to have been presented this week concerning the method of distribution of state tax revenues to the City and County had to be postponed due to new developments that needed to be pursued. He said the report would be made at a later date.

BIDS - ESTIMATED SIX (6) MONTHS REQUIREMENTS FOR CAST IRON WATER MAIN FITTINGS AND VALVES

7. Consideration was given to bids received May 31, 1977 for an estimated six (6) months requirements for cast iron water main fittings and valves.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the lowest over-all bid submitted by Supply Specialties, Inc., totalling $19,607.23. He said the bids are based on estimated six (6) months requirements beginning July 1, 1977 through December 30, 1977 and orders would be issued on an as-needed basis.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bid to Supply Specialties, Inc. for a total amount of $19,607.23. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Bid Summary

Bidder	Bid
Supply Specialties, Inc.	$19,607.26
ITT Grinnel Corp.	19,663.20
Davis Meter and Supply	26,806.72
Southern Meter & Supply Co.	21,836.20

BIDS - ONE (1) PICK-UP AND TWO (2) DUMP TRUCKS FOR SANITATION DIVISION

8. Consideration was given to bids received June 7, 1977 for one (1) pick-up and two (2) dump trucks for Sanitation Division.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the bid of Matthews Motors, Inc. who submitted the only bid on Item 1 at $3,721.65 and lowest bid on Item 2 in the amount of $15,803.12.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bid to Matthews Motors, Inc. for Item No. 1 in the amount of $3,721.65 and Item 2 in the amount of $15,803.12. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

	Bid	
Bidder	Item 1	Item 2
Arrowhead International Trucks, Inc.	No Bid	$16,069.88
Matthews Motors, Inc.	$3,721.65	15,803.12
Apple Tree Chevrolet	No Bid	No Bid
Dorato Motors, Inc.	No Bid	No Bid

RESOLUTION NO. 77-91 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCRAOCHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR AN 16-INCH WATER LINE ON STATE ROAD 3523 (CLINGMAN AVENUE)

9. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for an 16-inch water line on State Road 3523 (Clingman Avenue).

street paving program, sidewalk paving program in the business districts, improvements to the City Building to bring the building up to state and OSHA standards, as well as funding of a drainage, animal and weed control program. He said the City also is faced with providing $834,000 annually for the funding of the new policemen's and firemen's pension plans. Next to the debt service incurred during the Depression this is the largest single debt item ever incurred by the City of Asheville. He said the philosophy of using General Revenue Sharing Funds to balance the budget and eliminate the need for a tax increase will seriously affect the decisions of future City Councils.

The Mayor suggested that, in order not to place future Councils in a predicament by failing to provide now for the city's long-range needs, a five-cent tax increase should be considered. He suggested that a Capital Fund Investment Trust be established to provide funding for important long-range projects. He noted that several other sources of revenue would be favorable affected by a tax increase such as the local option sales tax revenue, which in 1975-76 suffered a loss of revenues because the county's tax base increased by a percentage almost double that of the City

Mayor Ochsenreiter compared the amount a citizen's tax bill would increase if a five-cent tax increase is adopted.

Mr. G. M. Taylor of 52 Clinton Avenue interrupted the public hearing to complain of brush not being picked up.

Mayor Ochsenreiter informed Mr. Taylor his problem would be taken care of.

Councilman Rainey commented that he could not support a tax increase. He said he felt these problems could be solved in other ways. He said he felt the City needed to use the Revenue Sharing Trust funds to their full extent, before implementing a tax increase.

Councilman Hoyle also commented that he could not support a tax increase, stating that economies could be accomplished by cutting the size of the city staff.

Councilman Morris agreed with Mayor Ochsenreiter regarding the need for a tax increase stating that deferring millions of dollars worth of purchases and projects that don't have to be purchased this year but are going to have to bought in years to come would be placing a heavy burden on the taxpayers at a later date. He said they would have to pay for this Council's mistake of using Revenue Sharing funds for operational expenditures.

Ralph Bishop said he could see no reason for the Police Department employees to receive a pay increase for work they do not perform.

Mayor Ochsenreiter closed the public hearing at 4:06 o'clock p. m.

The City Manager read the ordinance relative to the budget for fiscal year 1977-78.

Councilman Hoyle moved for the adoption of Ordinance No. 962. This motion was seconded by Councilman Rainey.

On a roll call vote of 4-0, Ordinance No. 962 passed on first reading.

Thursday - June 16, 1977 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Councilwoman JoAnn M. Swilling, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

APPROVAL OF MINUTES

1. Approval of the minutes of the June 9, 1977 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Swilling, the minutes of the June 9, 1977 meeting were unanimously approved as submitted.

PUBLIC HEARING - ZONING AMENDMENTS - EXTRATERRITORIAL ZONING JURISDICTION

ORDINANCE NO. 963 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. A public hearing was held relative to amendments to the Zoning Ordinance regarding the City's extraterritorial jurisdiction.

Mayor Ochsenreiter opened the public hearing at 3:01 o'clock p.m.

The City Manager advised that notice to the public had been given regarding the time and date for the public hearing. He presented the affidavit of publication.

Verl Emrick, Planning Director, said for some time now the City has been discussing possible amendments to the City's jurisdiction within the extraterritorial area or the area more commonly referred to as the one-mile. He said Council had passed a subsequent resolution authorizing the Mayor and the Chairman of the County Commissioners to sign mutual agreements which would accomplish the amendments the boards wish to make in the jurisdictional area. He said the purpose of this public hearing is to amend the City's Zoning Ordinance, Ordinance No. 322, Section 30-1-3, Jurisdiction, and 30-4-1, Use Districts. This would accomplish the restrictions of the boundary that have been mutually agreed upon by all governing bodies involved. As presently worded, the Zoning Ordinance applies within the City limits and for a distance of one mile beyond in all directions. The proposed amendment would remove the reference to the area one mile beyond the city limits, referring instead to the territory beyond the corporate limits as shown on the City's "Official Zoning Map."

Mr. Emrick said in the mutual agreement to be signed by all parties it indicates that the City of Asheville will on July 1, 1977 relinquish all the inspection functions for the City within the extraterritorial area or that portion of the jurisdiction outside the corporate limits. However, the City would exercise zoning control in the area. By the use of a colored map, Mr. Emrick described the boundaries of the proposed revised jurisdictional area. He said these boundaries follow visible landmarks as mush as possible in order to make the area more readily identifiable.

The proposed boundary has been presented to each of the governmental bodies, he said, and is agreeable to all parties. If any changes are made in the proposed boundary, by the Asheville City Council,the changes would have to be mutually agreed upon by each of the parties involved.

The City Manager read the resolution explaining that the encroachment was for a 16-inch water line to go down Clingman Avenue to be known as Patton Avenue Smith Bridge Feeder.

Upon motion of Councilman Rainey, seconded by Councilman Morris, Resolution No. 77-91 was unanimously adopted.

Complete text of Resolution No. 77-91 will be found in Resolution Book No. 9 at page 308.

RESOLUTION NO. 77-92 - RESOLUTION OF INTENT TO CLOSE A PORTION OF INGLEWOOD ROAD AND CALLING A PUBLIC HEARING ON THE QUESTION

10. Consideration was given to a resolution of intent to close a portion of Inglewood Road and calling a public hearing on the question.

The City Manager read the resolution scheduling the date for the public hearing for July 14, 1977.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Horton Resolution No. 77-92 was unanimously adopted.

Complete text of Resolution No. 77-92 will be found in Resolution Book No. 9 at page 309.

RALPH BISHOP - COMPLAINS OF POLICE DEPARTMENT

Mr. Ralph Bishop again complained to Council that the Police Department would do nothing about the lottery sales in Asheville.

After discussion, Mayor Ochsenreiter suggested that Mr. Bishop meet with the Corporation Counsel for any legal interpretations of the Code regarding investigations of any individuals in the Police Department.

Mayor Ochsenreiter instructed the Corporation Counsel to advise Council of any legal opinions that is given to Mr. Bishop.

Adjournment.

Eugene S. Ochsenreiter
MAYOR

Miriam L. Holcomb
CITY CLERK

Councilwoman Swilling stated her strong belief that the Civil Service Board needs a woman on it to represent the women employees.

Councilwoman Swilling also noted that the Mayor had received a letter from Max O. Cogburn, Chairman of the Buncombe County Democratic Executive Committee, stating that the committee had gone on record in support of Mrs. Gunter's appointment at its June 11 meeting.

Councilman Michael objected to the letter, stating that he felt it was in bad taste for the Buncombe County Democratic Executive Committee to make such an endorsement. Councilman Michael then offered an alternative nomination, that of Sister Mary Veronica Schumacher. This nomination was seconded by Councilman Morris.

Councilman Morris said he did not feel Council should support the appointment of an individual the other members had dead-locked on.

Vice-Mayor Horton agreed, stating that if Council were to choose between the two persons over whom the other four had deadlocked, Council would be creating more problems.

Vice-Mayor Horton moved that the nominations be closed. This motion was seconded by Councilman Michael.

Mayor Ochsenreiter called for a roll call vote requesting that Councilmembers state their preference of Mrs. Lucille Gunter or Sister Mary Veronica Schumacher for the fifth member of the Civil Service Board.

On a roll call vote of 4-3, Sister Mary Veronica Schumacher was appointed as a member of the Civil Service Board with Councilwoman Swilling, Councilmen Hoyle and Rainey voting for Mrs. Lucille Gunter and Mayor Ochsenreiter, Vice-Mayor Horton, Councilmen Michael and Morris voting for Sister Mary Veronica Schumacher.

PUBLIC HEARING - SWIMMING POOL STANDARDS

5. A public hearing was held relative to the adoption of an ordinance establishing standards governing the design, construction, and maintenance of public and residential swimming pools.

Mayor Ochsenreiter opened the public hearing at 4:01 o'clock p. m.

The City Manager advised that notice to the public had been given regarding the time and date for the public hearing. He presented the affidavit of publication.

Lyman R. Marshall, 10 Northwood Road, spokesman for a group of residents living in the Northwood Road area, told Council there were 40 small children living within 700 feet of an unfenced swimming pool. He appealed to Council for the adoption of an ordinance requiring the fencing of swimming pools.

J. E. Johnson, Division of Inspections, advised that the proposed ordinance was presently being enforced except for the fencing requirement.

Mayor Ochsenreiter closed the public hearing at 4:16 o'clock p. m.

Mayor Ochsenreiter advised that the first reading of the ordinance would be held at the June 23, 1977 meeting.

Vice-Mayor Horton commented that he was not aware that the City was giving up almost all of the one-mile perimeter in the east and a good portion in the west. He questioned whether this extreme pull back was in the best interest of the City of Asheville.

Councilman Rainey requested the Planning Staff to consider a slight change in the boundary in the Leicester Highway area. He requested that the County Commissioners be contacted regarding the change.

Mayor Ochsenreiter closed the public hearing at 3:20 o'clock p. m.

The City Manager read the ordinance amending the Zoning Ordinance to reflect amendments in the Jurisdiction and Use Districts in the Extraterritorial area.

Councilman Rainey moved for the adoption of Ordinance No. 963. This motion was seconded by Councilman Michael.

On a roll call vote of 6-0, Ordinance No. 963 passed on its first reading.

Vice-Mayor Horton said he would like to see the boundary amended before the final reading.

NORTH ASHEVILLE BOOSTER CLUB - REQUEST FOR PARK

3. Mr. James Moody of the North Asheville Booster Club, along with a delegation of the club, made a second plea to Council for the establishment of a Babe-Ruth size ballpark at the city-owned "Swain property" on Kimberly Avenue next to the Ira B. Jones Elementary School. He said they were making this second plea because it was their understanding that the funds for the establishment of such a park had been cut out of the budget. He commented that at one time the Parks and Recreation Department had made a study on developing this property for park purposes.

Councilman Rainey requested that Council be furnished a copy of the study made by the Parks and Recreation Department.

Councilman Michael requested that the group also ask the County of Buncombe to help with such a project.

Mayor Ochsenreiter informed Mr. Moody that Council would review their request in hopes of finding other sources of revenues to fund such a project.

APPOINTMENT TO CIVIL SERVICE BOARD - SISTER MARY VERONICA SCHUMACHER APPOINTED

4. It was noted that ordinarily the fifth member of the Civil Service Board is chosen by the other four, two of whom are elected by the City employees and two of whom are appointed by Council. However, at the June 6 meeting held for the purpose of choosing the fifth member, the four members deadlocked 2-2. The four had the option of trying again at a later time to reach an agreement, but it was decided that such an agreement would be unlikely. Therefore, under the City's Civil Service law, the decision was passed to City Council.

Councilwoman Swilling nominated Mrs. Lucille Gunter as the fifth member of the Civil Service Board. This nomination was seconded by Councilman Rainey.

RESOLUTION NO. 77-94 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH ILIUM ASSOCIATES TO CONDUCT A MARKETING STUDY FOR THE ASHEVILLE TRANSIT AUTHORITY

10. Consideration was given to a resolution authorizing the Mayor to sign a contract with Ilium Associates to conduct a marketing study for the Asheville Transit Authority.

The City Manager read the resolution.

Upon motion of Councilwoman Swilling, seconded by Councilman Morris, Resolution No. 77-94 was unanimously adopted.

Complete text of Resolution No. 77-94 will be found in Resolution Book No. 9 at page 312.

BEECH STREET - COMPLAINTS OF RESIDENTS

11. Mr. Anderson and Mr. Young of 36 and 40 Beech Street, complained to Council about the street being torn up with large amounts of concrete being on the street denying them access to their houses. They also complained of not having their garbage picked up in two months.

Mr. Ed Ledford, of the Housing Authority, was requested to investigate these complaints and to work on solving the problems.

The City Manager advised that the garbage problem had been taken care of.

RESOLUTION NO. 77-95 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE A RIGHT-OF-WAY EASEMENT FROM WILLIAM ERWIN PAYNE FOR AN 8-INCH SEWER LINE BETWEEN TAFT AND HAMPTON STREET, ASHEVILLE, NORTH CAROLINA

12. Consideration was given to a resolution authorizing the City Manager to acquire a right-of-way easement from William Erwin Payne for an 8-inch sewer line between Taft and Hampton Street, Asheville, North Carolina.

The City Manager read the resolution.

Upon motion of Councilman Rainey, seconded by Councilman Morris, Resolution No. 77-95 was unanimously adopted.

Complete text of Resolution No. 77-95 will be found in Resolution Book No. 9 at page 313.

BIDS - DIESEL TRACTOR FOR PARKS AND RECREATION DEPARTMENT

13. Consideration was given to bids received June 10, 1977 for a diesel tractor for the Parks and Recreation Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Farm Equipment Company in the amount of $7,995.00.

Upon motion of Councilwoman Swilling, seconded by Councilman Hoyle, the bid of Farm Equipment Company in the amount of $7,995.00 was accepted for a diesel tractor for the Parks and Recreation Department.

PUBLIC HEARING - CLOSING OF TWO (2) UN-NAMED ALLEYS -EAST RIVERSIDE REDEVELOPMENT PROJECT N. C. R-48

RESOLUTION NO. 77-93 - RESOLUTION TO CLOSE TWO (2) UNNAMED ALLEYS

6. A public hearing was held relative to the closing of two (2) unnamed alleys in the East Riverside Redevelopment Project N. C. R-48.

Mayor Ochsenreiter opened the public hearing at 4:25 o'clock p. m.

The City Manager advised that notice to the public had been given regarding the time and date for the public hearing. He presented the affidavit of publication. He also presented an affidavit from Charles E. Vess stating that the alleys were prominently posted with copies of the notice to close.

Ed Ledford, with the Housing Authority, explained that the closing of these alleys is in keeping with the original plan of the East Riverside Redevelopment Project N. C. R-48.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Swilling, Resolution No. 77-93 was unanimously adopted.

Complete text of Resolution No. 77-93 will be found in Resolution Book No. 9 at page 310 .

ORDINANCE NO. 962 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1977-78

7. Councilman Morris moved to continue the second reading of Ordinance No. 962 until the June 23, 1977 meeting. This motion was seconded by Vice-Mayor Horton and carried unanimously.

ORDINANCE NO. 957 - AN ORDINANCE ESTABLISHING THE ASHEVILLE UNIFORMED PERSONNEL RETIREMENT PLAN AND TRUST

8. Councilwoman Swilling moved to continue the third reading of Ordinance No. 957 until the June 23, 1977 meeting. This motion was seconded by Councilman Hoyle and carried unanimously.

SIGN PERMIT - LA CHATEAU STEAK HOUSE

9. The City Manager advised that on June 8, 1977 an application was made for a sign permit for the LaChateau Steakhouse located at 39 Elm Street and in accordance with Ordinance No. 322, being the Zoning Ordinance of the City of Asheville, Section 30-3-14, all signs erected within six hundred (600) feet of the right of way of any limited access highway shall be approved by the City Council.

Councilman Morris moved for the approval of the sign permit for the LaChateau Steakhouse located at 39 Elm Street. This motion was seconded by Councilman Hoyle and carried unanimously.

Annual bid prices for the coming year are substantially reduced - especially Chlorine going from: Fiscal Year 76-77 price at $15.00 per hundred weight, to: $8.25 per hundred weight in the new bid. The over-all potential savings, based on estimated quantities of the bid, is $20,353.00 as shown below.

Price Comparisons:

Item No.	Description	Old Price 76-77 F.Y.	New Price This Bid	Cost Based on Bid Quantity Old Price	New Price	Savings
1	Chlorine	15.00 CWT	8.25 CWT	36,000	19,800	$16,200.00
2	Caustic Soda	8.42 CWT	7.99 CWT	38,732	36,754	1,978.00
3	Liq. Hydroflu. Acid	65.00 Ton	2.709 CWT	11,050	9,211	1,839.00
4	Dry Zinc Polyphosphate	38.04 CWT	37.76 CWT	45,648	45,312	336.00
						$20,353.00

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent as above stated. This motion was seconded by Vice-Mayor Horton and carried unanimously.

A complete bid summary is on file in the Office of the City Clerk.

RESOLUTION NO. 77-96 - RESOLUTION REQUESTING THAT THE COUNTY OF BUNCOMBE ASSUME THE FINANCIAL AND ADMINISTRATIVE SUPPORT OF THE BUNCOMBE COUNTY LIBRARY SYSTEM

15. Consideration was given to a resolution requesting that the County of Buncombe assume the financial and administrative support of the Buncombe County Library System.

The City Manager read the resolution.

Councilman Rainey moved that the resolution be amended to implement a five year program of work to be established by the City of Asheville and the County of Buncombe whereby the County of Buncombe shall assume all of the fiscal and administrative responsibilities of the Library System instead of a three year program. This motion died for the lack of a second.

Bid Summary

Bidder	Bid
Farm Equipment Company	$7,995.00
Bruce Construction Machinery Co.	9,990.32
Arden Equipment Company	No Bid

BIDS - CHEMICALS FOR TREATMENT OF WATER, FISCAL YEAR JULY 1, 1977 - JUNE 30, 1978

14. Consideration was given to bids received June 7, 1977 for chemicals for treatment of water for fiscal year July 1, 1977 through June 30, 1978.

The City Manager read a memorandum from the Purchasing Agent which recommended award on a per item basis to the low bidder as follows:

Thompson-Hayward Chemical Company, Thomasville, N.C.

Item 1: Liquid Chlorine - Approximately 240,000 Pounds
@ $8.25/CWT (price firm for one year)

Item 2: Caustic Soda, 50% - Approximately 460,000 Pounds
@ $7.99/CWT (price firm for 90 days)

Jones Chemicals, Inc., Charlotte, N.C.

Item 3: Liquid Hydrofluosilic Acid - Approximately 340,000 Pounds
@ $2.709/CWT (price firm for one year)

Calgon Corporation, Pittsburgh, PA

Item 4: Dry Zinc Polyphosphate
@ $39.95 per CWT (10,000# Minimum Shipments)
$37.90 per CWT (30,000# Minimum Shipments)
$37.76 per CWT (40,000# Minimum Shipments)*

*(Our buying will be maximum shipments at minimum prices)

Notes:

(1) All quantities are estimated for the year. City of Asheville purchase orders will be placed on an as-needed basis.

(2) Cost all items recommended - $113,705.00

(3) Budget: Chemical and Laboratory Supplies - Account No. 30-751.0032 (requested in new budget) $148,000.00. Requested amount includes Liquid Polymer and Liquid Aluminum Sulfate to be purchased at a future date).

PROCLAMATION - NATIONAL TENNIS WEEK - JUNE 18 -26, 1977

Mayor Ochsenreiter proclaimed the week of June 18-26, 1977 as National Tennis Week.

RUFUS BETHEA - 23 LINCOLN STREET - COMPLAINT RE: DIRT EAGLE

Rufus Bethea , of 23 Lincoln Street, appeared before Council requesting that guard rails, pavement and fencing be installed on the dirt part of Eagle Street. He also requested that lighting be installed on the street.

Mayor Ochsenreiter informed Mr. Bethea that this project would be included in the Community Development Program beginning July 1, 1977.

RALPH BISHOP - REQUESTING INTERPRETATION OF CITY CHARTER

Ralph Bishop ask the Corporation Counsel if Section 38 of the Charter Appendix excluded the Civil Service Commission from investigating the City Manager or the City Council.

The Corporation Counsel requested that Mr. Bishop put his question in writing for more clarification of his request.

TRIP TO LEXINGTON, KY - RE: DOWNTOWN REVITALIZATION

Mayor Ochsenreiter thanked Councilmen Rainey and Hoyle and Planning Director Verl Emrick for going to Lexington, Ky. to obtain more information on the City's proposed downtown revitalization efforts.

PETITION - RESIDENTS OF NORTH ASHEVILLE - DOGS

Councilwoman Swilling presented to the City Manager a petition from the residents of North Asheville requesting that something be done about the dogs roaming in the neighborhood. She said the petition contained some 15 to 20 names. She asked the City Manager to review the petition and make recommendations to Council on the procedure that can be followed to begin solving this problem.

Councilman Michael asked the City Manager to furnish information on how many dogs are picked up by the Police Department each day.

Adjournment.

Eugene C. Ochsenreiter Jr.
MAYOR

William J. Maloney
CITY CLERK

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 77-96 was unanimously adopted.

Complete text of Resolution No. 77-96 will be found in Resolution Book No. 9 at page 314.

RESOLUTION NO. 77-97 - RESOLUTION OF INTENT TO CLOSE AN ALLEY AND CALLING A PUBLIC HEARING ON THE QUESTION (Connecting Lexington Avenue and Carolina Lane)

16. Consideration was given to a resolution of intent to close an alley connecting Lexington Avenue and Carolina Lane and calling a public hearing on the question.

The City Manager read the resolution scheduling the public hearing for July 21, 1977.

Upon motion of Councilman Hoyle, seconded by Councilman Rainey, Resolution No. 77-97 was unanimously adopted.

Complete text of Resolution No. 77-97 will be found in Resolution Book No. 9 at page 316.

BIDS - ONE (1) MULTI STATION GYM MACHINE WITH 16 STATIONS

17. Consideration was given to bids received June 16, 1977 for one (1) multi station gym machine with 16 stations.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Sports World of Asheville, Inc. in the amount of $3,585.00.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Sports World of Asheville, Inc. in the amount of $3,585.00. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Bid Summary

Bidder	Bid
Sports World of Asheville	$3,585.00
Professional Gym, Inc.	3,620.00
Athletic House	3,595.00

CIVIC CENTER CONTRACT

The City Manager announced that for several years now the City has been under a construction contract agreement with Ranger Construction Company on the completion of the Civic Center and the Auditorium area. He said the City was nearing completion of that agreement and in order to protect the City's interest on the completion of various items he was requesting the attorneys that have been working on the project, Patla, Straus, Robinson and Moore and Harold K. Bennett to continue their work in overseeing the completion of the work.

PUBLIC HEARING - CLOSING PORTION OF McLEAN STREET

RESOLUTION NO. RESOLUTION TO CLOSE McLEAN STREET

4. A public hearing was held relative to closing a portion of McLean Street.

Mayor Ochsenreiter opened the public hearing at 3:12 o'clock p. m.

The City Manager advised that the legal notice had been given to the public relative to the time and date for the public hearing. He presented an affidavit of publication and stated that the street was duly posted with copies of the Resolution of Intent to close. He also presented an affidavit stating that adjacent property owners were notified of the public hearing.

Verl Emrick, Planning Director, said the portion of McLean Street in question is an extension of a closing of McLean Street that was accomplished by Council in February, 1977, by Resolution No. 77-28. He said it would be the Planning Staff's recommendation to close the street as there would be no further use of the street. He said Mr. Paul Goodman owns the adjoining property.

Col. Henry A. Kreizer, spokesman for Mrs. Peggy Meech, who owns property in the area, said she strongly objects to the closing of the street in question. He said due to Mrs. Meech's declining health she may be forced to sell her property which the closing of McLean Street would adversly affect. He said the closing of McLean Street, by Resolution No. 77-28, blocked ingress and egress to Mrs. Meech's property. He said she would urge Council to leave the road as is. He said if Council adopts the proposed resolution he would request that Council rescind Resolution No. 77-28.

Mr. Paul Goodman, owner of property adjoining McLean Street, said he was not familar with the property in question. He said the proposed street has never been open that it was only recorded as a street on a 1920 plat. He said the street only has a 30 ft. right-of-way and could not be opened as a street. He said due to these facts he did not see how the closing could be detrimental to adjoining property owners.

Mayor Ochsenreiter suggested that Council continue the public hearing until all the facts related to the closing of the street could be determined.

Councilman Morris moved to continue the public hearing until July 7, 1977 at 7:30 o'clock p. m. This motion was seconded by Councilman Michael and carried unanimously.

ORDINANCE NO. 964 - SWIMMING POOL STANDARDS ORDINANCE

5. Consideration was given to an ordinance establishing standards governing the design, construction, and maintenance of public and residential swimming pools.

The City Manager read the ordinance.

Councilman Rainey spoke in support of the ordinance and moved for its adoption. This motion was seconded by Vice-Mayor Horton.

Thursday - June 23, 1977 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Councilwoman JoAnn M. Swilling, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

APPROVAL OF MINUTES

1. Approval of the minutes of the June 16, 1977 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, the minutes of the June 16, 1977 meeting were unanimously approved as submitted.

CERTIFICATE OF APPOINTMENT OF COMMISSIONER OF THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE (Rev. Wm. A. Easom)

2. Mayor Ochsenreiter appointed Rev. Wm. A. Easom as a Commissioner of the Housing Authority of the City of Asheville.

Corporation Counsel William C. Moore administered the oath of office to Rev. Wm. A. Easom.

PUBLIC HEARING - CLOSING OF BURTON STREET BRIDGE

RESOLUTION NO. 77-98 - RESOLUTION TO CLOSE BURTON STREET BRIDGE

3. A public hearing was held relative to the closing of Burton Street Bridge.

Mayor Ochsenreiter opened the public hearing at 3:05 o'clock p. m.

The City Manager advised that the legal notice had been given to the public relative to the time and date for the public hearing. He presented an affidavit of publication and stated that the Bridge had been duly posted with copies of the resolution of intent to close.

Verl Emrick, Planning Director, said this action was instigated by a petition being filed by the property owners in the vicinity of the Burton Street Bridge asking that the bridge be permanently closed to public use. He said no written or verbal protests had been received regarding the closing.

By the use of a map, Mr. Emrick reviewed the location of the bridge. He said if Council closes the bridge it would be the Planning Staff's recommendation to cul-de-sac Burton Street in order to provide a turn around for the area residents.

Mayor Ochsenreiter closed the public hearing at 3:10 o'clock p. m.

The City Manager read the resolution closing the bridge.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Horton, Resolution No. 77-98 was unanimously adopted.

Complete text of Resolution No. 77-98 will be found in Resolution Book No. 9 at page 302.

ORDINANCE NO. 957 - AN ORDINANCE ESTABLISHING THE ASHEVILLE UNIFORMED PERSONNEL RETIREMENT PLAN AND TRUST

8. Councilman Hoyle moved to continue the third reading of Ordinance No. 957, an ordinance establishing the Asheville Uniformed Personnel Retirement Plan and Trust. This motion was seconded by Vice-Mayor Horton and carried unanimously.

ORDINANCE NO. 962 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1977-78

9. Consideration was given to the second reading of Ordinance No. 962, an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1977-78.

Councilman Rainey said it was his hope that funds could be made available to renovate the Collections Office on the first floor of the City Hall Building.

Councilman Rainey then moved to delete the $10,290 appropriation in the Budget for the Sinking Fund Commission for Buncombe County. He said the Commission itself could be retained as a requirement of bond covenants, however he could see no use for the executive offices for the Commission. This motion was seconded by Councilwoman Swilling.

Corporation Counsel Moore advised that he felt the funding to the Commission must be in existance so long as the City has outstanding bonds.

Councilman Morris suggested that the funding for the Sinking Fund Commission be left in the budget until the Corporation Counsel could review the laws pertaining to the Commission.

Vice-Mayor Horton supported Councilman Morris's suggestion and further suggested that a meeting between the Council and the Commission be set up to discuss the funding.

On a voice vote, Councilman Rainey's motion failed on a 4-3 vote, with Vice-Mayor Horton, Councilmen Morris, Councilman Michael and Mayor Ochsenreiter voting "no".

Councilman Rainey expressed concern over the proposed increase of motor vehicle stickers from $1.00 to $5.00.

Councilman Rainey questioned the use of $50,000 in anticipated revenues from overtime parking fines in the General Fund. He said it was his understanding that these revenues, according to law, are to be turned over to the school system.

The City Manager advised that a court case involving this matter is now pending.

At the request of Councilman Rainey, Paul Goodman, Chairman of the Civic Center Commission, said the proposed appropriation of $5,000 to the Commission was needed for operational expenses such as correspondence, copying, secretarial services, complimentary tickets, and feasibility studies.

Richard Ford, an attorney, said he represented a group of residents that were interested in the adoption of a swimming pool standards ordinance mainly because of the safety factors involved, particularly for small children. He said the City of Charlotte had recently adopted a similar ordinance with such safety requirements as a 4' fence with self-closing gates and no more than two gates in the fence with entrances located at the shallow end of the pool. He urged Council's adoption of the ordinance.

Councilman Michael commented that he felt the proposed ordinance was too restrictive and should be thoroughly reviewed and studied before being adopted.

Tom Byers, Woodcrest Road, also spoke in support of the ordinance.

Councilman Rainey suggested that several amendments to the ordinance be considered before the third reading. He suggested that residential swimming pools be clearly defined, that Section 8-104 (b) (1) be deleted, that the words "self-closing" be inserted before the word gate, and that a sentence be added that if a natural barrier exists around a swimming pool that no further barriers would be required.

On a roll call vote of 5-1, Ordinance No. 964 passed on first reading, with Councilman Michael voting "no".

RESOLUTION NO. 77-99 - RESOLUTION AUTHORIZING AND AMENDING RESOLUTION NUMBER 77-15 AUTHORIZING SUBMISSION OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT 1977-78

6. Consideration was given to a resolution authorizing and amending Resolution No. 77-15 authorizing submission of an application for Community Development Block Grant funds from the Department of Housing and Urban Development 1977-78.

The City Manager read the resolution and explained that the Mayor had received a letter from HUD on June 10, 1977 stating that in reviewing Asheville's Community Development Block Grant Application 1977-78 it was determined that funding for the Parks Improvements (Malvern Hills and Recreation Park) YMCA-West Asheville Park and Smith McDowell House Restoration must be reprogrammed within five (5) days after receipt of the letter. It was determined that these projects did not meet the requirements of benefiting low-income families. He said this resolution would reprogram the funds, as recommended by the City staff, to transfer the YMCA funds into the Shiloh Project and the Smith McDowell House Restoration funds into the Community Development Contingency Fund.

After discussion, Councilman Michael moved for the adoption of Resolution No. 77-99. This motion was seconded by Councilman Hoyle and carried unanimously.

Complete text of Resolution No. 77-99 will be found in Resolution Book 9 at page 320.

ORDINANCE NO. 963 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Relative to Extraterritorial Jurisdiction)

7. Councilwoman Swilling moved to continue the second reading of Ordinance No. 963, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, relative to extraterritorial jurisdiction. This motion was seconded by Councilman Michael and carried unanimously.

Upon inquiry of Councilwoman Swilling the City Manager advised that the City staff is now estimating a cost of enforcing an animal control ordinance and this information would be available during the upcoming budget work session. He said in response to a request of Councilman Michael at last week's meeting Acting Chief of Police Trulove has reported that in May 162 dogs were picked up by the Dog Warden and from June 1, 1977 to June 22, 1977, 131 dogs were picked up.

Councilman Hoyle was excused from the meeting at 5:20 o'clock p. m.

RESOLUTION NO. 77-100 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE A RIGHT-OF-WAY EASEMENT FROM MR. AND MRS. ALLAN GILLIS FOR A 2-INCH WATER LINE ON LINCOLN STREET, BUNCOMBE COUNTY, NORTH CAROLINA

10. Consideration was given to a resolution authorizing the City Manager to acquire a right-of-way easement from Mr. and Mrs. Allan Gillis for a 2-inch water line on Lincoln Street, Buncombe County, North Carolina.

The City Manager read the resolution.

Upon motion of Councilwoman Swilling, seconded by Vice-Mayor Horton, Resolution No. 77-100 was unanimously adopted.

Complete text of Resolution No. 77-100 will be found in Resolution Book No. 9 at page 322.

MR. JAMES MOODY - REQUEST FOR PARK IN NORTH ASHEVILLE

Mr. James Moody, of the North Asheville Boosters, again appeared before Council to renew his request for funds to provide a park in North Asheville.

The City Manager advised that he had received information relative to the North Asheville Park from Ray Kisiah, Director of Parks and Recreation, and this information would be discussed at the upcoming budget work session.

SENIOR OPPORTUNITY CENTER - REQUEST FOR BUS

A representative of the Senior Opportunity Center asked if Council had appropriated money in the budget for a bus for the Senior Opportunity Center and if the bus would be used strictly for the senior citizens.

The City Manager advised that money had been appropriated in the budget for the bus however the policy on the use of the bus had not been decided.

REPORT ON LOCAL DISTRIBUTION OF TAX REVENUES - VICE-MAYOR BILL B. HORTON

Vice-Mayor Horton presented the following report relative to local distribution of tax revenues:

June 23, 1977

To: Mayor Eugene C. Ochsenreiter, Jr. and
Asheville City Councilmembers

From: Bill B. Horton

Subject: Local Distribution of Tax Revenues

At the request of Councilman Rainey, Mr. Michael Smith, Personnel Director, said if the proposed salary increase of 5% for certain individual classifications, to bring them up to state pay level, were reduced to 3% the City would save $8,668.00. He said one of the City's goals is to pay comparable salaries and the increase of 5% for those certain classifications would bring the salaries to state level.

The City Manager suggested that, in order to bring the budget into compliance with certain actions that have been taken previously, Council pass a motion amending the budget to reflect Council's desire in the recent adoption of a resolution which requested the County Commissioners to assume the responsibility for $135,000.00 of the Library Budget and to assume the fiscal, personnel and administrative functions of the library operation that the City of Asheville has been responsible for, which would be effective July 1, 1977. He said the budget amendment would be to transfer from the General Fund the amount of $209,615 Libraries to Non-Departmental Fund as an outside contribution to the County. He said the City would also delete the Library Trust Fund activity. He said an amendment should also be made to delete the appropriation from the Community Development Budget for the Smith McDowell House Restoration in the amount of $8,500 and increase the Contingency Fund in the Community Development Budget by $8,500.

Anthony Lord, Chairman of the Library Board, requested that Council hold up action on the deletion of the library appropriations until negotiations could be worked out with the County regarding the funding.

Councilman Rainey recommended that Council wait on amending the budget regarding the Library appropriations until more facts are determined. He said these items could be shifted at a later date.

Councilman Michael moved to amend the budget by transferring from the General Fund the amount of $209.615 Libraries to Non-Departmental Fund and to delete the Library Trust Fund activity. He further moved to amend the budget by deleting the appropriation from the Community Development Budget for the Smith McDowell House Restoration in the amount of $8,500 and increase the Contingency Fund in the Community Development Budget by $8,500. This motion was seconded by Councilman Morris.

Councilman Rainey moved to delete the Library portion of Councilman Michael's motion. This motion was seconded by Councilwoman Swilling, which motion failed on a voice vote of 4-3, with Vice-Mayor Horton, Councilmen Morris, Michael, and Mayor Ochsenreiter voting "no".

On a voice vote of 6-0, Councilman Michael's motion passed unanimously.

On a roll call vote of 5-1, Ordinance No. 962 passed on second reading with Councilwoman Swilling voting "no".

Councilwoman Swilling commented that she felt more study needed to be made of the budget, particularly referring to the proposed increase of the motor vehicle stickers from $1.00 to $5.00, the revenues from overtime parking fines, the one-cent school tax, and the appropriation of funds to enforce an animal control ordinance.

Conclusion: Since Asheville City Schools receive only $865,000 as their pro-rata share of property tax funding, city property owners are contributing about $705,000 this year in direct support of county schools -- or 22.1 per cent of the property tax revenues allocated for current operations of the county schools.

This situation is just one of many providing clearcut evidence emphasizing the degree of imbalance of the property tax burden between city and non-city taxpayers.

RECOMMENDATION: The logical solution to the fiscal dilemma of both school systems is to consolidate the two as soon as practicable -- as the Local Government Study Commission recently proposed.

In the meanwhile, in order to provide a more favorable revenue balance and a more equalized property tax burden, it is recommended that City Council and the Asheville Board of Education begin preliminary study and planning toward a request for local legislation from the general assembly to extend the boundaries of the Asheville City School District so as to coincide with current municipal boundaries.

Valuable and much appreciated assistance in the audit survey has been provided by Larry Fisher, Finance Director, and William C. Moore, City Attorney. Also, the Attorney General's office and the Institute of Government have been promptly co-operative in this endeavor, for which we are grateful.

For further information, this audit survey effort is continuing into the distribution of State Intangibles Tax revenues, and data on the distribution base is being sought from the North Carolina Department of Revenue.

Respectfully submitted,

Bill B. Norton

Vice-Mayor

CLAIM - J. C. SWILLING

The City Manager presented a claim for damages from J. C. Swilling.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - MRS. F. L. MAYER

The City Manager presented a claim for damages from Mrs. F. L. Mayer.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

This is to report to the Mayor, the City Council and the citizens of Asheville the preliminary results of our recent inquiry and audit survey into the local distribution of tax revenues received from the state of North Carolina.

As of now, the audit exercise has not turned up any discrepancy in the distribution of these tax revenues to the City of Asheville which would have a direct bearing on the city budget per se. However, a discovery has been made of what appears to be a significant revenue windfall for the Asheville City School System and the Asheville City School District taxpayers.

The findings and conclusions to date are as follows:

Finding: Proper distribution of the one per cent local sales tax revenues is not currently being made to the Asheville City Schools per state statutory requirements and has not been made for several years.

The amount due from this revenue source in this current fiscal year should be about $170,000 -- and the undistributed amounts for the affected prior years would be somewhat less per year.

Conclusion: It appears that the undistributed revenues to which the Asheville City School District is entitled should relieve the financial dilemma of our city schools for the present without an increase in the current supplemental school tax rate.

This information has been made available to the Asheville Board of Education and its attorney for appropriate requests of Buncombe County.

Finding: Any such revenues provided directly to the Asheville City Schools special tax district should decrease total County budgeted school revenue needs by a ratio of $525,000 for each $100,000 so provided to the Asheville City Schools.

Conclusion: Adherence to the statutory requirements for distribution of local sales tax revenues in the upcoming County Budget for 1977/78 should ease the total school funding required to the extent of possible elimination of the proposed five cent increase in the County property tax rate.

Finding: The 1976 Report of Valuations and Taxes submitted by Buncombe County to the North Carolina Department of Revenue shows that 31.08 per cent of the total county-wide property tax levy is allocated to current operations of all public schools within the county. This amount of more that $4,055,000 is apportioned between the two school systems on a per pupil basis, resulting in about $3,190,000 for the county

schools and about $865,000 for the city schools.

Asheville taxpayers contribute 38.7 per cent of the property tax revenues received by Buncombe County, thereby providing approximately $1,570,000 for total school support.

The small business person certainly has enough aggravation and overload of expenses these days without having to have an extra upkeep expense such as I am experiencing. The amount is becoming monumental.

I am requesting that Council help me in seeking relief from this nuisance. I will appreciate greatly any aid you can give me.

I am urging Council to rescind their occupancy permit since common sense and decency dictates that when neighboring businesses have been so grossly mistreated by a business such as this it should not be allowed to continue to occupy a place that is obviously not able to accommodate its own customers with parking, and whose customers are of such a nature as to cause those same neighbors extra unnecessary expense.

I plan to attend Council Meeting this Thursday, and if time permits, perhaps you can answer my request.

Very truly yours,

Jackie

REALTOR Jackie Kettleson

JK/mr

The City Manager said this matter had been investigated and both parties seem to be in compliance with city codes regarding parking spaces, etc.

Vice-Mayor Horton said the request should be followed through and perhaps the Police Department could be of some help to Mrs. Kettleson.

Councilman Morris commented that the number of required parking spaces, in accordance with the Zoning Ordinance, should be reviewed in order to alleviate future problems with these types of businesses.

SUGGESTION BY COUNCILMAN MICHAEL - RE: CHARGE FOR TRANSIENT AIRCRAFT

Councilman Michael suggested that a ramp fee be charged per pound of transient aircraft for general aviation. He said this would generate more revenue for the City of Asheville and also help to make those using the airport pay for it. He further requested that a study me made on how much revenue this would generate in one month time.

Adjournment.

Eugene S. Ashworth
MAYOR

William F. Malcolm
CITY CLERK

CLAIM - MRS. JOAN E. BRIDGES

The City Manager presented a claim for damages from Mrs. Joan E. Bridges.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

COMPLAINT LETTER - RE: SPACE MISSION - MERRIMON AVENUE

Mayor Ochsenreiter read the following letter received from Mrs. Jackie Kettleson from Better Homes Realty regarding the Space Mission on Merrimon Avenue.

better homes realty

June 21, 1977

Asheville City Council
City Hall
Asheville, N.C. 28807

Re: Space Mission
Merrimon Avenue

Dear Members of Asheville City Council:

I would appreciate your attention to a matter that is causing myself and my associates a great deal of concern.

I feel very strongly that Council should not have granted permission to the group calling themselves The Space Mission, to occupy the building at 738 Merrimon Avenue, for the purpose of an amusement center since they do not have adequate parking for their customers.

I have complained to Council before, as well as to the City Manager and the Chief of Police. I have received no relief at all. My parking lot continues to be used by their customers without my permission.

I have, or my associates here have returned in the evening hours to meet clients or to get keys or to work, only to find no place to park on my own lot. In addition, I have had to spend hundreds of dollars blocking up windows, which their customers, by their owners own admission maliciously broke. I have had to replace numerous windows on three different occasions. My parking area in the back of my building has had garbage strewn about purposely on one occasion, but is always littered with beer bottles and cans every morning. This extra cost of overhead is straining my patience.

ORDINANCE NO. 964 - SWIMMING POOL STANDARDS ORDINANCE

3. Consideration was given to the second reading of Ordinance No. 964, an ordinance establishing standards governing the design, construction, and maintenance of public and residential swimming pools.

Mayor Ochsenreiter advised that a work session on the ordinance will be held prior to the third and final reading of the ordinance.

Councilman Michael made the following statement relative to the swimming pool ordinance:

"I have been criticized for objecting to fencing in swimming pools for personal reasons. For that reason I have brought pictures of my swimming pool showing that it is fenced in even though there are no children that live within a mile of my house, on a dead end street, private drive, except for my own. It is just that I think that Asheville is a little different from other places in North Carolina in that we have many hills, slopes, etc. that form natural fences around pools and holes in the ground. I am therefore going to vote for tabling this ordinance, and having both readings next week after it is studied and strongly recommend that the City Inspector stop digging up ordinances of other cities verbatum and asking us to adopt them. For example, I think that if a persons yard is fenced in that he should not be required to also have a fence around his pool but according to this ordinance, he would. Also, if he had a pool that adjoined his patio and house as mine does, he would have to have a fence on the patio between his house and the pool. Also, the fence would have to be five feet inside the property line and the fence on the property line would not be acceptable. This is why I voted against the swimming pool fence ordinance because I think that it is too strict and should be amended to apply to hazardous conditions in the City of Asheville as it was intended. One last thing that I have to say is that this is one more instance of parents asking the City Council to enact laws to protect and control their children. I do not think that this ordinance would have been necessary when I was a child because I dare not go in anyone else's yard in the first place because I would probably be spanked by the person who owned the yard that I went in and then spanked again when I got home."

Councilman Michael said he agreed with the policy of fencing in swimming pools but this ordinance is very restrictive and should be thoroughly studied before being adopted.

Councilman Rainey commented that this ordinance was introduced at his request. He said he had several amendments to be made to the ordinance but these could be discussed during the work session on the ordinance.

The City Manager said many times ordinances are prepared at the request of citizens based on the needs of the community. He said when an ordinance is drawn, similar to this one, staff seeks information on what other cities do as well as information from the Institute of Government and the League of Municipalities. He said the proposed swimming pool ordinance also received the involvement of the swimming pool builders.

After discussion, Vice-Mayor Horton moved to continue the second reading of Ordinance No. 964 until July 7, 1977. This motion was seconded by Councilman Michael, which motion carried on a vote of 4-3, with Mayor Ochsenreiter, Vice-Mayor Horton, Councilman Morris, and Councilman Michael voting "aye" and Councilwoman Swilling, Councilman Hoyle, and Councilman Rainey voting "no".

Thursday - June 30, 1977 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

APPROVAL OF MINUTES

1. Approval of the minutes of the June 23, 1977 meeting.

Councilman Michael commented that at the last meeting the Asheville Citizen-Times quoted him as saying that he voted against the swimming pool ordinance because there was a bank between his house and his swimming pool. He said he did not say that. He said there is a bank next to his swimming pool and his house is next to his pool and his pool is enclosed. He said he did not vote against the swimming pool ordinance for personal reasons and he would like the Asheville Citizen Times to retract the statement. He also requested that the minutes of today's meeting reflect his comments regarding the statement made by the Asheville Citizen-Times.

Councilman Rainey said the minutes of the June 23, 1977 meeting were in error relative to the voice vote taken on his motion to delete $10,290 from the budget for the Sinking Fund Commission for Buncombe County. He said the vote should read 4-3, with Mayor Ochsenreiter breaking a tie vote, instead of 4-2. He said Councilman Hoyle's vote should be included in the "aye" votes instead of the "no" votes. He said the same error is made in his motion to delete the library portion of Councilman Michael's motion. He said the vote should read 4-3, with Mayor Ochsenreiter breaking a tie vote, instead of 4-2. He said Councilman Hoyle's vote should be included in the "aye" votes instead of the "no" votes.

The City Clerk noted that these corrections would be made in the minutes.

Councilman Rainey moved for the approval of the minutes of the June 23, 1977 meeting, as amended. This motion was seconded by Councilman Michael and carried unanimously.

RESOLUTION NO. 77-101 - RESOLUTION OF APPRECIATION TO WOODROW P. GRIFFIN

2. Consideration was given to a resolution of appreciation to Woodrow P. Griffin, Superintendent of the Asheville City Schools who is retiring.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Swilling, Resolution No. 77-101 was unanimously adopted.

Complete text of Resolution No. 77-101 will be found in Resolution Book No. 9 at page 323.

Councilman Rainey emphasized the need for close supervision of the project, particularly referring to the compliance of the Davis-Bacon Act and the requirements relative to minority employment.

It was noted that Mr. Sam Graves of the Central Services Division has a continuous monitoring responsibility of all projects as it relates to the compliance of the Davis-Bacon Act and Affirmative Action Program. Council was assured that Mr. Graves would be monitoring the project.

Council instructed the architect to send a copy of all inspection reports to the City Manager.

Councilman Michael moved to accept the recommendation of the architect on the awarding of the contracts for the Montford Recreation Center Complex. This motion was seconded by Councilwoman Swilling and carried unanimously.

A complete bid summary is on file in the Office of the City Clerk.

ORDINANCE NO. 962 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1977-78

6. Consideration was given to the third and final reading of Ordinance No. 962, an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1977-78.

Mary Lloyd Frank, a member of the Board of Trustees of the Library Board urged Council not to cut the funding of the Library budget. She said if the budget is cut, services would have to be reduced.

Bob Farzanegan presented letters and petitions from tennis players, who opposed the proposed charge of $1.00 per court per hour. He said it was their feeling that this charge would cut down on the number of players at Aston Park. He urged Council to reconsider the proposed fees for the Aston Park Tennis Courts.

The City Manager said the proposed charge is being reviewed by the Parks and Recreation Advisory Board and city staff and the details of the policy had not yet been determined.

Councilman Michael agreed that there would not be a substantial revenue derived from this charge and he was in favor of eliminating this charge particularly for city residents using the courts.

Councilwoman Swilling and Councilman Hoyle both said it was Council's feeling that the fee would help offset the increasing cost of operation, upkeep, and maintenance of the courts. They said this charge would not in any way cover the total cost of operating the courts. They also noted that it was their understanding that 40% of the people using the courts are county residents.

Councilwoman Swilling said the Parks and Recreation Advisory Board is also looking at the possibility of a policy to have a "free-time" established at certain times during the day for those who could not afford the fee.

RESOLUTION NO. 77-102 - RESOLUTION OF APPRECIATION TO LUTHER B. THIGPEN

4. Consideration was given to a resolution of appreciation to Luther B. Thigpen.

The City Manager read the resolution.

Upon motion of Councilman Rainey, seconded by Councilman Michael, Resolution No. 77-102 was unanimously adopted.

Complete text of Resolution No. 77-102 will be found in Resolution Book No. 9 at page 324.

BIDS - MONTFORD RECREATION CENTER

5. Consideration was given to bids received June 22, 1977 for the construction of the Montford Recreation Center.

The City Manager read a letter from William O. Moore, architect for the Montford Recreation Center Complex, recommending the following low bids:

General - Anchor Construction Corp.	$235,493.00	
Alternate No. 1 (Telescoping Bleachers)	6,086.00	
Alternate No. 2 (Kitchen Appliances)	772.00	
Sub-Total		$242,351.00

It is recommended that Alternate No. 3 (Gym Carpet - $11,678) not be accepted as part of the contract.

Plumbing - Moser, Inc.	$23,000.00	
Mechanical - 20th Century Heating Co., Inc.	38,382.00	
Electrical - Haywood Electric Service, Inc.	41,373.00	
Sub-Total		$102,755.00
TOTAL		$345,106.00

The City Manager also read a letter from Ray Kisiah, Director of Parks and Recreation, concurring in the recommendation of the architect. He said the total amount budgeted for the Center is $815,000 and the difference between the amount budgeted and the total construction contracts of $345,106 will be used for land acquisitions and legal fees.

Mr. Barney Woodard, representative of the architectural firm of Moore/Woodard Associates briefly explained the details of the proposed plans for the building.

Upon inquiry of Councilman Rainey, Mr. Woodard said he had not had any personal working relationships with the general contractor, Anchor Construction Corporation, however, it was his understanding that they are a reputable firm.

Councilman Michael strongly opposed the passage of the resolution stating that if Council rescinds their original request to the County to take over the library responsibilities it would place the present budget out of balance with a $72,000 deficit, which could require a tax rate increase. He said he felt Council should continue with its original intention of appropriating only $209,615 to the Library budget. He said if Council should adopt a tax rate increase then Council should justify additional services which could not be done with the new appropriation to the library. He said if it was determined that the library was going to lose their state aid because of the cut in the budget, the Council could always amend the budget at a later date. He said he also felt the library was more of a county function and the County should pay their fair share.

Vice-Mayor Horton emphasized that this "supplementary" resolution would not rescind the city's request that the County take over these responsibilities, but merely recognizes that this can not be implemented by July 1, 1977.

After discussion, Councilman Michael moved to amend Resolution No. 77-103 by providing a paragraph stating that this resolution does not have any effect on the acceptance or appropriation of the library budget as submitted. This motion was seconded by Councilwoman Swilling.

On a voice vote, Councilman Michael's motion amending the resolution was defeated on a vote of 4-2, with Councilman Michael and Councilwoman Swilling voting "aye" and Vice-Mayor Horton, Councilmen Hoyle, Morris, and Rainey voting "no".

It was noted that it should be understood that a resolution, according to the City Charter, can not relate to any budget appropriation.

Mayor Ochsenreiter then called for a vote on Resolution No. 77-103.

On a voice vote, Resolution No. 77-103 passed unanimously.

Complete text of Resolution No. 77-103 will be found in Resolution Book No. 9 at page 325.

Ken Brown, Director of the Library, explained that the Library received $498,350 in local support last year and in order to receive $68,000 in state aid the local funding can not fall below last years support. However, he warned that this year's budget as submitted totalled $650,915 and if the funding falls below that figure the library services would be in trouble.

Vice-Mayor Horton commented that if the County of Buncombe funds $250,000, as was implied, the City would have to fund $248,350 in order for the Library not to lose its state aid. He said if the City funds the $248,350 the County would still be falling short of their fair share of support, primarily because the City taxpayer's pay 40% of the County property tax revenues and this would mean that if the City matches the County appropriation to the library, the City taxpayer will be putting in approximately 70-73% of the library budget. He said it was his understanding that the patronage to the Library is 51% non-city residents to 50% city residents.

Cecil Holt, Robin Williams, Mark Carlson, and Edward Felder, also spoke in opposition to the proposed $1.00 per court.

E. R. McCarthy said that the most criticism he had heard relative to the budget was the increase in the automobile license fee from $1.00 to $5.00. He said he also felt that those using the tennis courts at Aston Park should be willing to pay a slight charge to help with the expense of operation.

Councilman Morris said it was his understanding that when the courts were first being built at Aston Park, the intent was that there would be a minimum charge, at some future date, particularly after the other asphalt tennis courts throughout the city were completed. He said these courts have now been completed and this was one of the reasons for Council's proposal of charging such a minimum fee.

Councilman Rainey said that the charge for the use of the tennis courts is not, at the present, included in the budget as a revenue and he suggested that Council turn the matter over to the Parks and Recreation Advisory Board for recommendation.

Councilman Michael questioned why Malvern Hills and Walton Street Parks are included in the same line item in the budget. He said there is no comparison of the parks. He said it is his understanding that Malvern Hills Park is in much better condition than Walton Street and Malvern Hills received much more funding last year. He suggested that the two parks be separated and not carried as a single line item.

The City Manager said he would furnish Councilman Michael a more detailed budget on the two parks.

Councilwoman Swilling suggested that at least one-half of the $20,000 requested for the renovation of the Revenue Collection Office be appropriated. She said this particular office receives much of the public with confidential matters to be discussed and renovation is needed to offer a more private atmosphere.

Councilman Rainey agreed with Councilwoman Swilling stating that he felt the renovation of the office would create better morale and more efficiency in the office.

RESOLUTION NO. 77-103 - RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO RETAIN FISCAL AND PERSONNEL ADMINISTRATIVE FUNCTIONS FOR THE LIBRARY SYSTEM

Vice-Mayor Horton read a resolution authorizing the City of Asheville to retain fiscal and personnel administrative functions for the Library System. He said the first request of two weeks ago of asking the County to take over the fiscal and personnel administrative functions came too late to implement the transition by July 1, 1977. He said the adoption of this resolution would provide for a smoother transition of the functions and allow the city to legally continue with the operation of the library until further negotiations could be worked out with the County. Vice-Mayor Horton moved for the adoption of Resolution No. 77-103. This motion was seconded by Councilman Rainey.

		From	To
10-General Fund			
10-463 Interagency Narcotic Squad	(Salaries & Wages)	51,948	39,858
	(Group Ins. Expense)	1,380	1,104
10-599 Non-Departmental	(Drug Commission)	14,022	539
	(Contingency)	200,000	197,878
13- Civic Center Fund			
13-423 Civic Center	(Salaries & Wages)	223,517	189,842
	(FICA Tax Expense)	17,483	15,513
	(Contingency)	-0-	35,645
14- Parks & Recreation Fund			
14-502 Park Maintenance	(Materials)	2,800	5,300
14-507 Walton Street	(Salaries & Wages - Temp)	31,934	36,658
	(FICA Tax Expense)	1,868	2,144
	(Chemical & Lab Supplies)	4,500	4,975
14-331 Rents		-0-	(10,000)
14-501 Recreation Programs	(Salaries & Wages - Temp.)	81,736	86,460
	(FICA Tax Expense)	13,254	13,530
19- Community Development III			
19-349 Federal Grants	(HUD/ARC)	(735,775)	(930,775)
19-680 Contingency III	(Contingency)	8,500	203,500
20- General Debt Service Fund			
20-670	(Capital Reserve)	165,538	171,044
	(Sinking Fund Commision)	15,796	10,290
30- Water & Sewer Operating Fund			
30-360 Utility Charges		(4,055,000)	(4,085,120)
30-700 Dept. Wide Expenses	(Cont. to Cap. Const.)	177,000	207,120

Councilman Michael said he did not feel the library is a basic city service. He said if the City taxpayers are expected to fund $100,000, which would be 40% of the County's anticipated $250,000 appropriation and $250,000 directly from the city tax revenues to fund a $500,000 budget, this would mean that County residents are only funding the library budget by $150,000. He also emphasized that the City is also appropriating $550,000 for a new library facility, which will be tax-exempt, making the city taxpayer pay $900,000 for the library in the next fiscal year.

Vice-Mayor Horton suggested that Council increase the appropriation to the Library by $72,693 which would provide 50% of the net operating budget submitted by the Library. He said this would at least be a compromise.

Councilman Michael objected to the suggestion of Vice-Mayor Horton stating that this would mean a 1.1 or 2 cent tax increase just to fund the library. He said he would be unwilling to support a tax increase unless it was earmarked, not for the library alone, but for the improvement of basic city services.

Mayor Ochsenreiter also suggested that the city fund the library to the minimum with a 2 cent tax increase which would leave some monies to fund, at a minimum, the parks program.

Mayor Ochsenreiter also noted that a meeting has been scheduled for Tuesday, July 5, 1977, at 3:00 o'clock p. m. until the County Commissioners to further discuss the appropriations needed for the library.

Vice-Mayor Horton then moved to amend the budget to fund 50% of the net operating budget submitted by the Library for the total amount of $282,308, or an increase of $72,693. This motion was seconded by Councilman Hoyle.

On a voice vote of 5-1, Vice-Mayor Horton's motion passed with Councilman Michael voting "no".

As a result of the budget work session held on June 27, 1977, Mayor Ochsenreiter reviewed the changes discussed stating that these included an increase in the city automobile license tag fee from $1.00 to $5.00; providing $539 for staff phase-out of the Drug and Alcohol Abuse Commission; providing $17,500 for Senior Citizens transportation service; providing $2,500 for a semi-permanent stage for the Shindig-on-the-Green; providing funds for the Director of Inspection's membership to the WNC Home Builders Association; deleting $5,550 from the Sinking Fund Commission based on a revised budget; providing $35,000 for a North Asheville Park, based on a matching grant from the Bureau of Outdoor Recreation; providing funds to extend the swimming and playground activities at Walton Street Park at $5,475; and including revenues from charging tennis court fees at Aston Park.

The City Manager presented the following list of budget changes to be considered by Council as a result of their budget work session held on June 27, 1977:

observe pot holes, street paving that needs to be done, sidewalks that need to be repaired - many, many things that you've had calls about for the last 18 months, your terms as members of City Council. I have a feeling that we are making decisions in a vacuum on a given day for not too long a time in the future. Had we accepted the original run of this budget it would have cost the taxpayers of this city an additional 68 cents on the tax rate and this wasn't a frivolous request by department and division heads. This was requests that would improve the city - improve the basic services - but we cut and we cut - we cut to no increase in the tax rate with some rather significant increases in our operating expenses this year. Fox example, we did assume this obligation of the Police/Fire Pension in the amount of about $700,000 this year and $834,000 for the years to come. Fortunately we get Revenue Sharing to cover this. Our gasoline cost, and we run through over 600,000 gallons of gasoline a year - gasoline cost have gone from 38.8 cents in May of 1976 and by May of 1978 we expect to be paying 48 cents a gallon - utility cost will go up in this coming year $124,000 - gas cost $129,000. Just the cost of turning on the street lights will go up from $513,000 to $605,000. Street paving - we have unpaved streets not including drainage, costs in the amount of $283,000. We had an estimate just to do a minor sidewalk program in the business district of $75,000 - put those aside. There is in the neighborhood of $1 million in equipment needs that would improve our productivity that we're not going to buy and I just would hope that when we make decisions that we make decisions that we're looking toward the future and that we're considering all the things on the list and not those things that are just on the list today at this Council meeting."

Mayor Ochsenreiter said that Council would be very negligent in their thinking if they did not recognize the needs emphasized by the City Manager. He said Council should also recognize the city's needs for the future that relate to the basic services of the City.

Councilwoman Swilling said with Council adopting a recent increase of 7% in water rates, a proposed school tax levy of 4 or 5 cents, a proposed 5 cents tax rate increase from the County of Buncombe, higher utility bills and a $5.00 automobile license fee, she felt a 3 or 4 cent city tax rate increase would be difficult for the citizens of Asheville.

After discussion, Vice-Mayor Horton offered a substitute motion that a 2 cent tax rate increase be adopted in order to fund the $72,693 increase for the Library and the $10,000 for the renovation of the Revenue Collections Office.

Councilman Morris suggested upping this increase to five cent in order to provide for some of the services that had been sacrificed earlier in the attempt to avoid a tax increase. He said he was concerned as to Council's obligation to put back the funding into the city services that have been deleted. He said as it now stands the City is cutting their basic services in order to fund the library.

After discussion, Vice-Mayor Horton withdrew his substitute motion.

Councilman Morris then moved to increase the tax levy by 5 cents to increase the funding to the library by $72,693 and by appropriating $10,000 for the renovation of the Revenue Collection Office and putting the difference of $121,197 into the Contingency Fund for the use of basic services. He further moved to eliminate the $4.00 increase for the automobile license fee. This motion was seconded by Vice-Mayor Horton.

50 - Revenue Sharing Trust Fund		From	To
50-501 Recreation Program	(C.O. - Other Improvements)	-0-	35,000
	(C.O. - Equip.)	33,938	43,938
50-433 Parking Services	(C.O. - Equip.)	25,279	5,275

Councilwoman Swilling also suggested that Council consider funding $10,000 for the renovation of the Revenue Collection Office.

Councilman Michael suggested that a landing fee be charged for transient aircraft at the Asheville Airport and that these revenues be included in the budget.

After discussion, it was agreed that Councilman Michael's suggestion would be given consideration after the completion of a demonstration program now being carried on at the Airport for the general aircraft using the main terminal, which includes a $2.50 ramp fee.

Councilman Morris suggested that the specific amount for charge for tennis court fees at Aston Park be eliminated from the list of recommended budget changes and that the Parks and Recreation Advisory Board consider the charges and make their recommendations to Council.

Councilman Morris then moved to amend the budget to reflect the budget changes made at the work session held on June 27, 1977 (see list inserted) with the exception that the Parks and Recreation Advisory Board determine the ways and means of collecting the increased $10,000 included as a revenue in the Parks and Recreation Fund. This motion was seconded by Councilman Michael and carried unanimously.

In discussing Councilwoman Swilling's suggestion to appropriate $10,000 for the renovation of the Revenue Collection Office, Councilman Rainey moved to delete $4,000 from the Civic Center Commission budget and $6,000 from the Capital Outlay equipment appropriation for the Civic Center budget in order to fund the appropriation of $10,000 for the renovation of the Revenue Collection Office. This motion was seconded by Councilwoman Swilling.

Councilman Morris in questioning how the City was going to fund the $72,693 increase to the library budget suggested that Council adopt a 2 cent tax rate increase.

The City Manager then made the following statement:

"Mayor, before Council makes a decision on this, I would like to make a statement. If in the course of two or three weeks or a couple of days the City Council can make a decision about appropriating $72,000 more to the library and $10,000 to the Collections Office, I don't feel like I've done an adequate job of explaining the conditions of the City and the basic services that the City is responsible for providing that we are not doing a very adequate job of now because - I've come to Council with a balanced budget and deleted a number of things in a number of different city departments. I've deprived those departments of equipment, personnel and other items that they need to operate in the interest of providing a balanced budget. You don't have to ride very far from this City Building to

On a roll call vote of 4-2 Ordinance No. 962 passed on third and final reading with Councilwoman Swilling and Councilman Michael voting "no".

Complete text of Ordinance No. 962 will be found in Ordinance Book No. 7 at page 155.

Councilman Rainey was excused from the meeting at 7:05 o'clock p. m.

RESOLUTION NO. 77-104 - RESOLUTION OF INTENT TO CLOSE A PORTION OF TAFT STREET AND CALLING A PUBLIC HEARING ON THE QUESTION

7. Consideration was given to a resolution of intent to close a portion of Taft Street and calling a public hearing on the question.

The City Manager read the resolution scheduling the date for the public hearing for July 28, 1977.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Horton, Resolution No. 77-104 was unanimously adopted.

Complete text of Resolution No. 77-104 will be found in Resolution Book No. 9 at page 326.

RESOLUTION NO. 77-105 - RESOLUTION ESTABLISHING A REVIEW POLICY RELATING TO APPLICATIONS RECEIVED FOR USE OF THE ASHEVILLE CIVIC CENTER FACILITIES

8. Consideration was given to a resolution establishing a review policy relating to applications received for use of the Asheville Civic Center facilities.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, Resolution No. 77-105 was unanimously adopted.

Complete text of Resolution No. 77-105 will be found in Resolution Book No. 9 at page 328.

COMPLAINT - MRS. ALENE INGRAM - 103 FRANCES STREET

The City Manager presented a complaint from Mrs. Alene Ingram of 103 Frances Street in West Asheville regarding the lack of law enforcement.

The City Manager said that he would investigate the complaint.

FIXED ASSET REPORT RECEIVED - MARSHALL AND STEVENS

The City Manager advised that the fixed asset accounting report from Marshall and Stevens had been received. He said copies of the report would be furnished to Council next week.

Councilman Michael said he did not think it was fair to the citizens to increase taxes after a deficit had been created. He said he would be unwilling to support a tax rate increase that was not earmarked for the improvement of basic city services.

Mayor Ochsenreiter called for a 10 minute recess of Council.

After discussion, Councilman Morris withdrew his substitute motion with the approval of Vice-Mayor Horton who had seconded the motion.

Councilman Michael then offered a substitute motion to delete the $82,693 deficit and to increase the tax rate by 5 cents to improve city services, all of which is to be put in the contingency fund. This motion was seconded by Councilman Morris.

On a voice vote of 4-3, Councilman Michael's motion passed, with Mayor Ochsenreiter, Vice-Mayor Horton, Councilman Morris and Councilman Michael voting "aye" and Councilwoman Swilling, Councilman Hoyle and Councilman Rainey voting "no".

Vice-Mayor Horton then moved to amend the budget to appropriate $250,000 to the Library Budget, to match the County's implied appropriation of $250,000, thereby increasing the library appropriation by $40,385 to be taken from the presently appropriated Contingency fund. This motion was seconded by Councilman Rainey.

Councilman Michael objected to the motion stating that the library should not be additionally funded until all the servcies that were originally cut are reviewed. He said Council has until September to decide on the funding of the library.

On a voice vote of 4-2, Vice-Mayor Horton's motion passed, with Vice-Mayor Horton, Councilman Rainey, Councilman Hoyle and Councilman Morris voting "aye" and Councilwoman Swilling and Councilman Michael voting "no".

Councilwoman Swilling then moved to amend the budget by continuing the automobile license fee at $1.00 rather than increasing it to $5.00. This motion was seconded by Councilman Rainey.

On a voice vote of 4-2, Councilwoman Swilling's motion was defeated with Vice-Mayor Horton, Councilman Michael, Councilman Morris and Councilman Hoyle voting "no" and Councilwoman Swilling and Councilman Rainey voting "aye".

Councilman Rainey moved to amend the budget by transferring the funding of $209,615 in the Non-Departmental Budget to the General Fund for the Library Budget. This motion was seconded by Councilman Hoyle, which motion carried unanimously.

Councilman Michael then moved to amend Budget Ordinance No. 962 by changing the tax rate from 92 cents to 97 cents. This motion was seconded by Councilman Morris which motion carried on a vote of 4-3, with Mayor Ochsenreiter, Vice-Mayor Horton, Councilman Morris and Councilman Michael voting "aye" and Councilwoman Swilling, Councilman Rainey and Councilman Hoyle voting "no".

Thursday - July 7, 1977 - 7:30 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilwoman JoAnn M. Swilling

APPROVAL OF MINUTES

1. Approval of the minutes of the June 30, 1977 meeting.

Vice-Mayor Horton requested that the word "more" be deleted from the last paragraph in the third sentence of page 101, thereby making the sentence read "He said the adoption of this resolution would provide for a smoother transition of the functions and allow the City to legally continue with the operation of the library until further negotiations could be worked out with the County." With this change noted, Vice-Mayor Horton moved for the approval of the minutes of the June 30, 1977 meeting. This motion was seconded by Councilman Morris and carried unanimously.

ORDINANCE NO. 964 - SWIMMING POOL STANDARDS ORDINANCE

2. Consideration was given to the second reading of Ordinance No. 964, an ordinance establishing standards governing the design, construction, and maintenance of public and residential swimming pools.

Mayor Ochsenreiter said a work session had been held during the past week to discuss several suggested changes to the proposed ordinance. He then requested that the City Manager read the ordinance inserting the changes made during the work session.

The City Manager read the ordinance.

Councilman Rainey suggested that Section 8-104 (B) (5) be amended to read as follows: "All outdoor Residential Swimming Pool areas shall be enclosed by an ornamental wire, wood stave, or other type barrier, at least four (4) feet in height, designed so as to minimize the possibility of unauthorized or unwary persons from entering the pool area. Entrances through the barrier shall be provided with self-closing gates or other acceptable entrance of the same heights, bottom and top above the adjacent ground surface, having latches. The bottom edge of the barrier shall be not more than six (6) inches from the adjacent ground surface and the height of the barrier shall be not less than four (4) feet from the adjacent ground surface. This requirement shall apply to all Residential Swimming Pools constructed after the effective date of this Ordinance, and the Chief Building Inspector, Division of Inspections, shall give notice by certified mail to the owners of those Residential Swimming Pools in existence on the effective date of this Ordinance that are found to be in non-compliance with the requirements of this Ordinance sixty (60) days from the effective date. Those owners of pre-existing Residential Swimming Pools who do not cause their pools to be in compliance within thirty (30) days after notification by the Chief Building Inspector shall be in violation of this Ordinance."

COUNTY ASSUMING INSPECTIONS IN ONE-MILE PERIMETER

The City Manager reported that the County is going to assume inspections in the one-mile extraterritorial zoning area beginning July 1, 1977.

PROCLAMATION - CRAFTSMAN FAIR WEEK - JULY 11 - 15

Mayor Ochsenreiter proclaimed the week of July 11 through July 15 as Craftsman's Fair Week.

CLAIM - MRS. GAYLA HOPE WILSON

The City Manager presented a claim received from Mrs. Gayla Hope Wilson.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

COUNCILMAN MICHAEL - REQUEST FOR POLICEMEN ON TUNNEL ROAD

Councilman Michael said he had received several complaints regarding the traffic on Tunnel Road. He suggested that several traffic policemen be placed on the east side of the Tunnel during rush hours to help move the traffic.

Adjournment.

Eugene C. Ochsenreiter
MAYOR

Norman J. Nolcette
CITY CLERK

Col. Kreitzer told Council Mrs. Meech would abide by Council's decision.

Councilman Rainey said since Mrs. Meech is of failing health and might have to sell her property, he felt the closing of McLean Street would be a deterrant to the sale of her property. He suggested waiting about 6 months to a year before closing the street in order to give Mrs. Meech time to decide the disposition of her property. He said Council's decision to close McLean Street in January of 1977 compounded to Mrs. Meech's problem.

Paul Goodman, owner of the property adjoining the portion of McLean Street proposed to be closed, said that the purpose of his petition is to enlarge several interior lots in his present Mt. View Gardens Subdivision. He said, after visiting with Mrs. Meech during the past week, he felt she was physically cabable of protesting the closing if she so desired.

Councilman Michael said even though Col. Kreitzer has a general power of attorney for Mrs. Meech, he would like to hear from Mrs. Meech herself either by a notarized statement or verbally regarding her feelings about the closing of McLean Street.

Paul Goodman urged Council not to delay taking action on his request since one public hearing had already been held on the question as well as being postponed for two weeks.

After a lengthy discussion regarding Mrs. Meech's health and the disposition of her property, Mayor Ochsenreiter closed the public hearing at 8:50 o'clock p. m.

The City Manager read the resolution.

Councilman Morris moved to amend the resolution by deleting the paragraphs referring to the fact that no one objected to the closing.

Councilman Michael made a substitute motion to continue consideration of the resolution until a statement from Mrs. Meech could be obtained. This motion was seconded by Councilman Rainey, which motion failed on a vote of 3-2, with Vice-Mayor Horton, Councilmen Morris and Hoyle voting "no".

Councilman Morris' motion to approve Resolution No. 106, with the deletion of the paragraphs referred to above, was seconded by Councilman Hoyle and carried on a vote of 4-2 with Councilman Michael and Councilman Rainey voting "no".

Complete text of Resolution No. 77-106 will be found in Resolution Book No. 9 at page 329.

RESOLUTION NO. 77-107 - RESOLUTION RELATING TO ADJUSTMENT IN THE RENTAL RATE STRUCTURE FOR THE ASHEVILLE CIVIC CENTER FACILITIES

4. Consideration was given to a resolution relating to adjustment in the rental rate structure for the Asheville Civic Center facilities.

The City Manager read the resolution and advised that members of Council had been furnished copies of the proposed rental rate structure.

Mr. Herbert Brewer, of 8 Maplewood Parkway, questioned the language of allowing an acceptable entrance rather than only self-closing gates.

Mr. J. E. Johnson, Chief Building Inspector, advised that this language was inserted to allow for doors coming from dwellings into the swimming pool areas being acceptable.

Councilman Morris questioned the wording in Section 8-104 (B) (6). He said all swimming pools did not have to have a filtration system and the language should be clarified.

After discussion, Councilman Michael moved to amend Ordinance No. 964 by deleting Section 8-104 (B) (6) in its entirety; by amending Section 8-104 (B) (5) as recommended by Councilman Rainey, and to include the amendments made during the work session as re-read by the City Manager. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 964 passed on second reading.

Councilman Michael moved to suspend the rules and proceed to the third and final reading of Ordinance No. 964. This motion was seconded by Councilman Rainey and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 964 passed on third and final reading.

Complete text of Ordinance No. 964 will be found in Ordinance Book No. 7 at page 159 .

RESOLUTION NO. 77-106 - RESOLUTION TO CLOSE A PORTION OF McLEAN STREET

3. A public hearing was continued relative to the closing of a portion of McLean Street.

Mayor Ochsenreiter opened the public hearing at 7:55 o'clock p. m.

Verl Emrick, Planning Director reviewed the background information relative to the closing of a portion of McLean Street. He said during the public hearing held on June 23, 1977 Col. Henry Kreitzer appeared on behalf of Mrs. Peggy Meech asking that the portion of McLean Street proposed to be closed remain open because of the inability to have access to two (2) of her lots.

Mr. Emrick pointed out that in January, 1977, Council closed portions of McLean Street, and Oak Knoll Street to provide for Thomwin's subdivision and Mrs. Meech's property does have access to Oak Knoll in the Thomwin's subdivision. He said Council's decision is whether or not the closing of this portion of McLean Street would adversely affect the adjoining property owner's ingress and egress to their property. He said the street has never been opened or utilized in any way since being placed on the tax maps in 1929 as a street. He said if a developer wanted to subdivide the property additional rights-of-way would have to be obtained in order to meet the requirement of a 50 ft. right-of-way for streets in a subdivision. He said the street only has a 30 ft. right-of-way at the present and could not be used as a functional street.

ORDINANCE NO. 966 - AN ORDINANCE AMENDING AND APPROPRIATING COMMUNITY DEVELOPMENT BUDGET CHANGES RECLASSIFYING CAPITAL PROJECTS FOR 1977-78

6. Consideration was given to an ordinance amending and appropriating Community Development Budget Changes reclassifying capital projects for 1977-78.

The City Manager read the ordinance and explained that these capital projects are on-going projects in the Community Development Budget and have already been appropriated in the second action year. He said this action was merely for bookkeeping records.

Councilman Michael moved for the adoption of Ordinance No. 966. This motion was seconded by Councilman Morris.

On a roll call vote of 5-0, Ordinance No. 966 passed on first reading.

Councilman Michael moved to suspend the rules and proceed to the second reading of Ordinance No. 966. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 966 passed on second reading.

Councilman Michael again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 966. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 966 passed on third and final reading.

Complete text of Ordinance No. 966 will be found in Ordinance Book No. 7 at page 164.

Councilman Michael suggested that when the Community Development Budget hearings begin in July that a graft of projects for each community be made showing completion dates on each project and which projects are to be eliminated. He said he felt this would help the citizens to know more about the projects.

Logan Delany, Community Development Coordinator, said Lamar Gudger had announced last week that the City of Asheville had been funded for $2,822,000 for the Third Year Community Development Program.

MAIL CARRIERS COMPLAINT -ENFORCEMENT OF DOG ORDINANCE

Don Gaddy, Supervisor of the Main Office for the U. S. Post Office, representing a group of mail carriers requested that Council take some action to enforce the dog ordinance to get the dogs off the streets.

Mayor Ochsenreiter advised that the City Manager is presently working on the problem.

The City Manager said Council could look at several alternatives, one of which would be to amend the present ordinance to direct the penalties to the owner of the dogs rather than the dog or to change the fine from $5.00 to $25.00 in order to get their dog back after being picked up. He said the animal control ordinance is still being reviewed by the City staff.

Jim Evans, Civic Center Manager, said the present rental rate structure had not changed since its adoption in 1973 and after an extensive survey of rental rates presently being charged at other Civic Center facilities it was found that the present rates should be raised in view of the fact that they are lower than other similar rental rates presently being charged at similar facilities. He said the new rates will still be competitive. He then reviewed the present rates and proposed rates for members of Council.

A discussion was held relative to renting the meeting rooms in the Arena at times when the Arena is not being rented. Council directed that the Civic Center Commission take the suggestion under consideration.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 77-107 was unanimously adopted.

Complete text of Resolution No. 77-107 will be found in Resolution Book No. 9 at page 331.

ORDINANCE NO. 965 - AN ORDINANCE TO ESTABLISH A GRIEVANCE PROCEDURE FOR EMPLOYEES OF THE CITY OF ASHEVILLE

5. Consideration was given to an ordinance to establish a grievance procedure for employees of the City of Asheville.

The City Manager read the ordinance.

Mike Smith, Personnel Director, advised that this ordinance would put the city's present grievance procedure, which has been in effect for about a year, into ordinance form in order to comply with legislation enacted recently by the General Assembly. He said the only change in the present grievance procedure would be to allow the City Manager to establish a Grievance Committee and that grievances pertaining to position classifications would go directly to the City Manager.

Councilman Michael suggested that employees be contacted, from time to time, to determine if their grievances are being suppressed by their supervisors.

Councilman Michael moved for the adoption of Ordinance No. 965. This motion was seconded by Councilman Rainey.

On a roll call vote of 5-0, Ordinance No. 965 passed on first reading.

Vice-Mayor Horton moved to suspend the rules and proceed to the second reading of Ordinance No. 965. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 965 passed on second reading.

Vice-Mayor Horton again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 965. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 965 passed on third and final reading.

Complete text of Ordinance No. 965 will be found in Ordinance Book No. 7 at page 163.

Thursday - July 14, 1977 - 3:00 o'clock p.m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

APPROVAL OF MINUTES

1. Approval of the minutes of the July 7, 1977 meeting.

Councilman Rainey requested that his statement relative to the McLean Street resolution, shown on page 112, be amended to read as follows: "Councilman Rainey said since Mrs. Meech is of failing health and might have to sell her property, he felt the closing of McLean Street would be a deterrant to the sale of her property. He suggested waiting about 6 months to a year before closing the street in order to give Mrs. Meech time to decide the disposition of her property. He said Council's decision to close McLean Street in January of 1977 compounded Mrs. Meech's problem."

Councilman Morris moved that the approval of the July 7, 1977 minutes be tabled until such time as it can be determined if a second was received relative to his motion to amend the resolution, regarding the closing of McLean Street, by deleting the paragraphs referring to the fact that there was no opposition. This motion was seconded by Councilwoman Swilling and carried unanimously.

RECOGNITION OF RETIRED CITY EMPLOYEES

2. The City Manager recognized the following retired City employees: Mr. McKinley Penland, Mrs. Wilma Reeder, Mr. James R. Self, Mr. James Freeman and Mr. Wayne Sharp. He said their combined service represents almost 70 years of service to the City of Asheville.

PUBLIC HEARING - CLOSING PORTION OF INGLEWOOD ROAD

RESOLUTION NO. ____ - RESOLUTION TO CLOSE A PORTION OF INGLEWOOD ROAD

3. A public hearing was held relative to closing a portion of Inglewood Road.

Mayor Ochsenreiter opened the public hearing at 3:08 o'clock p.m.

The City Manager advised that the legal notice of the public hearing was duly advertised relative to the time and date for the public hearing. He presented the affidavit of publication.

Mr. William E. Green, Attorney representing the Asheville Country Club, spoke in favor of closing Inglewood Road as petitioned for by the Asheville Country Club. By use of a map, Mr. Greene reviewed the ownership of the property on both sides of Inglewood Road as well as the exact points of Inglewood Road proposed to be closed. He said the portion proposed to be closed is very narrow and steep with blind

The City Manager said Council could direct the Corporation Counsel to prepare an amendment to the present ordinance making the owner responsible and increasing the penalties.

Councilman Michael suggested that the mail carriers file a report with the Chief of Police on the habitual offenders. If no results are obtained then the City Manager should be sent a copy of the report.

Furman Harris, a Magistrate, said the City should let the magistrates know what to do about citizens complaining of dogs.

Will Burton, of Grail Street, also complained of no action taken by the dog control officers.

PETITION - RESIDENTS OF LONGVIEW, RIDGELAWN, AND GARDEN CIRCLE - POLICE PATROL

The City Manager presented a petition from residents of Longview, Ridgelawn, and Garden Circle asking for more police patrol, signs for a 20 mph zone, and signs for children playing. He said he would look into these complaints.

Vice-Mayor Horton said this area is very congested and faces problems with young drivers going to fast.

CLAIM - JOHN D. STEVENS

The City Manager presented a claim received from Jones and Parker Attorneys on behalf of John D. Stevens.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - BOBBY JACK ROBINSON

The City Manager presented a claim received from James J. Hugenschmidt, Attorney, on behalf of Bobby Jack Robinson.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

AL REED - STATEMENT - RE: GOLF COURSE - WATER IN WEST ASHEVILLE

Mr. Al Reed expressed appreciation to the City of Asheville for the fine condition of the Municipal Golf Course and for upgrading the water. He said he would be happy when the City of Asheville could put a reservoir on the west side of the City

Adjournment.

Eugene F. Ochsenreiter
MAYOR

William J. Metcalf, Jr.
CITY CLERK

He questioned the fact of the City donating Inglewood Road to the Country Club if it is closed. He also questioned whether or not the Country Club had received approval from the Planning and Zoning Commission and Council for their development. He said the private road, which the Country Club proposes to dedicate to the City, does not meet City standards.

Mr. Verl Emrick, Planning Director, said the Country Club development did not meet the criteria set forth in the zoning ordinance for group development review since the building did not exceed 25,000 square feet.

Mr. and Mrs. Edward Schlaefer said they represented a majority of homeowners and residents of Inglewood Road, who supported the closing of Inglewood Road as petitioned by the Country Club. However, these homeowners would like to have the end of Inglewood Road made into a cul-de-sac. They presented a petition containing approximately 60% of the homeowners on Inglewood Road who would like to have the end of Inglewood Road made into a cul-de-sac.

The City Manager said he had also received a petition from residents of Inglewood Road who supported the closing of Inglewood Road as petitioned by the Asheville Country Club and also the dedication of the private road to the City of Asheville for public use.

Mr. and Mrs. Emmett Davis of 57 Inglewood Road, said they did not oppose the closing of Inglewood Road as proposed by the Country Club. They said they did favor the opening of the private road since 75% of the local traffic presently uses the road.

Mr. John Turley of 44 Inglewood Road, spoke in favor of the closing of Inglewood Road. However, Mr. Turley would like a cul-de-sac at the end of the road.

Councilman Rainey requested that the City Manager instruct the Traffic Engineer to obtain a traffic count on Inglewood Road. He also asked that the City Manager obtain an estimate on the cost of the cul-de-sac at the end of Inglewood Road. He said the cul-de-sac should be large enough for fire trucks and school buses.

Mr. Charles David, Vice President of the Asheville Country Club, stated that the Club would cooperate with the residents and the City, whether it be to close the road with a cul-de-sac or the dedication and opening of the private road.

Mr. Hillard Green said Inglewood Road was put in by the original developers of Lakeview Park Commission and the City has never maintained the road since most of the local traffic use the private road owned by the Country Club. He said the Club would merely be exchanging rights-of-way of Inglewood Road and the private road.

Mrs. Lucy Ward, 48 Inglewood Road, also spoke in favor of the closing of Inglewood Road as petitioned with a cul-de-sac being placed at the end of Inglewood Road.

Mayor Ochsenreiter advised that the Council and City staff had nothing to do with the contractor's actions on Inglewood Road and was taking steps to alleviate future problems of this nature.

Councilman Michael said he could not vote on a resolution to give the Asheville Country Club Inglewood Road because it is a segregated club.

Mr. David of the Country Club advised Councilman Michael that the City would not be giving away title to any land since the Club owns the land. He said the City would be merely relinquishing the right-of-way.

curves. He said the Asheville Country Club proposes to construct a practice tee on this property. He indicated that if this public road is closed, the Country Club would dedicate its private road to the City for public use.

Upon inquiry of Council, the City Manager said this project moved along faster than City Council's action. He said when it was brought to his attention that the Asheville Country Club had covered Inglewood Road, the portion proposed to be closed, with dirt, he personally investigated the project. He said it was determined that the action of the Country Club to cover Inglewood Road with dirt had not adversely affected the traffic, due to the fact that local traffic is presently using the private road owned by the Country Club. He then reviewed Section 25-3 of the Code of Ordinances which sets a fine for depositing dirt on City streets. He said if Council desires to leave Inglewood Road open, the Asheville Country Club would be responsible for putting the road back in its original condition. He said it was his understanding that if Council authorizes the closing of Inglewood Road, the Asheville Country Club would dedicate the private road to the City. He suggested that action on the closing of Inglewood Road be delayed until the following can be negotiated with the Asheville Country Club:

1. The dedication of a 40' right-of-way for the private road. (Presently has a 30' right-of-way).

2. A 22' street be constructed of asphalt surface to bring the private road up to City standards, at no cost to the City. He said this work is estimated at $4,000 and would be done by the City with the stipulation that the City would be reimbursed by the Asheville Country Club.

3. Curb and gutter is not a requirement, however, the City would not assume any responsibility for storm drainage.

4. The City would request the Country Club Engineer to locate the tow of their fill and the proposed right-of-way on a plat.

5. The City would require the dedication of a right-of-way for an existing water line, if it is not in the proposed 40' right-of-way.

6. The City would design the lay out of the road.

7. The closing of Inglewood Road be effective upon the completion of the above requirements.

8. That the 40' right-of-way from the Country Club be from Tax Lot 403 to Point B shown on the plat.

Councilman Rainey expressed concern about contractors taking such actions without first contacting the City and following due process of law.

Mr. Lorence Rapoport, 175 Windsor Road, speaking in opposition to the proposed closing, said the contractor is employed by the Asheville Country Club, therefore, the Club would be responsible for the actions of the contractor. He said it was his understanding that if he drives on the private road he would not be insured. He also suggested that since several members of the Council belong to the Country Club they may want to disqualify themselves from voting on the matter due to a conflict of interest.

After discussion, Councilman Morris moved to approve the outdoor advertising sign at 80 Charlotte Street. This motion was seconded by Councilman Michael and carried unanimously.

RESOLUTION NO. 77-110 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A LEASE AGREEMENT WITH THE OPPORTUNITY CORPORATION OF MADISON-BUNCOMBE COUNTIES, INC. TO PERMIT THE OPPORTUNITY CORPORATION TO SUB-LEASE THE SHILOH SCHOOL

7. Consideration was given to a resolution authorizing the Mayor to sign a lease agreement with the Opportunity Corporation of Madison-Buncombe Counties, Inc. to permit the Opportunity Corporation to sub-lease the Shiloh School.

The City Manager said he had received a letter from Lonnie D. Burton, Executive Director of the Opportunity Corporation of Madison-Buncombe Counties, requesting that the City extend the lease agreement for Shiloh School to the Opportunity Corporation for a period of six (6) months until December 31, 1977.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Swilling, Resolution No. 77-110 was unanimously adopted.

Complete text of Resolution No. 77-110 will be found in Resolution Book No. 9 at page 334.

RESOLUTION NO. ___ - RESOLUTION TO THE ALCOHOL ENFORCEMENT DIVISION OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY REGARDING STRICT ENFORCEMENT OF ABC LAWS

8. Consideration was given to a resolution to the Alcohol Enforcement Division of the Department of Crime Control and Public Safety regarding strict enforcement of ABC laws.

The City Manager read the resolution.

Councilman Rainey said this resolution was prepared at his request. He suggested that this resolution be considered at the July 21, 1977 meeting, giving the Corporation Counsel an opportunity to review it as well as giving the citizens an opportunity to voice their opinions. He said on his recent trip to Lexington, KY, he found that Lexington, KY, had amended their zoning ordinance to prohibit bars and taverns in the downtown area. He said this resolution would also reaffirm Council's request to the Alcohol Enforcement Division for strict enforcement of ABC laws in the downtown bars and taverns as well as the sale of liquor to minors.

It was the consensus of Council to consider this resolution at next weeks' work session.

PUBLIC HEARING SCHEDULED - REZONING REQUEST - SAMUEL GRAVES - MONTFORD PLAZA

The City Manager read a letter from the Planning and Zoning Commission relative to rezoning property in the Montford area from R-3 Residential District to Commercial General (CG) District requested by Samuel Graves.

Councilman Hoyle moved to schedule a public hearing on the matter for August 11, 1977. He further moved that the August City Council night meeting be held on August 11, 1977 at 7:30 o'clock p.m. instead of August 4, 1977. This motion was seconded by Councilman Rainey and carried unamimously.

Mrs. Johnson of 24 Inglewood Road, spoke in opposition to the closing of Inglewood Road as petitioned by the Asheville Country Club.

Mrs. Chandler of 28 Inglewood Road also spoke in favor of keeping the private road open.

Mayor Ochsenreiter closed the public hearing at 4:08 o'clock p.m.

Mayor Ochsenreiter said the resolution would be discussed during Council's Tuesday work session and the matter would be considered further after the recommendations of the City Manager are discussed. He advised Mr. Greene, Attorney representing the Asheville Country Club, that Council would notify him when the matter would be considered again.

RESOLUTION NO. 77-108 - RESOLUTION OF APPRECIATION TO THOMAS C. POSEY FOR SERVICES AS A MEMBER OF THE CITY OF ASHEVILLE CIVIL SERVICE BOARD

4. Consideration was given to a resolution of appreciation to Thomas C. Posey for services as a member of the City of Asheville Civil Service Board.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 77-108 was unanimously adopted.

Complete text of Resolution No. 77-108 will be found in Resolution Book No. 9 at page 332.

RESOLUTION NO. 77-109 - RESOLUTION OF APPRECIATION TO CHARLES W. DERMID FOR SERVICES AS A MEMBER AND VICE-CHAIRMAN OF THE CITY OF ASHEVILLE CIVIL SERVICE BOARD

5. Consideration was given to a resolution of appreciation to Charles W. Dermid for services as a member and vice-chairman of the City of Asheville Civil Service Board.

Councilwoman Swilling read the resolution.

Upon motion of Councilwoman Swilling, seconded by Councilman Rainey, Resolution No. 77-109 was unanimously adopted.

Complete text of Resolution No. 77-109 will be found in Resolution Book No. 9 at page 333.

APPROVAL OF AN OUTDOOR ADVERTISING SIGN AT 80 CHARLOTTE STREET

6. The City Manager read a memorandum from Gary Lance, Building Inspections Supervisor, which stated that "On July 1, 1977, Lamar Dean made application for erection of sign at 80 Charlotte Street within Six Hundred (600) feet of the Crosstown Expressway. Ordinance #322, being the Zoning Ordinance of the City of Asheville, Article 9, "Sign Regulations" Section B. Paragraph 7, requires that this be approved by the City Council."

The sign will be a four faced sign, three hundred (300) square foot per face, total of twelve hundred (1200) square feet and shall be required to meet a thirty (30) foot setback from edge of existing pavement or highway. The sign complies with the requirements of the sign ordinance.

COUNCILMAN RAINEY - PORNOGRAPHY SHOPS AND PORNOGRAPHY PRIVATE CLUBS

Councilman Rainey referring to his resolution regarding amending the zoning ordinance to exclude all bars and taverns in the downtown area, asked that pornography shops and pornography private clubs also be included.

Adjournment.

Eugene V. Rigsby
MAYOR

William J. Mecca
CITY CLERK

REPORT - NASTY BRANCH STUDY

The City Manager said that copies of the Nasty Branch Area Study were distributed to the Council on Tuesday. He said the cost of this study was funded by Community Development funds. He said this study would be helpful in planning for the development of the Eastend and the Valley Street area, particularly the parts that were not included in the East Riverside Urban Renewal Program.

CLAIM - TIM BRANSON

The City Manager presented a claim for damages from Tim Branson.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - MRS. CHARLES ENGLUND

The City Manager presented a claim for damages from Mrs. Charles Englund.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

VICE-MAYOR HORTON - BAPTIST HOME FOR THE AGING

Vice-Mayor Horton asked the City Manager if there had been any decision reached on the request from the Baptist Home for the Aging to be annexed into the City.

The City Manager said a report on this matter would be given to Council at next weeks' Tuesday work session.

VICE-MAYOR HORTON - PRIVILEGE TAXES

Vice-Mayor Horton expressed concern about the billing for privilege taxes this year. He said there had been a report that some businesses were not paying their privilege taxes.

The City Manager said he would look into the matter.

VICE-MAYOR HORTON - OBSCENITY

Vice-Mayor Horton said that many civic groups and residents have asked what might be done about controlling and eliminating obscenity in the community. He said the State Legislature took positive action this year with the adoption of a revised public nuisance statute which now covers obscenity and pornography as a controllable public nuisance. He said the statute would not be effective until August 1. He said this revised statute needs to be reviewed in order to determine what must be done for early implementation and enforcement. He said a meeting had been scheduled with District Attorney Bob Fisher on the matter and a report on the outcome of the meeting should be ready next week.

PROCLAMATION - CYSTIC FIBROSIS WEEK - JULY 11 - 15, 1977

Mayor Ochsenreiter proclaimed the week of July 11-15, 1977 as "Cystic Fibrosis Week."

By use of a map, Mr. Emrick reviewed the proposed boundaries for the extraterritorial jurisdiction.

Councilman Morris moved to schedule a public hearing on the matter for August 11, 1977 at 7:30 o'clock p.m. This motion was seconded by Councilman Hoyle and carried unanimously.

PUBLIC HEARING - CLOSING OF AN ALLEY BETWEEN CAROLINA LANE AND LEXINGTON AVENUE

4. A public hearing was held relative to the closing of an alley between Carolina Lane and Lexington Avenue.

Mayor Ochsenreiter opened the public hearing at 3:26 o'clock p.m.

The City Manager presented the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. W. Louis Bissette, Jr., Attorney representing Mr. John L. Lantzius who is owner of all the property adjoining the alleyway proposed to be closed, spoke in favor of closing the alley which connects Lexington Avenue with Carolina Lane. He said that the closing of the alley is not contrary to the public interest and that no property owners would be deprived of reasonable ingress or egress to their property. He advised Council of Mr. Lantzius' plans to develop this area. He explained that if the alley remains open, the vehicular traffic would adversely affect the concept.

Mr. John E. Reid, architect for the proposed project, described the area as "a place strictly for people." He said that most all of the proposed shops in the development would have access to the courtyard and that the plan is to allow the existing alley to remain open for emergency vehicles. He said that several businesses have already shown their interest in moving into the area.

Mr. Carl W. Loftin, Attorney representing A. J. Richa who is the owner of Oriental Rug Company at 51 Broadway, opposed the closing of the alley and questioned the ownership of the surrounding property. Mr. Bissette explained the portions of property owned or under contract by Mr. Lantzius.

Fire Chief Powell Ball advised that he had inspected the area and that he saw no problem with furnishing adequate fire protection if the alley remained available for emergency use.

Mr. Loftin said he had counted 30 vehicles parked in Carolina Lane and that frequently the northern end of Carolina Lane is blocked by cars and trucks that are parked there in violation of the "no parking" signs. He said since Carolina Lane is a one-way street, going north, cars have no way out except through the alley. He presented a petition, signed by all of the owners (except one) of the businesses along Broadway that abut on Carolina Lane, opposing the closing of the alley. Mr. Loftin said that the closing of the alley would deprive the people of reasonable ingress to and egress from their properties.

Councilman Rainey asked the City Manager if it was legal to park cars along Carolina Lane. He was advised that there were several "no parking" signs along the alley, which no doubt are being ignored by some individuals.

Councilman Rainey commented that perhaps if the alley is closed and the proposed development is built, businesses along Carolina Lane might be enhanced by the increased traffic. Also, he suggested removing the gate, putting up some trees outside the 10 foot wide alley and the erection of a sign saying "Closed Except To Emergency Traffic."

Thursday - July 21, 1977 - 3:00 o'clock p.m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Gene E. Rainey, Acting Corporation Counsel Robert J. Robinson, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Otis B. Michael and Corporation Counsel William C. Moore

APPROVAL OF MINUTES

1. Approval of the minutes of the July 7, 1977 meeting and the July 14, 1977 meeting.

The City Manager said the minutes of the July 7, 1977 meeting had been revised to reflect that Councilman Morris' motion, relative to McLean Street, did in fact delete the paragraph referring to the fact that there was no opposition. Vice-Mayor Horton then moved to approve the minutes of the July 7, 1977 meeting. This motion was seconded by Councilman Hoyle and carried unanimously.

Vice-Mayor Horton requested that the sentence relative to obscenity, shown on page 121, be amended to read as follows: "He said the State Legislature took positive action this year with the adoption of a revised public nuisance statute which now covers obscenity and pornography as a controllable public nuisance."

With this amendment, Councilman Rainey made a motion to approve the minutes of the July 14, 1977 meeting. This motion was seconded by Vice-Mayor Horton and carried unanimously.

ORDINANCE NO. 954 - AN ORDINANCE ESTABLISHING A DOWNTOWN REVITALIZATION COMMISSION

2. Consideration was given to the second reading of Ordinance No. 954, an ordinance establishing a Downtown Revitalization Commission.

Mayor Ochsenreiter said a work session had been held relative to the ordinance at which time several amendments were suggested. He said these amendments were partially a result of a recent visit to Lexington, KY, by Mr. Emrick and Councilmen Rainey and Hoyle, to review Lexington's Downtown Revitalization Project.

Mr. Verl Emrick, Planning Director, re-read the proposed ordinance incorporating the amendments suggested in the work session.

Mayor Ochsenreiter said that Council would review the ordinance again in Tuesday's work session.

On a roll call vote of 5-0, Ordinance No. 954 passed on its second reading.

PUBLIC HEARING SCHEDULED - REDESIGNATION OF THE CITY OF ASHEVILLE EXTRATERRITORIAL JURISDICTION

3. Verl Emrick, Planning Director, said since there had recently been adverse opinions relative to the City's extraterritorial jurisdiction boundaries, he would suggest that Council readopt the zoning ordinance in its entirety being more distinct in the established boundaries as well as being more definitive in the notice to the public relative to the boundaries. He said this action would require that Council schedule a public hearing on the matter.

and Mrs. Brenda Dry were still objecting to the rezoning.

Mr. Emrick presented a revised plan given to him by Mr. Alan Butterworth.

Mr. Butterworth, spoke in favor of the rezoning, stating that it is their intention to demolish the existing gas station and old house now on the property, and redevelop the property for a restaurant. He said this will require a lot of parking spaces and it was their original intent to utilize the front and back of the lots for parking. He said, after consulting with Mrs. White, a property owner who is opposed to the rezoning, it was decided that the back of the lots would be used strictly for employee parking. He said he felt the proposed development would improve the surrounding properties.

Upon inquiry of Councilman Rainey, Mr. Butterworth said a green belt, double row of white pines, is proposed between the employee parking lot and the adjoining residential property.

Mrs. White spoke in opposition to the rezoning, stating that she did not want a parking lot in her back yard. She said this would cause continuous traffic and noise.

Upon inquiry of Mr. Reese, a property owner in the area, Mr. Butterworth advised that there would be no access to Reed Street.

Mayor Ochsenreiter then called for a 10 minute recess.

After discussion, Mayor Ochsenreiter closed the public hearing at 4:50 o'clock p.m.

The City Manager read the ordinance rezoning the property as recommended by the Planning and Zoning Commission.

Councilman Morris moved for the adoption of Ordinance No. 967. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 5-0, Ordinance No. 967 passed on first reading.

RESOLUTION NO. 77-111 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE A RIGHT-OF-WAY AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF A 16-INCH WATER LINE ON STATE ROAD 3412 - 3414 (SAND HILL ROAD) IN ASHEVILLE, NORTH CAROLINA

6. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way agreement with the North Carolina Department of Transportation for the installation of a 16-inch water line on State Road 3412-3414 (Sand Hill Road) in Asheville, North Carolina.

The City Manager read the resolution.

Upon motion of Councilwoman Swilling, seconded by Vice-Mayor Horton, Resolution No. 77-111 was unanimously adopted.

Complete text of Resolution No. 77-111 will be found in Resolution Book No. 9 at page 335.

Mayor Ochsenreiter closed the public hearing at 4:05 o'clock p.m.

The City Manager read the resolution.

Councilwoman Swilling moved to amend the resolution by deleting that portion referring to the fact that, "no individual owning property within the vicinity of the alley would be deprived of reasonable ingress or egress to his or her property." This motion was seconded by Councilman Rainey.

Acting Corporation Counsel Robert J. Robinson said according to the N. C. General Statutes 160A-299, the portion proposed to be deleted by Councilwoman Swilling is part of the criteria for the requirements of closing a street.

Councilman Rainey then suggested that the resolution be amended to close the alley to vehicular use, except for emergency vehicles.

Councilwoman Swilling withdrew her motion and Councilman Rainey withdrew his second.

Councilwoman Swilling moved for the adoption of the resolution as read. This motion was seconded by Councilman Rainey.

After some discussion, Councilman Morris moved to table the resolution until the July 28, 1977 meeting, giving Council members an opportunity to determine if the closing of the alley would deprive adjoining property owners "reasonable" ingress or egress to their property. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Councilwoman Swilling asked the City Manager for his opinion as to whether or not a traffic count on Carolina Lane would be advantageous.

The City Manager said he would investigate.

PUBLIC HEARING - REZONING PROPERTY ON FAIRVIEW AND REED STREET

5. Public hearing relative to rezoning property on Reed Street and Fairview Street, from R-3 Residential District to CH Commercial Highway, property owned by Alan and Lucy Butterworth and Robert A. and Ann B. Harroff.

Mr. Emrick reviewed the background of the rezoning request reiterating that the Planning and Zoning Commission had recommended approving the request, in part, by extending the Commercial Highway Zone back to the existing R-3 Residential District, thereby disapproving the request to rezone the rear portions of lots 25 & 26. The reason for denying rezoning the rear portions of Lots 25 & 26 was because this could provide a point of access onto a street which would not adequately accommodate volumes of traffic created by the proposed use as well as adversely affecting adjoining residential property on Reed Street by increased traffic and noise.

By use of a map, Mr. Emrick pointed out that the original petition included Lots 25 & 26. The staff recommendation was to block the full usage of Lots 25 and 26. He said the reason that the recommendation was given is that the widening of US 25 is eminent and in order to more fully utilize the subject property, the Planning and Zoning Commission did recommend the approval to Council.

Mr. Emrick said as a result of protest petitions, which have been submitted, the twenty percent (20%) protest rule would still apply to this rezoning, which would require a favorable vote of three-fourths of all members of City Council for final approval. He said that Mr. Souther, one of the original petitioners who owns a lot in the area, has withdrawn his objection. He said Mr. & Mrs. Daniel D. Byrd, Mrs. White,

Complete text of Resolution No. 77-112 will be found in Resolution Book No. 9 at page 336.

RESOLUTION NO. 77-113 - RESOLUTION TO THE ALCOHOL ENFORCEMENT DIVISION OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

10. Consideration was given to a resolution to the Alcohol Enforcement Division of the Department of Crime Control and Public Safety.

The City Manager read the resolution.

Upon motion of Councilman Rainey, seconded by Councilwoman Swilling, Resolution No. 77-113 was unanimously adopted.

Councilman Rainey said this resolution would reaffirm Council's request to the Alcohol Enforcement Division for strict enforcement of ABC laws in the downtown bars and taverns as well as the sale to minors.

Vice-Mayor Horton suggested that Council amend the resolution in the third Whereas to read as follows: "Whereas, the Alcohol Enforcement Division has performed an outstanding job of enforcing ABC laws during the past year in regard to area bars and taverns and sales to minors." He further suggested that the following paragraph be amended "The Alcohol Enforcement Division also be requested to maintain its high level of enforcement of ABC laws prohibiting the sale of alcoholic beverages to minors."

Councilman Rainey and Councilwoman Swilling accepted Vice-Mayor Horton's amendments.

Complete text of Resolution No. 77-113 will be found in Resolution Book No. 9 at page 337.

COUNCILMAN RAINEY - ELIMINATION OF DOWNTOWN BARS, TAVERNS, PORNOGRAPHY SHOPS AND PORNOGRAPHY CLUBS

Councilman Rainey asked the City Manager to prepare an amendment to the zoning ordinance that will exclude bars, taverns and pornographic shops and clubs from the downtown area. He noted that on his recent trip to Lexington, KY, Lexington had amended their zoning ordinance to prohibit bars and taverns in the downtown area and he would like to see the same type of amendment in the City's zoning ordinance. He explained that this would not affect bars in restaurants, but only bars where beer and wine is the main sale.

Mr. Bill Bartlett, owner of a downtown bar, spoke in opposition to this amendment in the zoning ordinance.

Mayor Ochsenreiter said this suggestion could be considered by the Downtown Committee.

Councilman Morris questioned the possibility of bars and taverns moving into residential neighborhoods, if the bars and taverns were moved from downtown. He said this would only be creating problems for the residential areas.

VICE-MAYOR HORTON - DOOBIE BROTHERS

Vice-Mayor Horton reminded Council of their intent to attend the Doobie Brothers Concert on July 28, 1977 to observe the festival seating arrangement to see how well it is carried out from the standpoint of crowd control and keeping things on an acceptable level of activity in the community.

PUBLIC HEARING SCHEDULED - GROUP DEVELOPMENT - U.S. POSTAL SERVICE, GENERAL MAIL FACILITY

7. The City Manager read a letter from the Planning and Zoning Commission which recommended approval of the site plan of the proposed general mail facility to be located on N. C. 191 (Brevard Road) subject to the recommendations of the Water and Sewer Department.

Councilman Hoyle moved to schedule a public hearing on the matter for August 18, 1977. This motion was seconded by Councilman Morris and carried unanimously.

ORDINANCE NO. 968 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

8. Consideration was given to an ordinance amending the operating budget of the City of Asheville for fiscal year 1977-78 (appropriating $47,032 in the Federal Programs fund for the operation of the North Carolina Youth Conservation Corps.)

The City Manager read the ordinance.

The City Manager advised that Council had approved the operation of the North Carolina Youth Conservation Corps on March 10, 1977. However, confirmation of the total grant amounts was not received when the 1977-78 General Operating Budget was adopted. Therefore, funding for the operation of this program was not included in the City's operating budget for fiscal year 1977-78. He said this ordinance would appropriate $47,032 in the Federal Programs fund for the operation of the project.

Councilman Morris moved for the adoption of Ordinance No. 968. This motion was seconded by Councilwoman Swilling.

On a roll call vote of 5-0, Ordinance No. 968 passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 968. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 968 passed on second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 968. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 968 passed on third and final reading.

Complete text of Ordinance No. 968 will be found in Ordinance Book No. 7 at page 167.

RESOLUTION NO. 77-112 - RESOLUTION CALLING FOR A PUBLIC HEARING REGARDING THE ESTABLISHMENT OF A RAMP FEE FOR TRANSIENT GENERAL AVIATION AIRCRAFT AT THE ASHEVILLE AIRPORT

9. Consideration was given to a resolution calling for a public hearing regarding the establishment of a ramp fee for transient general aviation aircraft at the Asheville Airport.

The City Manager read the resolution.

Vice-Mayor Horton moved for the adoption of Resolution No. 77-112, scheduling the public hearing for August 18, 1977. This motion was seconded by Councilman Hoyle and carried unanimously.

Thursday - July 28, 1977 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Gene E. Rainey, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Otis B. Michael

PROCLAMATION - MINORITY BUSINESS ENTERPRISE WEEK

Mayor Ochsenreiter proclaimed the week of July 25, 1977 as Minority Business Enterprise Week.

APPROVAL OF MINUTES

1. Approval of the minutes of the July 21, 1977 meeting.

Vice-Mayor Horton noted that a change should be made in Item #10 relative to Resolution No. 77-113 by changing the language of the motion to read: "Councilman Rainey moved adoption of the resolution, which was seconded by Councilwoman Swilling." and to change the last sentence in Item #10 to read: "Councilman Rainey and Councilwoman Swilling accepted Vice-Mayor Horton's amendments and the resolution was unanimously adopted."

With these amendments, Vice-Mayor Horton moved to approve the minutes of the July 21, 1977 meeting. This motion was seconded by Councilman Rainey and carried unanimously.

PUBLIC HEARING - CLOSING OF A PORTION OF TAFT STREET

RESOLUTION NO. 77-114 - RESOLUTION TO CLOSE A PORTION OF TAFT STREET

2. A public hearing was held relative to the closing of a portion of Taft Street.

Mayor Ochsenreiter opened the public hearing at 3:06 o'clock p. m.

The City Manager advised that the notice to the public had been given in the form of Resolution No. 77-104. He presented the affidavit of publication. He also presented affidavits that the street had been posted and that certified letters were sent to all adjacent property owners, advising of the public hearing date, all in accordance with the North Carolina General Statutes.

Bill Morris, attorney representing the Asheville City Board of Education, explained that the owners of the property bounded by the portion of Taft Street proposed to be closed are the Asheville City Board of Education and the Trustees of the Hill Street Baptist Church. He said these two owners are the petitioners for the closing. He said the petitioners propose to exchange properties owned on each side of the street in order that the Asheville City Board of Education would have a contiguous tract and that property belonging to the Trustees of the Hill Street Baptist Church would be a contiguous tract. He said the portion of Taft Street proposed to be closed is not presently used and is covered with weeds and debris. He said the adjacent property owners could use Butterick Street and Roosevelt Street thereby not depriving anyone of a reasonable means of ingress and egress to their property.

E. R. MCCARTHY - PAVEMENT REPAIR

Mr. E. R. McCarthy observed that the sidewalks on College Street and Lexington Avenue were in need of repair and also the manhole covers on College Street.

K. M. MICHALOVE - ASSISTANT CHIEF OF POLICE GENE JARVIS

The City Manager announced that Assistant Chief of Police Gene Jarvis, was recently elected President of the Carolina Chapter of the F. B. I. National Academy Graduates.

Mayor Ochsenreiter said Mr. J. W. Byer of the ABC Board was chosen as Vice-President of the State Association.

RALPH BISHOP - LOTTERY SALES

Mr. Ralph Bishop again complained to Council that the City Manager and the Police Department was doing nothing about the lottery sales in the City of Asheville.

Adjournment.

Eugene C. Ochsenreiter
MAYOR

Marian T. Metcalf
CITY CLERK

Councilman Morris moved to amend Ordinance No. 954 to include the changes as read by the Planning Director. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 954 passed on its third and final reading.

Complete text of Ordinance No. 954 will be found in Ordinance Book No. 7 at page 133.

Councilwoman Swilling expressed appreciation to the Planning Director and his staff for their efforts in preparing the ordinance.

Mayor Ochsenreiter said the Commission itself would be appointed at next week's Council meeting.

ORDINANCE NO. 967 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Rezoning property on Reed Street and Fairview Street)

5. Consideration was given to the second reading of Ordinance No. 967, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, rezoning property on Reed Street and Fairview Street from R-3 Residential District to CH Commercial Highway District, property owned by Alan and Lucy Butterworth and Robert and Ann Harroff.

Verl Emrick, Planning Director, said Mr. Butterworth had presented a letter signed by Mr. and Mrs. Byrd withdrawing their opposition to the rezoning. He said this along with the withdrawal of Mr. Souther, last week, decreases the number of allocations of square footage in order that the 20% protest rule would not apply allowing for a simple majority vote of Council to pass the rezoning request.

Mr. Butterworth advised that he had met with the adjoining property owners during the past week in order to arrive at an equitable plan that everybody would be satisfied with. He said his plans had been changed to satisfy Mrs. R. B. White, whose property adjoins the property in question. He said the existing bank would be moved back and a 20' wide green belt is planned all the way across Mrs. White's property. He said no filling will be extended within 20' of Mrs. White's property. He said a row of white pines would also be placed at the top of the slope, at the request of Mrs. White, to allievate head lights from beaming on Mrs. White's bedroom.

Mrs. White said she would like the provisions, specified by Mr. Butterworth, to be put in writing and that she felt a fence should be placed between her property and the proposed parking lot.

Mr. Emrick cautioned Council that there is nothing Council can do, legally, to bind Mr. Butterworth to his plan. He said Council can not require Mr. Butterworth to give a written statement that he will follow the proposed plan as a condition to the rezoning. He said the only thing Council can impose upon him as far as a condition for rezoning the property is a buffer zone. He said the agreement between Mr. Butterworth and Mrs. White would be a "gentleman's agreement" only.

After discussion, Mayor Ochsenreiter closed the public hearing at 3:18 o'clock p. m.

The City Manager read the resolution to close a portion of Taft Street.

Upon motion of Councilman Morris, seconded by Vice-Mayor Horton, Resolution No. 77-114 was unanimously adopted.

Complete text of Resolution No. 77-114 will be found in Resolution Book No. 9 at page 338.

RESOLUTION NO. 77-115 - RESOLUTION CLOSING AN ALLEY BETWEEN LEXINGTON AVENUE AND CAROLINA LANE IN ITS ENTIRETY

3. Consideration was given to a resolution closing an alley between Lexington Avenue and Carolina Lane in its entirety.

The City Manager noted that the public hearing on the matter was held on July 21, 1977. He said during the past week the Police Department had checked Carolina Lane on the average of six (6) times daily during the hours of 8 a. m. and 5 p. m. for traffic violations. He said no parking signs are on the east side and two loading zone signs on the west and at no time were any parking violations found. He also said a traffic count was taken on Monday, July 25, 1977, on Carolina Lane which revealed 234 vehicles for a ten (10) hour period, 7 a. m. to 5 p. m.

There being no further comments regarding the matter, the City Manager was requested to read the resolution closing the alley between Lexington Avenue and Carolina Lane.

Upon motion of Councilman Rainey, seconded by Vice-Mayor Horton, Resolution No. 77-115 was unanimously adopted.

Complete text of Resolution No. 77-115 will be found in Resolution Book No. 9 at page 340.

ORDINANCE NO. 954 - AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE BODY KNOWN AS THE ASHEVILLE REVITALIZATION COMMISSION

4. Consideration was given to the third and final reading of Ordinance No. 954, an ordinance establishing an administrative body known as the Asheville Revitalization Commission.

Mayor Ochsenreiter advised that the ordinance was previously read on two readings and members of Council have been furnished copies of the ordinance and it would not be re-read in its entirety unless there is a specific request to do so.

Verl Emrick, Planning Director, said since the second reading of the ordinance Council reviewed the ordinance and made several language amendments. He briefly discussed the changes suggested by Council stating that the primary changes were the naming of the commission and the insertion of a section allowing appeals of commission decisions to Council.

The Assistant City Manager read the resolution. He also read a letter from Joan M. Hall opposing the establishment of fees at Aston Park Tennis Courts.

Dick Covington said in the past he had served as a consultant for such matters. He said he felt these matters should be administratively initiated by the department head, being the Recreation Director. He said in 1973 he prepared, at the direction of the Parks and Recreation Advisory Board, a report with recommendations and suggestions as to the methods of operation of the Aston Park Tennis Center. He presented members of Council with a copy of the report. He proposed that Council sublet the Courts to a professional tennis director for operation. He said this type operation was being done at most of the Parks and Recreation Centers in the United States.

Councilman Rainey said he did not favor the establishment of the proposed fees because they had first been considered when no tax increase was contemplated. However, since that time Council adopted a budget with a tax increase. He said he would not be opposed to charging non-city residents a charge for a permit for playing on the courts with the charge to city residents being nominal, to cover administrative cost only.

Mayor Ochsenreiter told Mr. Covington that he should present his proposal to the Parks and Recreation Advisory Board for consideration.

Ray Kisiah, Parks and Recreation Director, said the recommendation of the Parks and Recreation Advisory Board to establish fees at Aston Park Tennis Courts came as a direct result of a request by Council to come up with $10,000 in revenues from the Parks and Recreation Department. He said several alternatives were considered but the Board felt this approach was the most feasible. He further pointed out that there are tennis courts in various neighborhoods of the City, constructed of asphalt or concrete, available to all residents without supervision, free of charge. He said six more asphalt courts are planned, within the next 12 months, for the East Riverside Urban Renewal Area which is in close proximity to the Aston Park Tennis Courts.

Mayor Ochsenreiter said he felt there was a need to generate revenue to be put into a capital reserve for maintenance of the courts.

Mayor Ochsenreiter called for a five (5) minute recess of Council at 4:30 o'clock p. m.

Council reconvened the meeting at 4:38 o'clock p. m.

After discussion, Vice-Mayor Horton moved for the adoption of the resolution as presented. This motion was seconded by Councilman Hoyle.

Councilman Rainey then offered the following amendment to the resolution:

"Change Item #2 to read as follows:

2. An annual permit shall be available to residents other than the City of Asheville as follows:

(a) Individual resident	$35.00
(b) For the second member of his/her immediate family	$15.00
(c) For each successive member of that immediate family	$10.00

Councilman Rainey said he was aware that this would only be a "gentleman's agreement". However, he suggested that the provisions proposed by Mr. Butterworth be spelled out in the minutes and a copy of them given to Mrs. White.

Corporation Counsel Moore suggested that Mr. Butterworth write Mrs. White a letter outlining the provisions proposed for the new development.

Councilman Rainey said he wanted the minutes to show that Mr. Butterworth may be at a disadvantage if the North Carolina Department of Transportation takes more right of way property than is presently proposed. He said if this happens Mr. Butterworth may not be able to meet the parking spaces required by the Asheville Zoning Ordinance. He said he would hope that the Board of Adjustment and the Inspection Division would be very lenient in their interpretation of these requirements.

Mr. Butterworth said he would give Mrs. White a letter outlining his proposed plans stating that there would be no parking in the green belt area and no filling within 20' of her property.

On a roll call vote of 5-0, Ordinance No. 967 passed on its second reading.

RESCHEDULING PUBLIC HEARING- READOPTION OF ZONING ORDINANCE AND EXTRATERRITORIAL JURISDICTION

6. Verl Emrick, Planning Director, advised that at last week's meeting Council scheduled a public hearing for the re-adoption of the Zoning Ordinance for the City of Asheville and the extraterritorial jurisdiction for August 11, 1977. However, after conferring with the Corporation Counsel it was determined that the entire Zoning Ordinance, with all the amendments thereto, would have to be re-read which would take some time. He suggested that Council schedule the public hearing at a special meeting for August 23, 1977.

Councilman Morris moved to schedule a public hearing on the matter for August 23, 1977 at 2:00 o'clock p. m. This motion was seconded by Councilwoman Swilling and carried unanimously.

PUBLIC HEARING SCHEDULED - THOM'S CABLEVSION REQUEST FOR AMENDMENT TO THE FRANCHISE ORDINANCE

7. The Assistant City Manager read a letter from Max O. Cogburn, Sr., Attorney for Thoms Cablevision, requesting a public hearing for an amendment to the Franchise Ordinance to increase authorized rates and to clarify the provisions of the ordinance relative to establishment of rates.

Councilwoman Swilling moved to schedule a public hearing on the matter for August 25, 1977. This motion was seconded by Councilman Hoyle and carried unanimously.

RESOLUTION NO. _____ RESOLUTION ESTABLISHING FEES FOR THE USE OF ASTON PARK TENNIS COURTS

8. Consideration was given to a resolution establishing fees for the use of Aston Park Tennis Courts.

RESOLUTION NO. 77-117 - RESOLUTION DESIGNATING AN ARCHITECT FOR THE SHILOH RECREATION CENTER

10. Consideration was given to a resolution designating an architect, Mr. Terrance F. Roylance, for the Shiloh Recreation Center.

The City Manager read the resolution.

Upon motion of Councilwoman Swilling, seconded by Councilman Rainey, Resolution No. 77-117 was unanimously adopted.

Complete text of Resolution No. 77-117 will be found in Resolution Book No. 9 at page 345.

RESOLUTION NO. 77-118 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY AGREEMENT WITH THE SOUTHERN RAILWAY COMPANY CONCERNING A WATER LINE AND SEWER PIPE LINE

11. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way agreement with the Southern Railway Company concerning a water line and sewer pipe line.

The City Manager read the resolution.

The Assistant City Manager explained that the right-of-way is for water and sewer lines to serve the proposed new Victoria Health Care Center that will be constructed on Vernon Road. The developer, Victoria Health Care, Inc. has already paid Southern Railway Company $350.00 for the right-of-way.

Upon motion of Councilman Hoyle, seconded by Councilwoman Swilling, Resolution No. 77-118 was unanimously adopted.

Complete text of Resolution No. 77-118 will be found in Resolution Book No. 9 at page 346.

RESOLUTION NO. 77-119 - RESOLUTION APPOINTING MEMBERS TO THE RECREATION BOARD FOR ASHEVILLE (Mr. William M. Rocamora and Mr. Frank T. Leppert)

12. Consideration was given to a resolution appointing members to the Recreation Board for Asheville.

The City Manager read the resolution reappointing Mr. William M. Rocamora and Mr. Frank T. Leppert members of the Recreation Board for Asheville.

Upon motion of Councilman Morris, seconded by Vice-Mayor Horton, Resolution No. 77-119 was unanimously adopted.

Complete text of Resolution No. 77-119 will be found in Resolution Book No. 9 at page 347.

RESOLUTION NO. 77-120 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE LIBRARY BOARD (Anthony Lord and Mrs. J. W. Snow)

13. Consideration was given to a resolution appointing members to the Asheville Library Board.

and to add a new Section 3 to read as follows: "(3) An annual permit shall be available to residents of the City of Asheville for $2.00 for each member of the family", with the present Sections 3, 4, and 5 becoming Sections 4, 5, and 6. This motion was seconded by Councilwoman Swilling.

Councilman Morris said the beginning intent was to create a user charge in order that the taxpayer who does not play tennis would be less burdened. He said the proposed amendment expresses an interest of Council to provide recreation at a nominal expense as well as a concern for the fact that the City provides a substantial amount of recreation for people who do not live in the City and does not pay for it. However, he said he felt the amendment would defeat the main purpose of generating revenues for the operation of the courts.

On a voice vote, Councilman Rainey's amendment was defeated on a vote of 3-2, with Councilwoman Swilling and Councilman Rainey voting "aye" and Vice-Mayor Horton, Councilman Morris and Councilman Hoyle voting "no".

Mayor Ochsenreiter then called for a voice vote on Vice-Mayor Horton's motion to adopt the resolution as presented.

On a voice vote of 3-2, the resolution was defeated with Vice-Mayor Horton and Councilman Hoyle voting "aye" and Councilwoman Swilling, Councilman Rainey and Councilman Morris voting "no".

Councilman Morris suggested that the matter be sent back to the Parks and Recreation Advisory Board for further consideration. He said they should consider the matter without any income involved but from the standpoint of what is fair and what it would take to maintain the courts in good condition. He said Council should give the Parks and Recreation Advisory Board some latitude in charging fees without having to seek approval of Council. He requested that the Parks and Recreation Director confer with the Corporation Counsel on setting up a policy of giving the Parks and Recreation Department "blanket authorization" to institute fees.

Mayor Ochsenreiter instructed that a register be taken for the next six to eight weeks at the Aston Park Tennis Courts to determine who plays at the courts.

RESOLUTION NO. 77-116 - RESOLUTION ESTABLISHING FAIR MARKET VALUE FOR A PORTION OF CERTAIN PROPERTY IMMEDIATELY ADJACENT TO WEST ASHEVILLE PARK AND AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO PROCEED WITH ACQUISITION OF SAID PROPERTY

9. Consideration was given to a resolution establishing fair market value for a portion of certain property immediately adjacent to West Asheville Park and authorizing the Director of Parks and Recreation to proceed with acquisition of said property.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, Resolution No. 77-116 was unanimously adopted.

Complete text of Resolution No. 77-116 will be found in Resolution Book No. 9 at page 342.

Upon motion of Councilman Rainey, seconded by Councilwoman Swilling, Resolution No. 77-123 was unanimously adopted.

Complete text of Resolution No. 77-123 will be found in Resolution Book No. 10 at page 1.

RESOLUTION NO. 77-124 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE AREA CIVIC CENTER COMMISSION (Ray Spells and Marvin Chambers)

17. Consideration was given to a resolution appointing members to the Asheville Area Civic Center Commission.

The City Manager read the resolution appointing Mr. Ray Spells and Mr. Marvin Chambers as members of the Asheville Area Civic Center Commission.

Upon motion of Councilwoman Swilling, seconded by Vice-Mayor Horton, Resolution No. 77-124 was unanimously adopted.

Complete text of Resolution No. 77-124 will be found in Resolution Book No. 10 at page 3.

REQUEST FROM RESIDENTS OF GARDEN CIRCLE- LONGVIEW ROAD- RIDGELAWN ROAD - SPEED LIMIT AND CHILDREN PLAYING SIGNS - POLICE PATROL

18. The City Manager reported that, at the request of the residents of Garden Circle, Longview Road, and Ridgelawn Road, speed limit signs and children playing signs have been erected in the area and the Police Department is patrolling the area as frequently as possible.

REPORT FROM CITY MANAGER - RUNWAY EXTENSION AT ASHEVILLE AIRPORT

The City Manager reported that for over two years the City has been working toward an addition at the Asheville Airport for a runway extension. He said one of the major problems with this project had been obtaining permission from W. H. Fitzpatrick, Henderson County property owner, to obtain fill dirt from his property. However, after discussions the City Council decided to change the plan, at a cost of almost $1 million, so that all needed fill would be taken from the airport property itself. He said after meeting with Mr. Fitzpatrick on July 27, 1977 and explaining the new proposed plan Mr. Fitzpatrick gave the City a letter stating that he did not oppose the airport runway extension. He said with the federal governments' fiscal year ending September 30, and a funding commitment from the FAA needed by that time, Mr. Fitzpatrick's withdrawal of opposition is expected to help the City get the needed FAA approval so the project can proceed.

E. R. McCARTHY - CIVIC CENTER TICKETS

Mr. E. R. McCarthy said that someone told him that Mr. Paul Goodman, Chairman of the Civic Center Commission, is said to have presented to the Mayor the statement that he would block out the first two rows, or the best seats, at any given presentation, to be furnished to persons that he deemed should occupy them and the seats would not be available to the general public. He said he was asked to find out if Mr. Goodman was going to be allowed to do this or if the information was erroneous.

The City Manager read the resolution reappointing Anthony Lord and Mrs. J. W. Snow members of the Asheville Library Board.

Upon motion of Councilman Rainey, seconded by Councilman Hoyle, Resolution No. 77-120 was unanimously adopted.

Complete text of Resolution No. 77-120 will be found in Resolution Book No. 9 at page 348 .

RESOLUTION NO. 77-121 - RESOLUTION APPOINTING MEMBERS OF BOARD OF ELECTRICAL EXAMINERS AND MEMBERS OF BOARD OF EXAMINERS OF MOTION PICTURE OPERATORS

14. Consideration was given to a resolution appointing members of Board of Electrical Examiners and members of Board of Examiners of Motion Picture Operators.

The City Manager read the resolution reappointing Frank Davis, Rex Blakeny, Walter Harlow, J. Michael Boozer, and Malachie Cromartie members of the Board of Electrical Examiners and L. B. Simmons and Roy Gibbs members of the Board of Examiners of Motion Picture Operators.

Upon motion of Councilwoman Swilling, seconded by Councilman Morris, Resolution No. 77-121 was unanimously adopted.

Complete text of Resolution No. 77-121 will be found in Resolution Book No. 9 at page 349 .

RESOLUTION NO. 77-122 - RESOLUTION APPOINTING MEMBERS TO THE BOXING AND WRESTLING COMMISSION FOR THE CITY OF ASHEVILLE (C. L. Moore, Leon H. Feldman, Thomas E. Saunooke)

15. Consideration was given to a resolution appointing members to the Boxing and Wrestling Commission for the City of Asheville.

The City Manager read the resolution reappointing C. L. Moore, Leon H. Feldman and Thomas E. Saunooke members of the Boxing and Wrestling Commission for the City of Asheville.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Horton, Resolution No. 77-122 was unanimously adopted.

Complete text of Resolution No. 77-122 will be found in Resolution Book No. 9 at page 350

RESOLUTION NO. 77-123 - RESOLUTION APPOINTING MEMBERS TO THE ADULT ADVISORY BOARD OF THE ASHEVILLE BUNCOMBE COUNTY YOUTH COUNCIL

16. Consideration was given to a resolution appointing members to the Adult Advisory Board of the Asheville Buncombe County Youth Council.

The City Manager read the resolution appointing Mr. Terry Roylance, Mrs. Becky Williams, Rev. Bud Holland, Mrs. Jan Orr, Mr. Ernest Lee Sewell, Jr., and Mr. Herb Watts, as members of the Adult Advisory Board of the Asheville Buncombe County Youth Council.

Thursday - August 4, 1977 - 3:00 o'clock p.m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Gene E. Rainey, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Otis B. Michael

APPROVAL OF MINUTES

1. Approval of the minutes of the July 28, 1977 meeting.

Upon motion of Councilman Hoyle, seconded by Councilwoman Swilling, the minutes of the July 28, 1977 meeting were unanimously approved as submitted.

RESOLUTION NO. 77-125 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE REVITALIZATION COMMISSION

2. Consideration was given to a resolution appointing members to the Asheville Revitalization Commission.

The City Manager read the resolution which appointed James W. Hunter, Robert F. Orr, and George M. Tisdale for five (5) year terms; Mrs. Gary Daniel, James W. Daniels, Chandler Gordon and Leon Rocamora for four (4) year terms; and Mrs. William A. V. Cecil, Mrs. Alice R. Collettee, Wayne Cooper, and Durward R. Everett, Jr., for three (3) year terms, all terms beginning August 1, 1977.

Upon motion of Councilman Rainey, seconded by Councilman Hoyle, Resolution No. 77-125 was unanimously adopted.

Complete text of Resolution No. 77-125 will be found in Resolution Book No. 10 at page 4 .

Mayor Ochsenreiter announced that the first meeting of the Commission would be held on August 9, 1977 at 8:00 o'clock a.m. at the Wachovia Bank, with Mr. George M. Tisdale serving as Chairman of the Commission for the first year.

ORDINANCE NO. 967 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Rezoning property on Reed Street and Fairview Street)

3. Consideration was given to the third and final reading of Ordinance No. 967, an ordinance amending Ordinance No. 322, known as "an ordinance providing for the zoning of the City of Asheville," as amended, rezoning property on Reed Street and Fairview Street from R-3 Residential District to CH Commercial Highway District, property owned by Alan and Lucy Butterworth and Robert and Ann Harroff.

Mayor Ochsenreiter advised that the ordinance was previously read on two readings and members of Council have been furnished copies of the ordinance and it would not be re-read in its entirety unless there is a specific request to do so.

Mayor Ochsenreiter said he had not received such a letter from Mr. Goodman.

Councilman Rainey said this information could have been interpreted from discussions during the budget process whereby $5,000 was allocated to the Civic Center Commission. He said Mr. Goodman had indicated that part of these funds should be used for the purchasing of tickets to be presented to individuals that needed to be introduced to the Civic Center. He said he would like to have a report from the City Manager on the use of the $5,000 to see how much of the fund is going for ticket purchases.

Councilman Morris said he felt the problem dealt with whether or not the most prime seats in the Civic Center are being withheld from the general public. He said this matter could be looked into.

Mayor Ochsenreiter advised that the matter would be checked into.

Councilman Rainey also requested that the Civic Center Commission investigate the possible need for a scalper's law in the City of Asheville.

RALPH BISHOP - LOTTERY SALES

Ralph Bishop again complained to Council that the City Manager was doing nothing about his complaint of lottery sales in the City of Asheville. He also asked when the City Manager was going to appoint a Chief of Police.

VICE-MAYOR HORTON - RESOLUTION FROM FRATERNAL ORDER OF POLICE -HAROLD C. ENLOE LODGE NO. 1

Vice-Mayor Horton read a resolution adopted by the Fraternal Order of Police-Harold C. Enloe Lodge No. 1 commending Drew Walker, Police Legal Advisor for the Asheville Police Department, for his efforts in his job as Police Legal Advisor and wishing him well in his new endeavor as a ministry student.

COUNCILMAN RAINEY - LOTTERY SALES

Councilman Rainey, referring to Mr. Ralph Bishop's statement, said he was pleased with the recent activities of the Vice-Squad of the Asheville Police Department, particularly in obtaining successful court cases against lottery peddlers in the City of Asheville. He said they were deserving of commendation for their activities.

Adjournment.

Eugene C. Ochsenreiter
MAYOR

William F. Maloney
CITY CLERK

ORDINANCE NO. 969 - AN ORDINANCE AMENDING THE CAPITAL PROJECTS ORDINANCE IN EFFECT AS OF JULY 1, 1977

6. Consideration was given to an ordinance amending the Capital Projects Ordinance in effect as of July 1, 1977, appropriating additional funds for federal projects, the Water System Improvement Fund and the Water Capital Construction Fund.

The City Manager read the ordinance explaining that this ordinance would appropriate funds for the construction of water improvements. He briefly outlined the projects to be included in these improvements.

Councilwoman Swilling moved for the adoption of Ordinance No. 969. This motion was seconded by Councilman Morris.

On a roll call vote of 5-0, Ordinance No. 969 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 969. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 969 passed on its second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 969. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 969 passed on its third and final reading.

Complete text of Ordinance No. 969 will be found in Ordinance Book No. 7 at page 168.

ORDINANCE NO. 970 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

7. Consideration was given to an ordinance amending the operating budget of the City of Asheville for Fiscal Year 1977-78 for funding the Asheville School Liaison Program.

The City Manager read the ordinance explaining that Council had approved on March 24, 1977, the continuation of the LEAA Asheville School Liaison Program. However, due to changes in the sub-grant amounts and local cash match, the funds were not sufficiently included in the total operating budget for 1977-78. He said this ordinance would appropriate such funding.

Vice-Mayor Horton moved for the adoption of Ordinance No. 970. This motion was seconded by Councilman Morris.

On a roll call vote of 5-0, Ordinance No. 970 passed on its first reading.

Councilwoman Swilling moved to suspend the rules and proceed to the second reading of Ordinance No. 970. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 970 passed on its second reading.

Mr. Butterworth said he had written Mrs. R. B. White, an adjoining property owner, a letter outlining the provisions for the new development and that she was satisfied with the provisions.

On a roll call vote of 5-0, Ordinance No. 967 passed on third and final reading.

Complete text of Ordinance No. 967 will be found in Ordinance Book No. 7 at page 166.

RESOLUTION NO. 77-126 - RESOLUTION ADOPTING ASHEVILLE'S LAND USE AND HOUSING ELEMENTS

4. Consideration was given to a resolution adopting Asheville's Land Use and Housing Elements.

The City Manager read the resolution.

Verl Emrick, Planning Director, said these plans have been developing for over two years and would aid the Planning Division with policies to help guide new development in a comprehensive and orderly fashion.

Marvin Vierra, of the Planning Division, said these plans are required by HUD in the 701 Planning Program, in order that the City may continue to be eligible for 701 funding. He outlined the details of the Land Use Plan and answered general questions by members of Council.

Wanda Henry, of the Planning Division, outlined the details of the Housing Elements Plan.

Upon motion of Councilwoman Swilling, seconded by Vice-Mayor Horton, Resolution No. 77-126 was unanimously adopted.

Complete text of Resolution No. 77-126 will be found in Resolution Book No. 10 at page 5.

RESOLUTION NO. 77-127 - RESOLUTION APPROVING CONTRACT BETWEEN THE CITY OF ASHEVILLE AND THE UNITED STATES DEPARTMENT OF TRANSPORTATION, URBAN MASS TRANSPORTATION ADMINISTRATION, GRANT NUMBER NC-09-0030, AND AUTHORIZING THE CITY MANAGER OF THE CITY OF ASHEVILLE TO RECEIVE AND EXPEND FEDERAL FUNDS

5. Consideration was given to a resolution approving contract between the City of Asheville and the United States Department of Transportation, Urban Mass Transportation Administration, Grant Number NC-09-0030, and authorizing the City Manager of the City of Asheville to receive and expend federal funds.

The City Manager read the resolution.

Verl Emrick, Planning Director, said this is for an annual working grant that the City applies for in order to continue the planning process as far as the requirements of the Asheville Transit Authority, local transit, UMTA, and State requirements are concerned. He said the federal government has committed $28,000 of the $35,000 program with the State and local share being 10% or $3,500 each. He said the local match would be provided by in-kind services.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 77-127 was unanimously adopted.

Complete text of Resolution No. 77-127 will be found in Resolution Book No. 10 at page 6.

Councilman Hoyle moved to suspend the rules and proceed to the second reading of Ordinance No. 972. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 972 passed on its second reading.

Councilman Hoyle again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 972. This motion was seconded by Councilwoman Swilling and carried unanimously.

Mr. E. R. McCarthy objected to having three readings of the ordinance at one meeting stating that some citizen may want to object to the ordinance.

On a roll call vote of 5-0, Ordinance No. 972 passed on its third and final reading.

Complete text of Ordinance No. 972 will be found in Ordinance Book No. 7 at page 171.

ORDINANCE NO. 973 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

10. Consideration was given to an ordinance amending the operating budget of the City of Asheville for Fiscal Year 1977-78 distributing the funding of the Pay Plan.

The City Manager read the ordinance explaining that the ordinance would appropriate funds to the salary and wage and fringe benefit line items in the respective operating activities to implement salary increases granted in accordance with Council's policy.

Councilman Morris moved for the adoption of Ordinance No. 973. This motion was seconded by Councilwoman Swilling.

On a roll call vote of 5-0, Ordinance No. 973 passed on its first reading.

Vice-Mayor Horton moved to suspend the rules and proceed to the second reading of Ordinance No. 973. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 973 passed on its second reading.

Councilwoman Swilling moved to suspend the rules and proceed to the third and final reading of Ordinance No. 973. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 973 passed on its third and final reading.

Complete text of Ordinance No. 973 will be found in Ordinance Book No. 7 at page 172.

RESCHEDULING PUBLIC HEARING - REZONING - MONTFORD AVENUE - SAMUEL GRAVES

11. Councilwoman Swilling moved to reschedule the public hearing relative to rezoning property on Montford Avenue from R-3 Residential District to CG Commercial General District, property owned by Salfrande, Inc., Samuel Graves, for September 1, 1977. This motion was seconded by Councilman Rainey and carried unanimously.

Councilman Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 970. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 970 passed on its third and final reading.

Complete text of Ordinance No. 970 will be found in Ordinance Book No. 7 at page 169.

ORDINANCE NO. 971 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

8. Consideration was given to an ordinance amending the operating budget of the City of Asheville for Fiscal Year 1977-78 for funding the remodeling of the Collections Division Office.

The City Manager read the ordinance.

Councilwoman Swilling moved for the adoption of Ordinance No. 971. This motion was seconded by Councilman Rainey.

On a roll call vote of 5-0, Ordinance No. 971 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 971. This motion was seconded by Vice-Mayor Horton and carried unamimously.

On a roll call vote of 5-0, Ordinance No. 971 passed on its second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 971. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 971 passed on its third and final reading.

Complete text of Ordinance No. 971 will be found in Ordinance Book No. 7 at page 170.

ORDINANCE NO. 972 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

9. Consideration was given to an ordinance amending the operating budget of the City of Asheville for Fiscal Year 1977-78 for funding an amount sufficient to meet the funding recommended by the Library Board.

The City Manager read the ordinance. He said Buncombe County had increased their appropriation to the Library to a total of $264,000. He said this ordinance would authorize the transfer of $13,334 from the General Fund Contingency to the Library Trust Fund and would make the total appropriation an amount sufficient to meet the funding recommended by the Library.

Vice-Mayor Horton moved for the adoption of Ordinance No. 972. This motion was seconded by Councilman Hoyle.

On a roll call vote of 5-0, Ordinance No. 972 passed on its first reading.

RESOLUTION NO. 77-130 - RESOLUTION APPOINTING MEMBERS AND ALTERNATE MEMBERS TO BOARD OF ADJUSTMENT UNDER ORDINANCE NO. 322, AS AMENDED

15. Consideration was given to a resolution appointing members and alternate members to Board of Adjustment under Ordinance No. 322, as amended.

The City Manager read the resolution appointing John M. Acee, Mrs. Jane Haber, Wm. T. Duckworth, Jr., A. R. Sluder and Herbert A. Wallace as members of the Board of Adjustment and John W. Abbott, Jack Baber, Richard F. Webster, and Graham Price as alternate members to the Board of Adjustment.

Upon motion of Councilman Rainey, seconded by Councilman Hoyle, Resolution No. 77-130 was unanimously adopted.

Complete text of Resolution No. 77-130 will be found in Resolution Book No. 10 at page 9 .

RESOLUTION NO. 77-131 - RESOLUTION APPOINTING MEMBER OF THE WESTERN NORTH CAROLINA REGIONAL AIR POLLUTION BOARD

16. Consideration was given to a resolution appointing member of the Western North Carolina Regional Air Pollution Board.

The City Manager read the resolution which appointed Mrs. Jones Byrd a member of the Western North Carolina Regional Air Pollution Board.

Upon motion of Councilman Morris, seconded by Councilwoman Swilling, Resolution No. 77-131 was unanimously adopted.

Complete text of Resolution No. 77-131 will be found in Resolution Book No. 10 at page 10.

CLAIM - LARRY MILLER

The City Manager presented a claim received from Larry Miller.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - RIDGLEY K. ROBINSON, JR.

The City Manager presented a claim received from Ridgley K. Robinson, Jr.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - "NATIONAL APPRENTICESHIP MONTH" - AUGUST, 1977

Mayor Ochsenreiter proclaimed the month of August as "National Apprenticeship Month."

COMPLAINT - BLAIR STREET AND ALBEMARLE ROAD

Mrs. Ruth Chambers and Mrs. Osteen, residents of the Blair Street and Albemarle Road area, complained to Council concerning the bad road and sidewalk conditions on Blair Street and Albemarle Road.

BIDS - GALVANIZED CORRUGATED STEEL PIPE FOR RIVERSIDE PARK

12. Consideration was given to bids received August 1, 1977 for galvanized corrugated steel pipe for Riverside Park.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Wheeling Corrugating Company in the amount of $4,624.00.

Councilman Hoyle moved to accept the recommendation of the Purchasing Agent and award the bid to Wheeling Corrugating Company in the amount of $4,624.00. This motion was seconded by Councilman Morris and carried unanimously.

Bid Summary

Bidder	Bid
Southern Tank & Culvert	$4,736.00
Wheeling Corrugating Company	$4,624.00
Carolina Culvert Mfg. Inc.	$4,996.00
Armco Steel Corporation	$5,824.00
Silverman Company	$5,588.00

RESOLUTION NO. 77-128 - RESOLUTION ESTABLISHING FILING FEE FOR 1977 ASHEVILLE MUNICIPAL PRIMARY AND ELECTION

13. Consideration was given to a resolution establishing filing fee for 1977 Asheville Municipal Primary and Election.

The City Manager read the resolution which established the filing fee for the 1977 Asheville Municipal Primary and Election at $18.00.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 77-128 was unanimously adopted.

Complete text of Resolution No. 77-128 will be found in Resolution Book No. 10 at page 7.

RESOLUTION NO. 77-129 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE A RIGHT-OF-WAY EASEMENT FROM BEAVER ENTERPRISES, INC. FOR 2-INCH AND 6-INCH WATER LINES FROM PENSACOLA ROAD INTO THE MOUNTAIN HEIGHTS SUB-DIVISION, ARDEN, NORTH CAROLINA

14. Consideration was given to a resolution authorizing the City Manager to acquire a right-of-way easement from Beaver Enterprises, Inc. for 2-inch and 6-inch water lines from Pensacola Road into the Mountain Heights Sub-division, Arden, North Carolina.

The City Manager read the resolution.

Upon motion of Councilwoman Swilling, seconded by Vice-Mayor Horton, Resolution No. 77-129 was unanimously adopted.

Complete text of Resolution No. 77-129 will be found in Resolution Book No. 10 at page 8.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove.

Absent: Associate City Manager/City Clerk William F. Wolcott, Jr.

APPROVAL OF MINUTES

1. Approval of the minutes of the August 4, 1977 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, the minutes of the August 4, 1977 meeting were unanimously approved as submitted.

RESOLUTION 77-132 - RESOLUTION OF APPRECIATION TO J. BERTRAM KING FOR SERVICES AS CHAIRMAN OF THE ASHEVILLE PLANNING AND ZONING COMMISSION

2. Consideration was given to a resolution of appreciation to J. Bertram King for services as Chairman of the Asheville Planning and Zoning Commission.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Vice-Mayor Horton, Resolution No. 77-132 was unanimously adopted.

Complete text of Resolution No. 77-132 will be found in Resolution Book No. 10 at page 11.

COUNCILWOMAN SWILLING - ANNOUNCEMENT OF A PUBLIC HEARING ON THE NOMINATION OF MONTFORD COMMUNITY HISTORICAL DISTRICT TO THE HISTORICAL REGISTER

3. Councilwoman Swilling announced that on Tuesday, August 16, 1977, at 7:30 o'clock p.m. in the William Randolph Elementary School Auditorium, the State Division of Archives and History will hold a public hearing to discuss the nomination of Montford Community Historical District to the National Register. Mr. Larry Tise, Director of Archives and History, Mr. Brent Glass and Mr. M. Smith, Project Planners, will be present to answer questions. Councilwoman Swilling urged the public to attend.

By use of a map, Mr. Verl Emrick, Planning Director, pointed out the proposed area to be affected by the designation to the National Register.

COMMUNITY DEVELOPMENT - ANNOUNCEMENT OF PUBLIC HEARINGS

4. Mr. Logan Delany, Community Development Coordinator, explained the dates and purpose of the Community Development meetings. The meetings are as follows:

August 23, 1977	Aycock School	7:30 p.m.
August 30, 1977	Kenilworth Presbyterian Church	7:30 p.m.
September 6, 1977	William Randolph School	7:30 p.m.
September 13, 1977	Hilltop Community Center	7:30 p.m.
September 20, 1977	Shiloh Community Center	7:30 p.m.
September 27, 1977	Oakley Community Center	7:30 p.m.
October 4, 1977	Claxton School	7:30 p.m.

Mayor Ochsenreiter instructed the City Manager to investigate the complaint and report back to Council regarding the matter.

E. R. McCARTHY - COMMENT - THREE READINGS OF AN ORDINANCE AT ONE MEETING

Mr. E. R. McCarthy said the reason he objects to having three readings on any certain ordinance at one meeting is that, in his opinion, in the past it has been done to cover up things from the public about what action Council takes, particularly referring to the repeal of the Sunday Beer and Wine Sale Ordinance.

VICE-MAYOR HORTON - CIVIC CENTER - FESTIVAL SEATING

Vice-Mayor Horton commended Jim Evans, Civic Center Manager, and his staff and security personnel for their approach to the festival seating at the Doobie Brothers Show on July 28, 1977. He said the performance was ran in an orderly fashion and the crowd behaved very well. He said he felt several factors had to do with the way the festival seating arrangement was carried out, such as the doors being opened 45 minutes earlier than usual, seating limited, and the revamping of the security system.

Adjournment.

Eugene S. Ochsenreiter
MAYOR

William F. Roberts
CITY CLERK

RESOLUTION NO. 77-133 - RESOLUTION OF INTENT TO CLOSE ANDERSON STREET (FIRST STREET) AND CALLING A PUBLIC HEARING ON THE QUESTION

5. Consideration was given to a resolution of intent to close Anderson Street (First Street) and calling a public hearing on the question.

The City Manager read the resolution scheduling the public hearing for September 8, 1977.

Upon motion of Councilman Hoyle, seconded by Councilman Rainey, Resolution No. 77-133 was unanimously adopted.

Complete text of Resolution No. 77-133 will be found in Resolution Book No. 10 at page 12.

Councilman Morris requested that a map be presented with resolutions so that Council is aware of the area and will have a chance to investigate before the public hearings.

PUBLIC HEARING SCHEDULED - REZONING REQUEST - C. C. BLOUNT AND ASSOCIATES, INC. - PROPERTY BOUNDED BY STATE STREET, MICHIGAN AVENUE AND AMBOY ROAD

6. Mr. Verl Emrick explained the rezoning request by C. C. Blount and Associates, Inc. of the property generally bounded by State Street, Michigan Avenue and Amboy Road from R-3 Residential District to LI Light Industrial District.

Mr. Emrick said that Mr. Blount requested that the property be rezoned to HI Heavy Industrial District, but the Planning and Zoning Commission felt that the LI Light Industrial District would accommodate the proposed use and would not permit the more offensive uses provided for in the Heavy Industrial classification.

Councilwoman Swilling moved to schedule a public hearing on the matter for September 1, 1977. This motion was seconded by Councilman Rainey and carried unanimously.

PUBLIC HEARING SCHEDULED - GROUP DEVELOPMENT REVIEW - THE ASHEVILLE HOUSE

7. Mr. Verl Emrick said the Planning and Zoning Commission recommended approval of the site plan of a proposed four-story apartment complex, The Asheville House, to be located on the corner of Orange and Liberty Streets.

Councilman Morris moved to schedule a public hearing on the matter for September 8, 1977. This motion was seconded by Councilwoman Swilling and carried unanimously.

PUBLIC HEARING SCHEDULED - GROUP DEVELOPMENT REVIEW - SQUARE D COMPANY

8. Mr. Verl Emrick said that the Planning and Zoning Commission recommended approval of the site plan of the proposed expansion of the Square D Company located on Bingham Road.

Councilman Michael moved to schedule a public hearing on the matter for September 1, 1977. This motion was seconded by Vice-Mayor Horton and carried unanimously.

PUBLIC HEARING SCHEDULED - GROUP DEVELOPMENT REVIEW - ASTON PARK LONG TERM HEALTH CARE FACILITY

Mr. Delany said the public hearings are open to the public and press and this year charts and visual material will be used to demonstrate the progress of the work.

Upon inquiry of Councilman Michael, Mr. Delany explained that almost 2 million dollars for the third fiscal year 1978 will be spent in upgrading the several Community Development areas.

Mr. Robert E. Fields of Charles Street asked why there was no public hearing in the Livingston Street Community Center.

Mr. Delany explained that Charles Street is in the East Riverside Urban Renewal Program. He said Community Development funds can be spent in the area and have been in the past.

Mr. Fields presented the City Council the following list of improvements needed in the Timothy Street and Charles Street area:

1. STOP sign at Alien Street and Timothy Street.

2. Repair sidewalk on right side of Timothy Street.

3. Left side of Timothy St. is being washed away by water from YWCA. It empties into Charles St. and staggers for breeding of mosquitoes. This is a health problem and should be corrected.

4. Charles St. is in need of repairs to sidewalks on both sides of street. At the beginning of Mrs. Lucus' driveway, the curbs have been washed away and water runs all the way to her back porch.

5. We are asking for a circle at the north end of Charles St. This is necessary due to the Aston Park Tennis Court traffic and parking on Charles St.

6. At the south end of Charles St., there is an open raw sewer drainage which is a health hazard.

7. The South French Broad Ball Park has created an unsanitary condition by people littering beer cans, whiskey bottles, drink bottles, and paper which is never cleaned up by City Street Department.

8. There is only one storm drain at the intersection of Charles and Timothy St. which does not empty into the sewer line but it has been piped to the field next to Mrs. Lucus' home and this creates a health hazard by the breeding of mosquitoes.

Councilman Rainey stated that he had written several memorandums to the City Manager on some of these problems. In particular, a request for a cul-de-sac at the end of the Charles Street. It was his understanding that the holdup on this report was due to obtaining figures on the cost of this project.

Councilman Michael requested that the City Manager look into these problems and give Council a report at their next meeting.

The City Manager read the resolution.

Councilman Michael moved for the adoption of the resolution setting the public hearing date for September 8, 1977. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Complete text of Resolution No. 77-134 will be found in Resolution Book No. 10 at page 14.

REVIEW OF FINAL SUB-DIVISION PLAT FOR BALLENTREE SUB-DIVISION

12. Mr. Verl Emrick displayed a final plat explaining that the Planning and Zoning Commission did review and approve the final sub-division plat for Ballentree Sub-Division on May 4, 1977.

Mr. Emrick explained the utility system, water services, sewer system and road standards in the sub-division to Council.

Councilwoman Swilling moved to approve the final sub-division plat for Ballentree Sub-Division. This motion was seconded by Councilman Morris and carried unanimously.

RESOLUTION NO. 77-135 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE TRANSIT AUTHORITY

Consideration was given to a resolution appointing a member to the Asheville Transit Authority.

The City Manager read the resolution appointing Mrs. Harry McDonnold as a member of the Asheville Transit Authority to fill the unexpired term of Mr. William G. Adams, Jr.

Upon motion of Councilman Morris, seconded by Councilman Rainey, Resolution No. 77-135 was unanimously adopted.

Complete text of Resolution No. 77-135 will be found in Resolution Book No. 10 at page 16.

MR. ROBERT MOODY AND MR. FLOYD HADDEN

The City Manager received a letter from Mrs. Ruby Lee Gambill thanking Mr. Robert Moody and Mr. Floyd Hadden, employees of the Sanitation Department, for their efforts in helping her find her lost handbag.

CLAIM - MR. HERBERT DAVIS

The City Manager presented a claim received from Mr. Herbert Davis.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

COMPLAINT - TIMOTHY AND CHARLES STREET IMPROVEMENTS

The City Manager stated that he had a copy of the needs presented by Mr. Robert Fields of Charles Street, and will prepare a report for Council for next week's meeting.

9. Mr. Verl Emrick said that the Planning and Zoning Commission recommended approval of the site plan of the proposed Aston Park Long Term Health Care Facility to be located on the NC 191 Connector near Brevard Road.

Councilman Morris moved to schedule a public hearing on the matter for September 8, 1977. This motion was seconded by Councilman Hoyle and carried unanimously.

COUNCILMAN MICHAEL - ADDITIONAL ITEMS TO BE DISCUSSED AT THE PUBLIC HEARING REGARDING THE ESTABLISHMENT OF A RAMP FEE FOR TRANSIENT GENERAL AVIATION AIRCRAFT AT THE ASHEVILLE AIRPORT

10. Mr. K. M. Michalove, City Manager, said that the following items, received and read by Councilman Michael, would be added to the already scheduled public hearing on August 18, 1977, relative to establishing a ramp fee for transient general aviation aircraft at the Asheville Airport:

1. Double and triple row parking should not exist unless there is 24-hour FBO service at Asheville Airport.

2. No published transportation from FBO to terminal.

3. Lease with City of Asheville is invalid. (Asheville Flying Service has no lease)

4. People who do not pay ramp fees pay no fees at all.

5. People who pay tie-down fees should be assigned specific spaces and available for ingress and egress at all times or line boys should be available to untie and pull planes out and park them on a 24-hour basis without prior notice.

6. People who pay tie-down fees should also be able to taxi to the terminal free, unload and load the same as at the FBO.

7. Transient aircraft should pay a landing fee and line boys should help load and unload planes.

8. Buncombe County and other counties property taxes paid on planes should be paid to the City of Asheville, less their contribution if any.

9. Enka hangar and office is exclusive and they pay no city taxes.

10. More than 5% of gas fees at the terminal should be paid to the city.

11. The City of Asheville should have a transient FBO and sell gas at the terminal and receive all of the revenue derived therefrom.

RESOLUTION NO. 77-134 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES AT 35 CLAYTON STREET, 33 GRAY STREET, 160 HAZEL MILL ROAD, 36 SHORT MADISON AVENUE AND 106 MOUNT CLARE AVENUE

11. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish those dwelling houses at 35 Clayton Street, 33 Gray Street, 160 Hazel Mill Road, 36 Short Madison Avenue and 106 Mount Clare Avenue.

Thursday - August 18, 1977 - 3:00 o'clock p.m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove.

Absent: Associate City Manager/City Clerk William F. Wolcott, Jr.

APPROVAL OF MINUTES

1. Approval of the minutes of the August 11, 1977 meeting.

Upon motion of Councilman Michael, seconded by Councilman Hoyle, the minutes of the August 11, 1977 meeting were unanimously approved as submitted.

PUBLIC HEARING - RELATIVE TO VARIOUS ITEMS AT THE ASHEVILLE AIRPORT

2. Various items relative to the Asheville Airport were discussed.

Mayor Ochsenreiter opened the public hearing at 3:02 o'clock p.m. He said that the purpose of the public hearing is to gather information and no official action would be taken on the matter.

The City Manager read Resolution No. 77-112 calling for a public hearing regarding the establishment of a ramp fee for transient general aviation aircraft at the Asheville Airport. He said the various airport items introduced by Councilman Michael at the August 11, 1977 meeting would also be discussed. He said that he has received letters from Aircraft Owners and Pilots Association, The Magnavox Company, Olin Aviation Department, Western North Carolina Pilots Association, Inc. and National Distillers and Chemical Corporation, all which indicate a negative attitude on the subject of transient aircraft ramp fees.

Mr. K. M. Michalove, City Manager, said that Charlotteville, Greensboro, Hickory, Wilmington, Fayetteville, Charlotte, Greenville-Spartanburg, Tri-City, Richmond and Columbia do not have ramp fees. Raleigh-Durham, Winston-Salem and Roanoke have overnight ramp fee charges, based on the weight of the aircraft.

Mr. Michalove said that approximately 13,000 transient aircraft utilize the airport annually. On August 13-16, 1977, a study was taken relative to the numbers of transient aircraft that were fueled at the FBO, which revealed how much gas they bought and the type of plane.

Mr. M. F. Meredith spoke in favor of charging a small ramp fee.

Councilman Michael said that it is unfair for the citizens of Asheville to pay for an airport when 75% of the people who use the airport live outside the city limits and pay no city tax. He said that the Asheville Airport, which serves all of Western North Carolina, is in reality a regional airport and he feels that the people who live outside the city limits should help pay for the airport.

Mr. Doug Ray, a city resident, agreed that the City is taking on an unfair load of airport expenses, but believes that a landing fee on private aviation is the wrong way to approach the problem. He would like to see the airport situation publicized more and suggests that the City tighten up on its present airport operation and consider other alternatives which would bring the City income.

DRAINAGE PROBLEMS ALONG HAW CREEK - MRS. NOBLETT

The City Manager stated that he had received a letter from Mrs. Noblett relative to drainage problems along Haw Creek and access in the general area. He will investigate and prepare a report for Council at next week's meeting.

REPORT - CITY MANAGER - BLAIR STREET AND ALBEMARLE ROAD

The City Manager reported that he has checked into the complaint received last week by Mrs. Ruth Chambers and Mrs. Osteen relative to road conditions on Blair Street and Albemarle Road. He said that the condition of the streets were caused by work sublet by Public Service Gas Company. The subcontractor had run into problems locating a certified welder to do the work, and because of this, Street Superintendent Clark Brown gave verbal approval of an extension of this job.

In Mid-June, the City completely paved Blair and Baird Streets, billing the Public Service Gas Company for the costs.

Around July 1, 1977, Public Service Gas Company cut the street for unknown reasons without a permit.

On July 11, 1977, Mr. Clark Brown wrote Public Service Gas Company a letter requesting that they comply with the City guidelines before making any street cuts. On August 9, 1977, the gas company finished all the work in this area and during the week of August 15, the City will do a machine asphalt patch of Blair Street. This work will also be billed to the Public Service Gas Company.

Adjournment.

Eugene S. Abernethy
MAYOR

Norman J. Nolan
CITY CLERK

RESOLUTION NO. 77-136 - RESOLUTION TO CLOSE APPROXIMATELY FIVE HUNDRED FIFTY FEET OF INGLEWOOD ROAD BEGINNING AT A POINT APPROXIMATELY SEVENTY-FIVE FEET NORTH OF THE INTERSECTION OF INGLEWOOD ROAD AND WINDSOR ROAD AND THEN CONTINUING IN A NORTHEASTERLY DIRECTION, THEN CURVING TO THE EAST AND THEN CONTINUING IN A SOUTHEASTERLY DIRECTION TO A POINT APPROXIMATELY FIVE HUNDRED FIFTY FEET FROM AFORESAID BEGINNING POINT

3. Consideration was given to a resolution to close approximately five hundred fifty feet of Inglewood Road beginning at a point approximately seventy-five feet north of the intersection of Inglewood Road and Windsor Road and then continuing in a northeasterly direction, then curving to the east and then continuing in a southeasterly direction to a point approximately five hundred fifty feet from aforesaid beginning point.

The City Manager read the resolution.

Mr. Michalove said that Mr. William Greene, Attorney representing the Country Club of Asheville, Inc. did agree that the Country Club could comply with the restrictions as set forth in the resolution.

Councilman Michael introduced Mr. Eric Michaux who was recently appointed as the first and only black District Judge in the State of North Carolina.

Councilman Michael recommended that the Chief of Police and the Detective Division be responsible for the investigation relative to stealing pipe. He said that after the investigation, if a crime was committed, the people who committed the crime along with the people who bought the City property should be prosecuted.

Councilman Michael was excused from the meeting at 4:05 o'clock p.m.

Mayor Ochsenreiter emphasized that the cul-de-sac issue would not be discussed at this time, but that a public hearing could be scheduled at a later date.

Mr. Greene introduced the President of the Country Club of Asheville, Inc., Mr. Otis Kempson. Mr. Kempson confirmed that the Country Club would comply with the restrictions set forth in the resolution.

Mr. George Saenger, Attorney representing the citizens that are opposed the closing of Inglewood Road as a thoroughfare, asked Council to adopt the present resolution recognizing that the issue on a cul-de-sac or closing the road will be handled later at a public hearing.

Councilman Rainey stated that he did not oppose the exchanging of the road right-of-way, but that he believed the cul-de-sac question should be decided before the resolution was passed.

Vice-Mayor Horton explained that no money will be spent on improving the present private road owned by the Country Club until the cul-de-sac issue has been settled.

The City Manager said that the private road owned by the Country Club is open and accessable from Inglewood Road to Windsor Road and available for use by residents of this section. He suggested that in a reasonable period of time, a public hearing be scheduled on the question of whether to leave Inglewood Road as a thoroughfare or put in a cul-de-sac.

Mrs. Lucia Ward of 48 Inglewood Road stated that if Inglewood Road is a thoroughfare, the residents would be subject to noise, pollution and racing.

Councilman Michael stated that it was his hope that other counties in the immediate area would be willing to share the airport cost and organize a regional airport authority, rather than pay the ramp fee charges.

Mrs. Amogene Norwood, President of the Western North Carolina Pilots Assoc., Inc., spoke opposing the land fee charges. It was her opinion that if a ramp fee is charged, it would discourage pilots from using the Asheville Airport facility. Another point she made was that the City's profit would be very small if the City was responsible for collecting the landing fees on a 24-hour basis.

Mr. Ray Anders, a pilot, spoke in opposition to the landing fee saying that the expenses of such an operation would outweigh the profit.

Mr. Robert Morgan, a pilot, said it was his belief that the City would not benefit more from the landing fees than it would lose on the gasoline percentage it now receives.

Mr. John Stevens, representative of A & H Flying Service, was opposed to the landing fee because he believes it will discourage general aviation at the facility.

Mr. Bill Norwood, member of the Asheville Civic Center Commission, suggested that a commission be established for the airport. He said such a commission would be able to devote the time necessary to make decisions relative to the airport.

Councilman Rainey emphasized that no ramp fee would be charged for transient aircraft that pay a tie-down fee.

Upon inquiry of Councilman Rainey, Corporation Counsel W. C. Moore said that there is a valid lease with Asheville Flying Service and the City of Asheville.

City Manager K. M. Michalove said that A & H Flying Service operates under two titles which are A & H Flying Service and the Asheville Flying Service. Technically Asheville Flying Service is not mentioned in the current lease, but the City is in the process of amending the lease to include both titles.

Upon inquiry of Councilman Rainey, Mr. Moore, City Attorney, said that a commission could be set up and other recommendations could be included in the lease by agreement.

The City Manager said that Mr. Stevens, Mr. Moore and himself are working on some agreements that need to be included in the lease relative to several items presented to Council by Councilman Michael at the August 11, 1977 meeting. He said that there is a City ordinance that regulates the Fixed Base Operators. He read Article II, Section 3Z-26 (j) of the Code of Ordinances which reads as follows:

> "Air Services. Ramp services shall be provided full time during daylight hours, and by call at night, seven (7) days a week by the fixed base operator."

Mr. Michalove said that according to this definition, the Fixed Base Operator is operating by the standards set forth in the above section.

Vice-Mayor Horton stated that the Asheville Airport should be designated as a Regional Airport because it is serving as such. He suggested that a study committee, to include representation of Council, City staff, interested persons and the Chamber of Commerce Aviation Committee be set up for a few weeks to investigate the points that have been brought up.

Mayor Ochsenreiter closed the public hearing at 3:55 o'clock p.m.

Mr. Michalove explained that the contract will assist in supplementing the salaries of the meter maids in the Police Department.

Upon motion of Councilman Morris, seconded by Vice-Mayor Horton, Resolution No. 77-137 was unanimously adopted.

Complete text of Resolution No. 77-137 will be found in Resolution Book No. 10 at page 19.

ADVERTISEMENT OF THE SALE OF CITY OF ASHEVILLE PROPERTY KNOWN AS 10 BILTMORE PLAZA AND 11 LODGE STREET

6. Consideration was given to a motion to advertise the sale of City of Asheville property known as 10 Biltmore Plaza and 11 Lodge Street.

The City Manager read a letter from The Biltmore Company of the City of Asheville requesting approval of the sale of the property known as 10 Biltmore Plaza and 11 Lodge Street to The Biltmore Company for $65,000. He said that a portion of the property has been under lease with the Biltmore Company for sometime. An appraisal was done by W. T. Duckworth dated March 8, 1977 which resulted in the appraisal value of $64,000. He said that in compliance with the North Carolina General Statutes Section 160A-269, the City must advertise the sale of the property, so that anyone else interested in this property can bid and perhaps upset the $65,000 bid received from The Biltmore Company.

Councilman Hoyle moved to advertise the sale of the City of Asheville property known as 10 Biltmore Plaza and 11 Lodge Street. This motion was seconded by Councilwoman Swilling and carried unanimously.

ORDINANCE NO. 974 - AN ORDINANCE ESTABLISHING A CROSS-CONNECTION CONTROL POLICY FOR THE ASHEVILLE MUNICIPAL PUBLIC POTABLE WATER SUPPLY

7. Consideration was given to an ordinance establishing a Cross-Connection Control Policy for the Asheville Municipal Public Potable Water Supply.

The City Manager read the ordinance.

Mr. Michalove distributed revised copies of the Cross-Connection Control Policy to members of Council.

Councilwoman Swilling moved for the adoption of Ordinance No. 974. This motion was seconded by Councilman Rainey.

On a roll call vote of 5-0, Ordinance No. 974 passed on its first reading.

RESOLUTION NO. 77-138 - RESOLUTION ADOPTING A POLICY REGARDING SUBSTANTIATION OF RENTS, FEES, ETC. RECEIVED BY THE CITY OF ASHEVILLE

8. Consideration was given to a resolution adopting a policy regarding substantiation of rents, fees, etc. received by the City of Asheville.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 77-138 was unanimously adopted.

Complete text of Resolution No. 77-138 will be found in Resolution Book No. 10 at page 20.

Mrs. Kaghan of 165 Windsor Road said that she had encountered problems during the construction to the private road because of large deep ruts in the street.

Upon inquiry of Mrs. Kaghan, Vice-Mayor Horton said that the Country Club would maintain the road until a decision was made relative to the cul-de-sac.

Mr. Albert E. Ward, 48 Inglewood Road, questioned whether the private road would be put into condition for the large school buses to use.

Mrs. H. H. Miles, 7 Stratford Road, stated that she had preferred using the private road and was in favor of leaving Inglewood Road open as a thoroughfare.

Vice-Mayor Horton moved for the adoption of Resolution No. 77-136. This motion was seconded by Councilman Hoyle and carried on a vote of 4-1, with Councilwoman Swilling voting "no".

Councilwoman Swilling explained that her reason for opposing the resolution is because she feels that the Country Club closed the loop portion by pouring dirt over it, before it came before Council.

Complete text of Resolution No. 77-136 will be found in Resolution Book No. 10 at page 17.

PUBLIC HEARING - GROUP DEVELOPMENT - U.S. POSTAL SERVICE, GENERAL MAIL FACILITY

4. A public hearing was held relative to the site plan of the proposed General Mail Facility to be located on N. C. 191 (Brevard Road).

Mayor Ochsenreiter opened the public hearing at 4:35 o'clock p.m.

Mr. Marvin Vierra, Planner IV, advised that the Planning and Zoning Commission recommended approval of the proposed site plan subject to the recommendations of the Water and Sewer Department.

Upon inquiry of Vice-Mayor Horton, Mr. Vierra explained that the processing of the mail in the West Asheville Branch would be transferred to the new site, eliminating excess traffic.

Upon inquiry of Councilwoman Swilling, Mr. Broadbrooks of Six Associates, Inc. explained that there would be no drainage problems because the project had been designed so that all storm drainage would empty into a storm water retention basin, such as the City requires.

Mayor Ochsenreiter closed the public hearing at 4:50 o'clock p.m.

Councilwoman Swilling moved to approve the site plan of the proposed General Mail Facility to be located on N. C. 191 (Brevard Road). This motion was seconded by Councilman Morris and carried unanimously.

RESOLUTION NO. 77-137 - RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO ENTER INTO A CONTRACT WITH THE NORTH CAROLINA CRIMINAL JUSTICE TRAINING AND STANDARDS COUNCIL

5. Consideration was given to a resolution authorizing the City of Asheville to enter into a contract with the North Carolina Criminal Justice Training and Standards Council.

The City Manager read the resolution.

and area about the size of 3 or 4 residential lots. Parking would begin about 50 feet from the edge of the road. The fact that cars would be parked on a level area raised on a steep slope above Windsor Road creates some visual protection but no protection from noise.

Since this parking area will serve a clubhouse with frequent social functions that disperse late in the evening, I fear that the noise from engines starting and cars driving off will create a sudden change in the noise level in the neighborhood that would be sufficient to disturb sleep in the residences in the immediate surrounding area and possibly for some distance away."

Councilman Morris pointed out that the Country Club had contacted the Planning Director for the City, prior to the initial transactions, on the question of whether their plans were compatible and legal in this area, and was advised by him that they were.

The City Manager said that he would prepare a report relative to Councilwoman Swilling's concerns regarding the drainage and traffic problems in the area, since the Planning and Zoning Commission did not review the Country Club's plans.

PUBLIC HEARING RESCHEDULED - REZONING - MONTFORD AVENUE - SAMUEL GRAVES

City Manager K. M. Michalove advised Council that an error had been made in advertising and requested a motion to reschedule the public hearing on rezoning property on Montford Avenue from R-3 Residential District to CG Commercial General District on property owned by Salfrande, Inc.

Councilman Hoyle moved to reschedule the public hearing on the matter for September 15, 1977, at 7:30 o'clock p.m. This motion was seconded by Vice-Mayor Horton and carried unanimously.

PUBLIC HEARING SCHEDULED - CUL-DE-SAC REQUEST ON INGLEWOOD ROAD

Councilwoman Swilling moved to schedule a public hearing relative to a cul-de-sac request on Inglewood Road for September 22, 1977. This motion was seconded by Councilman Rainey and carried unanimously.

REPORT - CHARLES STREET AND TIMOTHY STREET

The City Manager stated that a dead-end sign was installed for Charles Street. He said the other items are still under investigation and he will prepare a report for Council as soon as he gathers other information.

RESOLUTION NO. 77-139 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ESTABLISH THE ADMINISTRATIVE AUDIT AND EVALUATION DIVISION

Consideration was given to a resolution authorizing the City Manager to establish the Administrative Audit and Evaluation Division.

The City Manager read the resolution and made the following statement.

"As large and as diverse as the public services of the City of Asheare, there are routinely numerous daily matters which come to the attention of the City Manager.

MRS. KAGHAN - REQUEST THAT PLANS FOR COUNTRY CLUB OF ASHEVILLE PROJECT IN LAKEVIEW PARK BE SUBMITTED TO THE CITY'S PLANNING DEPARTMENT

Mrs. Kaghen, 165 Windsor Road, presented the following statement to Council:

"I request the City Council to direct that the plans for the Country Club of Asheville project in Lakeview Park be submitted to the City Planning Department to see if they comply with the Zoning and Land Use Ordinance's requirement that in an R-1 district no unnecessary conflict be present when land is used for a purpose other than residences.

If Council wishes, I should like to give my reasons for making this request.

1. Traffic patterns. Since the law forbids home occupations in an R-1 district if they would attract traffic, it is logical to conclude that traffic attracted by a non-residential use of land should pass as few homes as possible.

   When announcement was made of the new location for the Asheville Country Club, most interested persons assumed that the entrance would be at the point on Wembley Road when the future Club property begins because this is the point other than the 18th hole of the Beaver Lake golf course that is closest to Merrimon Avenue. As the plans now stant, there will be two entrances. The further entrance, at the intersection of Windsor Road and Inglewood Road, is at the maximum possible distance from Merrimon Avenue. I believe it should be abolished because:

   A. This entrance would stimulate the use of residential streets in Lakeview Park as an alternative to the use of Merrimon Avenue and several of these streets are unusually narrow with blind curves.

   B. This entrance would permit a traffic flow from the golf and clubhouse area of the property to the tennis area (and vice versa) via Windsor Road when that traffic should be contained on Club property itself.

   C. Traffic would travel a greater distance than is necessary along Windsor Road and Wembley Road to and from Merrimon Avenue.

   D. This entrance would create hazards for Club members playing golf since they must cross Windsor Road at about this point and visibility is partially obstructed by a hill.

2. My second concern is with excessive noise. Parking areas have been laid out in the area closest to, not furthest from, homes even though much alternative land was available that does not border any residential streets at all.

   As it appears to me, Windsor Road between Wembley and Inglewood will be used to park about 200 cars in a space with the frontage

function of this new division. I may be adding some staff later. I feel like this new division will help me as a City Manager to do a better job at achieving this balance between the public, Council and employees.

City employees are hard working, dedicated public servants and we have worked hard to make this a profession to be proud of. As the City Manager and a resident and taxpayer of the City of Asheville, I will not tollerate criminal acts or misuse of public facilities, equipment or services. These matters will be dealt with through either personnel action and/or the criminal justice system after a factual investigation has taken place initially beginning with the process I have outlined. However, I believe that a City employee has the basic right of being considered innocent until proven guilty and heresay and suspicioned actions thoughtlessly, publically or privately implied casts a cloud of doubt and suspicion on all City employees and makes it appear that all City employees are criminals - and that's not a fact!

I am disappointed that we are in the season we're in, that being a time of election of new Councilmembers. I would hope that the internal affairs of the City in the course of this election, that we are attempting to deal with, would be kept that way and that we would respect the rights of City employees."

Upon motion of Councilman Morris, seconded by Councilwoman Swilling, Resolution No. 77-139 was unanimously adopted.

Complete text of Resolution No. 77-139 will be found in Resolution Book No. 10 at page 21.

Councilman Rainey stated that he was glad this action had been taken, and that if his concerns of alleged criminal activity had brought this division into existence, he was proud. He commended the City Manager on his selection of individuals to the division and expressed his confidence in the men to do a good job.

Councilwoman Swilling said that it was her hope that the new division would alleviate some, if not all, of the problems and accusations that have plagued the City since she has served as a member of Council.

Councilman Hoyle, along with Councilwoman Swilling, commended the City Manager on the establishment of this new division.

RALPH BISHOP - COMMENTS ON APPOINTMENT OF NEW CHIEF OF POLICE

Mr. Ralph Bishop stated that he would like an honest, non-criminal man that would give equal protection of the law as a new Chief of Police.

TIM WILEY - RECYCLING TRASH

Mr. Tim Wiley asked Council to adopt a resource recovery plant for Asheville. He also asked Council to set up a type of committee to research possible markets for recovery of resources. He presented a pamphlet from U.S. Stell relative to recycling trash to the City Manager.

Adjournment.

Eugene B. Roberts Jr.
MAYOR

Bessie Z. Metcalf
CITY CLERK

The majority of these complaints are then routinely processed through the various departments and divisions and solutions are reached with relative ease. However, there are a sufficient number of matters that cannot be handled routinely, that require immediate attention to protect the credibility of the City employees and the City Council and to provide a continuous professional level of service to the Citizens of Asheville.

These matters typically deal with:

1. Examining complaints about the lack of service or service below the standard of service expected,

2. Examining the administration of City affairs where resolutions, ordinances, policies and procedures are non-existant, are not clearly written or are not favorably interpreted to a party requesting service,

3. Examining claims for personal and property damage,

4. Examining charges of discrimination and/or misuse or abuse of authority,

5. Examining situations where in citizens feel they are getting the run around; and

6. Examining charges against City employees of infractions of City policy and alleged criminal acts.

These matters demand a highly qualified staff of specialists to quickly audit and evaluate these matters and have the capability to prepare written reports for the City Manager providing factual information for which I can make decisions and/or make or recommend policy change.

To date these matters have generally been handled in a decentralized fashion by the City Manager, the Personnel Office, by special committees, appointed staff members and the Police Department. However, in order to expedite and centralize this process, I am establishing the Administrative Audit and Evaluation Division to function directly under the City Manager and initially the service shall be provided by reassigning currently existing staff.

I've chosen with the concurrence of Department Heads involved, three individuals that have earned a reputation of fairness, honesty and the ability to do the kinds of things that I see need to be done.

Robert G. Wurst, Audit and Budget Officer
Samuel N. Graves, Personnel Analyst
Barry L. Bumgardner, Patrolman in the Police Department

Typically their activities are to collect factual information on the above matters and give an unbiased opinion and written report to the City Manager of their findings.

While there is a back log of items to deal with, their first will be investigating recent criminal allegations. That's generally the

3. Thence in a northwesterly direction with the center line of Starnes Cove Road to the intersection of the center line of Pisgah View Road (S.R. 1403), thence in a northerly direction with the center line of Pisgah View Road to the intersection of the center line of Cedar Hill Road (S.R. 1263);

4. Thence in an easterly direction with the center line of Cedar Hill Road to the intersection of the center line of Johnson School Road (S.R. 1319), thence continuing in a northerly direction with the center line of Johnson School Road to the intersection of the center line of County Home Road (S.R. 1315);

5. Thence continuing in a northerly direction with the center line of County Home Road to the intersection of the center line of Eliada Home Road (S.R. 1318);

6. Thence continuing in an easterly direction following the center line of Eliada Home Road (S.R. 1318) to the intersection of New Leicester Highway (N.C. 63);

7. Thence continuing in a northerly direction with the center line of New Leicester Highway to the intersection of the center line of Old County Home Road (S.R. 1369), thence continuing in a northerly direction with the center line of Old County Home Road to the intersection of the center line of Dryman Mountain Road (S.R. 1338);

8. Thence in a southeasterly direction with the center line of Dryman Mountain Road to the intersection of the center line of Gorman Bridge Road (S.R. 3157);

9. Thence in a northerly direction with the center line of Gorman Bridge Road to the intersection of the center line of Riverview Road (S.R. 3153);

10. Thence in a southeasterly direction with the center line of Riverview Road to the intersection of the center line of Vinewood Circle (S.R. 1352), thence in a northerly direction with the center line of Vinewood Circle to the intersection of the center line of Eastover Road (S.R. 1351);

11. Thence in a southeasterly direction with the center line of Eastover Road to the intersection of the center line of Vinewood Circle (S.R. 1352), thence in a southerly direction with the center line of Vinewood Circle to the intersection of the center line of Pearson Bridge Road (S.R. 1348);

12. Thence in an easterly direction with the center line of Pearson Bridge Road to the intersection of the center line of Richmond Hill Drive; thence in a northwesterly direction with the center line of Richmond Hill Drive to the point of intersection with the existing Corporate Boundary of the City of Asheville;

Tuesday - August 23, 1977 - 2:00 o'clock p.m.

Special Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., Otis B. Michael, J. W. Hoyle, Gene E. Rainey, Corporation Counsel William C. Moore, City Manager K. M. Michalove.

Absent: Associate City Manager/City Clerk William F. Wolcott, Jr.

PUBLIC HEARING - READOPTION OF ORDINANCE #322, AS AMENDED, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF ASHEVILLE

A public hearing was held relative to the readoption of Ordinance #322, as amended, known as the Zoning Ordinance of the City of Asheville.

Mayor Ochsenreiter opened the public hearing at 2:13 o'clock p.m.

Various City employees read the proposed ordinance incorporating the following changes:

1. TABLE OF CONTENTS and TEXT

   SIGN REGULATIONS were inserted as Article 9 and the remaining Articles were renumbered in the Table of Contents and the Text.

2. ARTICLE 1, SECTION 30-1-3. JURISDICTION

   ARTICLE 1, Section 30-1-3. Jurisdiction is amended as follows:

   Pursuant to Article 19 of Chapter 160A of the General Statutes of North Carolina, and particularly to G.S. 160A-360, the provisions of this Ordinance shall apply to all of the area within the corporate limits of the City of Asheville, North Carolina, and shall apply to that area which is beyond such corporate limits and which is defined and identified as "Extraterritorial Area" on the map entitled "Official Zoning Map of the City of Asheville." This map is attached to this Ordinance; and, by this reference thereto, this map is made a part of, and is incorporated in, this Ordinance.

   The following is a written description of the boundaries specified in this Ordinance and of the entire area over which the provisions of this Ordinance shall apply:

   1. Beginning at a point which is the intersection of the center line of U.S. Highway 19-23 and the center line of Interstate 40, and running thence in a northeasterly direction with the center line of U.S. Highway 19-23 to its intersection with the center line of Old Haywood Road (S.R. 1404);

   2. Thence continuing in a northeasterly direction following the center line of Old Haywood Road to the intersection of the center line of East View Circle (S.R. 1272), thence continuing in a northeasterly direction with the center line of East View Circle to the intersection of the center line of Starnes Cove Road (S.R. 1255);

22. Thence in a northerly direction following the center line of U.S. 25 to the intersection of the Blue Ridge Parkway and the existing Corporate Boundary of the City of Asheville;

23. Thence in a northerly direction following the existing Corporate Boundaries of the City of Asheville and the Town of Biltmore Forest (boundary is coterminous) to their intersection with the Swannanoa River;

24. Thence in a westerly direction following the existing Corporate Boundaries of the City of Asheville along the Swannanoa River, French Broad River and Hominy Creek to the intersection of Hominy Creek and the center line of Interstate Highway 40;

25. Thence continuing in a westerly direction following the center line of Interstate Highway 40 to its intersection of the center line of U.S. 19-23, being the point of Beginning.

3. ARTICLE 4, SECTION 30-4-1. USE DISTRICTS

ARTICLE 4, Section 30-4-1. Use Districts is amended as follows:

For the purposes of this Ordinance, the City of Asheville and the "Extraterritorial Area," as referred to in Sec. 30-1-3, page 2, of this Ordinance, are hereby divided into districts, or as referred to in this Ordinance "zoning districts" and/or "use districts." These districts are defined and described in Volume 1 to and including 9 of the Official Map Books of the City of Asheville, which are by this reference thereto made a part of, and incorporated in, this Ordinance. Pursuant to G.S. 160A-77, these nine volumes of the Official Map Books of the City of Asheville shall be retained permanently in the office of the Zoning Administrator for the City of Asheville, which shall be open to the public and which shall be located on the 5th Floor of the City Building, 70 Court Plaza, City of Asheville, N. C.

The districts, as established by this Sec. 30-4-1 and as defined and described in these Official Map Books, are designated as follows:

R-1 Single Family Residential District
R-2 Low Density Residential District
R-3 Medium Density Residential District
R-4 High Density Residential District
R-5 Residential District
CR Commercial Regional District
CS Commercial Service District
CG Commercial General District
CH Commercial Highway District
OI Office Institutional District
LI Light Industrial District
HI Heavy Industrial District

4. ARTICLE 4, SECTION 30-4-2. DISTRICT BOUNDARIES

ARTICLE 4, Section 30-4-2. District Boundaries is amended as follows:

13. Thence in a northerly direction with the Corporate Boundary of the City of Asheville to a point of intersection of said Corporate Boundary and Tax Lot 334, Sheet 23, Beaverdam Ward, thence following the property line of said tax lot as follows: N 29 deg. 12' E for a distance of approximately 245 feet; thence S 77 deg. 30' E, 319.61 feet; thence S 51 deg. 56' E, 70.24 feet; thence southeasterly along a curve with a radius of 51.0 feet and length of 39.94 feet; thence N 88 deg. 49' E, 27.70 feet; thence northeasterly along a curve with a radius of 74.0 feet and length of 44.28 feet; thence N 54 deg. 32' E, 6.68 feet; thence S 77 deg. 30' E, 85.21 feet; thence S 05 deg. 30' W, for a distance of approximately 140 feet to a point of intersection of said property line and the existing Corporate Boundary of the City of Asheville;

14. Thence in an easterly direction with said Corporate Boundary to the intersection of the center line of Elk Mountain Scenic Highway (N.C. 694);

15. Thence in a northeasterly direction with the center line of Elk Mountain Scenic Highway to the intersection of said Highway and a straight line which connects the Ridge Top near Town Mountain Gap (U.S.G.S. Marker LR657 at an Elevation of 3196) and the center of the intersection of Beaverdam, Lynn Cove and Webb Cove Roads;

16. Thence in a southeasterly direction from the intersection of the center line of Elk Mountain Scenic Highway and said straight line proceeding along said line for a distance of approximately 6,600 feet to the center of the intersection of Beaverdam, Lynn Cove and Webb Cove Roads;

17. Thence in a southeasterly direction following a straight line from the center of the intersection of Beaverdam, Lynn Cove, and Webb Cove Roads for approximately 7,115 feet to the peak of Rich Knob (U.S.G.S. Marker, Biltmore 6 at an Elevation of 3535);

18. Thence in an easterly direction following a straight line from the peak of Rich Knob for a distance of approximately 7,360 feet to the intersection of the Blue Ridge Parkway at the center line Station Number 1071, identified on the ground as Mile Post 380 as shown on U.S. Department of Interior, National Park Service Maps at Sheet 8 drawing PKY-BR, 2Q-2064;

19. Thence in a southerly direction following the center line of the Blue Ridge Parkway to its intersection with the center line of U.S. 25A (Sweeten Creek Road);

20. Thence in a southerly direction following the center line of U.S. 25A to its intersection with the center line of Gerber Road (S.R. 3199);

21. Thence in a westerly direction following the center line of Gerber Road (S.R. 3199) to its intersection of the center line of U.S. 25 (Hendersonville Highway);

Thursday - August 25, 1977 - 3:00 o'clock p.m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove.

Absent: Associate City Manager/City Clerk William F. Wolcott, Jr.

APPROVAL OF MINUTES

1. Approval of the minutes of the August 18, 1977 meeting.

Councilman Michael suggested that the sentence on page 154 stating that "A public hearing was held relative to various items at the Asheville Airport" be amended to read "Various items relative to the Asheville Airport were discussed."

Mayor Ochsenreiter suggested that Council delay approving the minutes until the change is made.

APPROVAL OF SPECIAL MEETING MINUTES

2. Approval of the minutes of the August 23, 1977 special meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Swilling, the minutes of the August 23, 1977 meeting were unanimously approved as submitted.

INTRODUCTION BY COUNCILMAN MICHAEL

Councilman Michael introduced his wife and announced that he has filed for City Council Election.

RESOLUTION NO. 77-140 - RESOLUTION OF APPRECIATION AND COMMENDATION TO MARY E. WELLS

3. Consideration of a resolution of appreciation and commendation to Mary E. Wells.

Upon motion of Councilwoman Swilling, seconded by Councilman Hoyle, Resolution No. 77-140 was unanimously adopted.

Complete text of Resolution No. 77-140 will be found in Resolution Book No. 10 at page 22.

Councilwoman Swilling said that it was a privilege and pleasure to have known Mrs. Wells. She said that Mrs. Well's contribution to the City of Asheville has been a legend in its own right.

ORDINANCE NO. 974 - AN ORDINANCE ESTABLISHING A CROSS-CONNECTION CONTROL POLICY FOR THE ASHEVILLE MUNICIPAL PUBLIC POTABLE WATER SUPPLY

4. Consideration was given to the second reading of Ordinance No. 974, an ordinance establishing a Cross-Connection Control Policy for the Asheville Municipal Public Potable Water Supply.

Mayor Ochsenreiter advised that the ordinance was previously read on the first reading and members of Council had been furnished copies of the ordinance and

In the event uncertainty exists with respect to the boundaries of any of the aforesaid districts as defined and described in Volumes 1 to and including 9 of the Official Map Books of the City of Asheville, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following lot lines. Boundaries indicated as parallel to the center line of streets, highways, rivers, and streams, railroad or rights-of-way of same shall be construed as being paralled thereto and at such distance therefrom as indicated in the applicable Official Map Book. If no distance is given, such dimension shall be determined by use of the scale shown in said applicable Official Map Book. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Zoning Administrator for the City of Asheville may permit the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

C. Where physical or cultural features existing on the ground are at variance with those shown in the applicable Official Map Book, or in other circumstances not covered previously in this Section, the Board of Adjustment shall interpret the district boundaries.

Mayor Ochsenreiter closed the public hearing at 5:15 o'clock p.m.

Councilman Michael moved for the readoption of Ordinance No. 322, as amended, known as the Zoning Ordinance of the City of Asheville. This motion was seconded by Councilman Hoyle.

On a roll call vote of 6-0, the readoption of Ordinance No. 322, as amended, known as the Zoning Ordinance of the City of Asheville passed on its first reading.

Councilman Michael moved to adjourn the special meeting. This motion was seconded by Councilwoman Swilling and carried unanimously.

Adjournment.

Eugene S. Ochsenreiter
MAYOR

Miriam F. Moseley
CITY CLERK

The City Manager read the resolution.

Upon motion of Councilman Michael, seconded by Councilman Hoyle, Resolution No. 77-141 was unanimously adopted.

Complete text of Resolution No. 77-141 will be found in Resolution Book No. 10 at page 23.

RESOLUTION NO. ___ - RESOLUTION REGARDING THE CITY MANAGER'S RECOMMENDATIONS FOR USE OF THE E. TED LINN PROPERTY ON VALLEY STREET

7. Consideration was given to a resolution regarding the City Manager's recommendations for use of the E. Ted Linn property on Valley Street.

The City Manager read the resolution.

Councilman Rainey said that he was under the impression that the sentence in the resolution stating "If the City does not exercise the option to lease or purchase within the 90-day period, this option shall be null and void" would not be discussed today. With the deletion of this sentence from the resolution, Councilman Rainey said he would suggest leasing the property on a long-term basis or purchase it at the City's appraised price.

Councilman Rainey said that the real issue is whether or not the City should build a new complex for the City workers. Approximately $500,000 in Revenue Sharing Funds have already been set aside to build the complex with intentions of setting aside $500,000 for the next two years, but he hoped the City would abandon this idea and with the guidance of an architect, make use of the Linn property for ten times less than it would cost to build a new facility.

Mr. John Powell, Attorney representing Mr. E. Ted Linn, told Council that Mr. Linn is willing to sell the property to the City as appraised by Mr. Alan Butterworth for $209,500. Another consideration offered by Mr. Linn would be to rent the property with an option to lease or purchase at a later date. If the City chose this option, the rents would be applied to the lease or purchase arrangement.

Mr. Powell described the property as an 80,000 square foot main lot, fenced and adjacent to the City barn, along with a 40,000 square foot building made of concrete and steel with loading docks. In addition to these, another lot approximately 100 x 300 foot is included which could be used for parking. In considering the City's needs to house workers and equipment before winter, Mr. Powell said the Linn property is suitable in location, size, and working space for many of these purposes.

Mr. Powell requested Council to amend the resolution deleting the sentence whereby the City does nothing after the 90-day period. He said this proposal offered the property owner nothing, and there should be an option entered into between the City and Mr. Linn that would require either a lease or a purchase within 90 days.

City Manager K. M. Michalove said that the fact that a half million dollars was appropriated several years ago by Council but never used indicates a need for a facility, but a reserve in terms of a management decision not to rush into anything.

Several months ago he said Council had approved his decision to hire an architect to evaluate present facilities before considering anything new, and a

it would not be reread unless there is a specific request to do so.

Mr. K. M. Michalove, City Manager, explained that the City has been approved tentatively by the U. S. Environmental Protection Agency to furnish water for Interstate Carriers with the stipulation that the City conduct and enforce a continuing Cross-Connection Control Program.

On a roll call vote of 6-0, Ordinance No. 974 passed on its second reading.

ORDINANCE NO. 975 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

5. Consideration was given to an ordinance amending the operating budget of the City of Asheville for Fiscal Year 1977-78 (training program entitled "Principles of Police Management").

The City Manager read the ordinance.

City Manager K. M. Michalove explained that there were two parts dealing with the training program; an ordinance and a resolution. The ordinance would amend the operating budget of the City for Fiscal Year 1977-78 to fund the activity and the resolution would authorize the City Manager to file an application for federal funds, which would reimburse the $39,900 being appropriated. He requested that the Ordinance be read on all three readings.

He said that the program is in cooperation with the State of Northwestern University and would involve 32 officers, 22 of which are expected from out of town. The training program will be presented in Asheville and will last approximately five (5) weeks and will provide training in the traffic control area.

Councilman Morris moved for the adoption of Ordinance No. 975. This was seconded by Vice-Mayor Horton.

On a roll call vote of 6-0, Ordinance No. 975 passed on its first reading.

Councilman Michael moved to suspend the rules and proceed to the second reading of Ordinance No. 975. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 975 passed on its second reading.

Councilman Michael again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 975. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 975 passed on its third and final reading.

Complete text of Ordinance No. 975 will be found in Ordinance Book No. 7 at page 174.

RESOLUTION NO. 77-141 - RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION FOR FEDERAL FUNDING OF THE "PRINCIPLES OF POLICE MANAGEMENT" TRAINING PROGRAM

6. Consideration was given to a resolution authorizing the City Manager to file an application for federal funding of the "Principles of Police Management" Training Program.

In this report, he said he would include the advantages and disadvantages of acquiring the Linn property, including the cost to make the property functional in terms of renovation, electricity, heating, etc., that would be required to make the building worthwhile to the various City activities.

Vice Mayor Horton said that although the property is fairly priced, it is not clear whether it would be a bargain to the City without first knowing its complete use. It was his opinion that Council had laid the groundwork for making a proper decision on the matter at a later date, but that Council was not in a position to make an intelligent decision on the matter at this time.

By requesting immediate action by Council on the matter, Vice Mayor Horton said that Mr. Linn and his attorney, John Powell, were asking Council to act without giving consideration to what they were acting on. He suggested that Council give the City Manager, Corporation Counsel, Mr. Linn and his attorney an opportunity to get together and work out the details of the option before bringing it back to Council for their consideration.

Mayor Ochsenreiter said there were many factors to be taken into consideration concerning this project and listed the following:

(1) Consideration should be given to the future on the fundamentals of operating costs. Where the cost of a new building might be more, the cost of operating an older building could be more expensive in the long run.

(2) The increase of North/South traffic flow when the Valley Street Thoroughfare Plan is completed.

(3) Determination of the use value to the City.

(4) Possibility of a joint complex to house City and County facilities.

(5) Location - is it the right area for municipal services?

In addition to the above, Mayor Ochsenreiter said that he had received a letter saying that the residents of this area are opposed to a complex or any other building in this location and want the entire area cleaned up.

Mr. E. Ted Linn said that the City had spent $170,000 for the building down on Valley Street and nobody seemed concerned about this money, but yet the walls are falling in on the building. He said that he could not understand the delay by Council in making a decision to lease or purchase the property when the City couldn't possibly lose even if they chose to lease the property and not buy it. He said that the low appraisal had been put on the property because it didn't quite fit the City's situation.

Upon inquiry of Mayor Ochsenreiter, City Manager K. M. Michalove said that a total of $71,505.98 had been spent on improvements to the barn which included re-roofing and other repairs.

Councilman Michael said that to the best of his knowledge nobody was in agreement as to whether to purchase, lease, or rent the property or whether the building was needed at all. By passing this resolution, he said that Council would be giving the City Manager the option to work with Mr. Linn, his attorney, and Corporation Counsel William C. Moore.

committee, consisting of Mayor Ochsenreiter, Councilman Rainey, and Councilman Hoyle had been appointed to select an architect. In a memorandum to this committee, he requested that the architect chosen for this project be able to come to work immediately; that the architect evaluate the current use of existing facilities on Valley Street, and recommend specific short-range improvements for the better utilizations of these facilities, until such time as new facilities could be constructed.

If necessary, he said the Motor Transport Division could be moved to the facility presently occupied by the Street and Sanitation Divisions with the motor vehicles from these divisions being parked under a shed this winter.

He had also indicated to Council that some additional inside space might be needed to store bulk purchases of staples and that portions of the Linn property might be suitable for this purpose.

Councilman Michael said he could not see anything wrong with the resolution as it is only requesting Mr. Linn to give to the City a 90-day option. He pointed out that this is not obligating Mr. Linn to accept this or preventing some type of compromise from being worked out between Mr. Linn and the City Manager. He said that he suggested the resolution be drawn up to show Mr. Linn that the City has the intent to lease or purchase his property, but he does not see where this binds Mr. Linn to have to wait 90 days or accept the proposal. He suggested that if the resolution in its present form is not acceptable, the City Attorney, Mr. Powell, Mr. Linn and the City Manager could change it.

Councilman Morris pointed out that the resolution says the "90-day option to lease or purchase said property under terms to be agreed upon." It was his opinion that an architect should look at the property and see it if is worth the money for the purposes the City has in mind.

Mayor Ochsenreiter announced that he is in the process of setting up appointments with the architects to meet with the Committee next week.

Corporation Counsel William C. Moore suggested that Mr. Powell, Mr. Linn, Mr. Michalove and himself meet and draft an option or proposal suitable to all concerned.

Councilwoman Swilling said the the housing of important equipment should be considered. She said if we purchased or leased the Linn property, it would afford the City work departments an advantage they presently don't have, which would improve their attitude and morale toward their jobs. A new complex, or something in that order, she said could be considered in the City's long-range planning but she preferred the lease option to take care of the City's present needs. It was her hope that the new complex could be financed and shared by the City and the County.

Councilman Hoyle favored the proposed lease agreement saying that it was his understanding that the City needed a solution before winter. It was his opinion that the City could not lose on a lease with an option to purchase.

K. M. Michalove, City Manager, emphasized that the Motor Transport Division could be accommodated by winter without the Linn property and pointed out again that the exact amount of space needed is not known at this time. He requested four to six weeks to come up with a firmer recommendation for Council's consideration.

Councilman Hoyle: We're arguing about this last sentence.

Councilman Morris: Well, that last sentence hasn't got much to say because if the option is to October 1 and we decide that we don't want the property, then what happens.

Councilman Michael: You've got to throw out all of Number 1. Substitute Number 1 by saying that by October 1, the City Council will give Mr. E. Ted Linn an answer to whether they are going to lease or purchase his property.

Councilman Morris: I move that the City Manager come to us with his recommendation and that the Council agree to make a final decision on or before October 1.

Attorney Moore: I think that all you need to say is that you agree to give Mr. Linn an answer on or before such and such a date.

Councilman Rainey: I still keep hearing this "or do nothing business" in there. I don't know, are we agreed buy or lease or are we agreed buy, lease, or do nothing?

Councilman Morris: Buy, lease or do nothing. There's no sense in studying something, Gene, if we have no option to say no. We've studied it, it don't fit our need and we don't want it.

Mayor Ochsenreiter: It's already been said by the City Manager that there are some uses for it probably on a lease basis.

Councilman Rainey: Right, and to answer Ralph, you study something how to use it if you have it, and I think that is the point I would like to see us do, but it is up to Mr. Linn, what he wants.

Councilman Michael: He said he would accept giving us to October 1 to make a decision as to whether we were going to lease or purchase his building.

Councilman Hoyle: Okay, I understand that right there, lease or purchase.

Mr. E. Ted Linn: Why don't this Council take a vote as to whether they're going to lease or buy it, or vote against it, then take the option for 30 days.

Councilman Morris: I think what is going to happen there, Mr. Linn, is that the Council is going to vote not to do anything. Well, . . . that option has to remain to do nothing because there is no sense in us studying it, if we're committing ourselves either way to buy it. Well, I say there is no purpose in having a study under an option arrangement in 30 days if we're committing ourselves either to lease or purchase. Now we haven't even talked about the price and what we would be doing if we don't leave the option open to decide to neither, if we don't leave that option open, then we're deciding to purchase it today whether we would like to or whether we say it that way or not.

Councilman Rainey and Councilwoman Swilling agreed that it was their understanding that the resolution would be drawn up without the "do nothing" clause. However, Councilwoman Swilling said that the City Manager had tried unsuccessfully to get the consensus of Council's wishes in this matter and had been instructed by the Mayor to write the resolution in the manner of what his recommendations would be.

Councilman Morris said that it was his opinion the 90-day period that is in the recommendation was probably more time then was actually needed. However, he said there are several questions such as what height truck could be driven into the building, exactly how high the trucks are, and what turning radius is required for these trucks which need to be determined. He said all these questions could be determined and answered by an architect.

K. M. Michalove pointed out that he had inserted the 90-day option to begin July 26, 1977, and that almost 30 days had lapsed in the option period already, but that he felt that this time was needed for him to make a decision. He reminded Council that he would try to have a report ready for them by mid-September.

Attorney John Powell requested a motion by Council that during the third week in September, there be a proposal resolution before Council to either lease or purchase the Linn property, based on the architectural engineering study proposed by Council.

Mayor Ochsenreiter said the report would be based on what the City Manager recommends and, of course, if we disagree with what he tells us, then we can offer our own recommendations and amendments to the resolution that he presents. He said he could see no problem in the report being ready by the middle of September.

In reply to Attorney Powell's question as to what Council's action would be if the City Manager did not have the report ready by mid-September, the Mayor advised that the Council would have to vote for or against without the report, if this was the desire of Council.

Councilman Morris said that since architectural interviews are going to go on all next week, he felt that October 1 would be a reasonable compromise.

Attorney John Powell said that Councilman Morris' suggestion was acceptable.

The following text is a verbatim transcript of the last portion of discussion relative to the E. Ted Linn property:

Councilman Morris: Would you feel more comfortable if we passed a form of resolution on it?

Attorney Powell: I believe so, and then following that, I assume that myself, the City Manager and Council can begin the litigation process so as not to have that laying back as it comes to the buyer/lease.

Councilman Morris: Alright, would this wording sound all right. The City Council requests Mr. E. Ted Linn give the City of Asheville an option until October 1 to lease or purchase.

Councilman Rainey: Leave out the last sentence then?

Vice-Mayor Horton: Yes, let's discuss this. Let's understand what we are doing. Let's understand that if we pass this motion, we're saying we are either going to lease or purchase that property and that's it. We don't leave ourselves the option of turning it down. This is the most ridiculous business arrangement. I have never heard of anything so irresponsible in my life and this bothers me no end that we, elected to represent the people of Asheville, can sit here and argue on something so irresponsible and in such an immature manner. We have been subjected to pressure to act to accept someone's offer to the City in a business situation without giving it proper consideration and I resent that very much. I feel it's an insult to the intelligence of this Council and I would like to see us defeat this motion and be businesslike in the way we do the business of the City. Now, that's the way I feel and I feel that we should in all fairness to the citizens of Asheville defeat this motion and then we'll start again. If we cannot have an understanding among ourselves, let's just take one thing at a time, beat it down if necessary, and then do what is proper and what is best for the situation regarding the welfare of this City and the finances and our obligation to our citizens and those who look to us for leadership. So, Otis Michael, I ask you to vote against this and I'll ask Mr. Morris to vote against it, and I'll vote against it and let's see what happens.

Councilman Morris: I'd just like to point out that the way the motion is on the floor at this point in time, it would obligate the City to make up its mind either to lease or to purchase the building, it would commit the City to either lease or purchase the building and there isn't even a purchase price nor lease price and so I assume that whatever price Mr. Linn, at his leisure later would decide, would be what we are committed to buy it for. I think it's ridiculous.

Councilman Rainey: The motion or the resolution which has the wording of what Mr. Michalove brings to us, I don't think he was irresponsible and I don't think he was immature. I think that the legal instrument that would be effective for the 90-day period would include the $209,500 purchase price in it. We have talked about whatever the lease price might be, but that would be negotiated at that point. To me, we have a problem here of whether or not we purchase a building or whether or not we tell the architect there is an opportunity for you to build a multi-million dollar complex. Why don't we go up or down with this . . .

STATIC ON TAPE - COULD NOT HEAR

Mayor Ochsenreiter: I think we've had ample discussion. There's been a motion and a second. All those in favor of the resolution as presented signify by saying "aye". Councilman Hoyle, Councilman Rainey, and Councilwoman Swilling voted "aye" with Vice-Mayor Horton, Councilman Morris and Councilman Michael voting "nay".

Mayor Ochsenreiter: I oppose that also.

Vice-Mayor Horton: Right - We still have to hold the option for this City Council and the City of Asheville to decide for ourselves, using our best judgement with professional help, whether or not this is, this building is useful to us. If it turns out that it isn't, we've got no use for it so we wouldn't want to commit ourselves for either a lease or a purchase.

Councilman Rainey: Mr. Mayor, in order to clear the deck and, after all, we're using up valuable strength and we have John Jerose yet to go through and that's going to take a lot of strength, I move adoption of this resolution with the second sentence in Number 1 deleted.

Councilman Morris: Now, wait a minute, I didn't get it clear.

Councilman Rainey: I moved adoption of the resolution with the second sentence in Number 1 deleted.

Attorney Moore: If it's the Council's will, I understand that what the Council is saying is that they haven't made up their mind and it's my understanding that if you tell Mr. Linn that you're going to make a decision within a period of time, then you can pass this resolution without anything in it but you tell me now that you're going to lease or option right at this minute.

Councilman Rainey: Right. Let's go up or down with it . . .

Councilman Morris: Without even having a lease price?

Councilman Michael: Will you let me make an amendment? I'll second it in order to make an amendment and make the second sentence in Number 1 "If the City does not exercise the option to lease or purchase by October 1, this option shall be null and void."

Councilman Rainey: Well, you've put back in what I took out.

Councilman Michael: That's what Mr. Linn said that he would accept.

Attorney Powell: I understand what Councilman Rainey is willing to do and Mr. Linn would like that notation and remove that second sentence and have the resolution read to lease or buy.

Councilman Michael: I'll withdraw my second because it won't be acceptable to Mr. Linn, I mean my amendment.

Mayor Ochsenreiter: Are you withdrawing your amendment? Your second stands?

Councilwoman Swilling: I second it.

Mayor Ochsenreiter: Your second stands?

Councilman Morris: No, JoAnn seconds it.

Councilwoman Swilling: He withdrew his second, I second it.

Mr. Linn . . . 3/4 percent to a percent and a half or whatever, that could be discussed and then a definite decision be made by Council on or before October 1 as to whether to lease or purchase.

Attorney Moore: Why don't we do this John. Why don't you and I get together with Mr. Michalove and Mr. Linn and draft a resolution, an option to purchase, whatever you want to call it and come back to Council with something concrete to take a look at.

Attorney Powell: I'd rather have you set a date though. . .

Attorney Moore: I can't, there's no way to set a date. You're going to have to sit down and discuss this whole thing in order to make a determination.

Vice-Mayor Horton: No way, no way.

Attorney Moore: I can't, number one, come up with a legal opinion on language like that and you . . .

Mayor Ochsenreiter: I would like to recommend to Council that the suggestions made by both John and Bill be followed and that a meeting date, we would hope the first of next week, be set so that the proper instrument could be drawn and presented to Council. Does anyone disagree with that approach?

Vice-Mayor Horton: Mr. Mayor, that's quite similiar to what I suggested when I first started to speak before I got incensed a while ago and I don't apologize for getting incensed because it seems like we've just gotten off on a real unusual tangent today. This makes sense and I think that we should accept the advice of our Attorney and have some understanding. I realize that it's most unusual to have an option to buy or purchase without some consideration and the understanding there is that, if at the end of the option period, the person buying the option forfeits that amount of money, if he decides that he doesn't want to do anything. So, I think this should be a businesslike way of doing it and that's the third option that should be left . . . with any purchaser that he can change his mind if it looks like he doesn't have any use for that purchase or if the price and so forth doesn't suit him.

Councilman Michael: You're talking about 3/4 of a percent?

Attorney Powell: That's normally the range but these are always negotiable, depending on the . . . I think something in that range will be fair.

Councilman Michael: You're talking about $1,500 and we've already spent $1,200 getting it appraised and we haven't even made up our mind as to whether we're going to buy it or not. I think this resolution is good. I think that if you want to change the time to October 1 and Mr. Michalove thinks that he can make that deadline and work with Mr. Moore, work with you, Mr. Linn, fine. For us to go and spend another $1,500 to $2,000 on something that we don't know whether we're going to get or not yet of taxpayer's money . . .

Councilwoman Swilling: May I take a second? Why I second it and why I voted for this. I think it is only fair to say that Mr. Michalove has spent much time in looking at this building. It's had different department heads appraise it and go through it. They have given their evaluation of the building. I do not feel like I have been irresponsible or unthoughtful with people's money. I feel like the need is for a building to house deteriorating structures for the City employees. Mr. Linn has made the City a fair price which all of us have been aware of and the lease agreement has been spelled out in black and white which is negotiable . . .

Councilman Michael: May I make a motion?

Vice-Mayor Horton: Let's be careful . . . Let's . . . What I would like to do in all sincerity, are we looking to the City Manager to handle this kind of thing for us or are we . . .

Councilman Hoyle: Who is telling who now?

Vice-Mayor Horton: . . . going to open the City Council meetings up for any citizen to come in and offer the City anything they have to sell or any proposition they'd like to make and deal directly with the City Council. I think we're really getting far field here. I feel that we certainly shouldn't make any decision on the purchase of property unless it's thoroughly studied and unless it is recommended to us at least one way or the other from our City Manager and here we're, we have been discussing today the possibility of going ahead without regard to what the City Manager might recommend to us because he is not ready to recommend anything to us, and I think this is a poor procedure.

Councilman Hoyle: Let me ask the Attorney something. Bill, if I come up to you and I lease your building, does that tie my hands that I have to buy it?

Attorney Moore: Based on what you're saying, no, unless you have a lease option to purchase. But I think the problem here is the fact of the semantics of drafing this and I think that what we need to do is for Mr. Powell, Mr. Linn, Mr. Michalove and myself to get together to draft an instrument that fits what I understand that you all are talking about today more clearly, then we can come back to Council. Now, that's my understanding and I think you all will agree with me.

Vice-Mayor Horton: That's what I've asked for, is that agreeable with you?

Attorney Powell: Yes, Let me make a suggestion directed to the City Manager and to Council. Obviously, since the Council today, the Mayor has broken the tie vote to take some definite action on the property today in terms of leasing and buying. We discussed an October 1 date. I would propose an option with consideration to Mr. Linn, not a free option. I do think there ought to be an option with some consideration going to

Vice-Mayor Horton said that the owner of the second parking lot could be required to put a sign up.

Mr. Emrick said that at the time a new building permit or certificate of occupancy is issued, if that individual cannot meet parking requirements, then it would be necessary for the individual moving into the business to make some arrangement with the adjoining property owners.

RESOLUTION NO. 77-142 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A 15-INCH SEWER LINE ON AMBOY ROAD IN ASHEVILLE, NORTH CAROLINA

9. Consideration of a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for a 15-inch sewer line on Amboy Road in Asheville, North Carolina.

The City Manager read the resolution.

Upon motion of Councilman Michael, seconded by Councilman Hoyle, Resolution No. 77-142 was unanimously adopted.

Complete text of Resolution No. 77-142 will be found in Resolution Book No. 10 at page 24.

Mayor Ochsenreiter introduced Mr. and Mrs. Herman Medler of West Asheville.

Mayor Ochsenreiter called for a five (5) minute recess of Council at 4:55 o'clock p.m. Council reconvened the meeting at 5:00 o'clock p.m.

PUBLIC HEARING - AMENDMENT TO THE THOMS CABLEVISION FRANCHISE ORDINANCE TO INCREASE AUTHORIZED RATES AND TO CLARIFY THE PROVISIONS OF THE ORDINANCE RELATIVE TO ESTABLISHMENT OF RATES

10. A public hearing was held relative to the amendment to the Thoms Cablevision Franchise Ordinance to increase authorized rates and to clarify the provisions of the ordinance relative to establishment of rates.

Mayor Ochsenreiter opened the public hearing at 5:10 o'clock p.m.

The City Manager advised that the notice to the public had been advertised relative to the time and date of the public hearing. He presented the Affidavit of Publication. He said that he had also received a proposed amendment to Section 11 of the Thoms Broadcasting Companies, Inc. Franchise Ordinance.

Mr. Max Cogburn, Attorney representing Thoms Broadcasting Companies, Inc., gave a brief background into the formula previously used to increase the rates, which had been based on the national average of cities comparable in size to that of the City of Asheville. However, he said he felt that Council realized, as he did, that this formula could no longer be followed in granting increases. He said this is more evident because of a trend across the country to de-regulate the fixing of rates for cablevision.

Mr. Cogburn presented the Mayor and Members of City Council with an audited financial statement prepared for Thoms Cablevision by Mr. Don Williams and certified by him as having been done according to accepted accounting practices. It was his hope that this statement would provide a bridging step between the former rate adjustment and what is presently being requested, thus setting a precedent for fixing rates in the future.

Attorney Powell: I think that Council would agree with me that the City is also asking Mr. Linn to give up the right to dispose of his property otherwise, during the period of the option and any other normal business transaction some consideration for that tie on his property . . .

Mayor Ochsenreiter: Let's leave that for the agreement that you all reach and bring back to Council. We're going to move as fast as we can and we got some good deadlines I think by mid-September, he is going to have a recommendation and we're going to work on the October 1 date to make sure that it's done by that time.

ZONING ORDINANCE AMENDMENT REGARDING JOINT USE OF PARKING LOTS - OFF-STREET PARKING AND LOADING

8. Consideration was given to a zoning ordinance amendment regarding joint use of parking lots - off-street parking and loading.

The City Manager said that this suggestions was brought about by complaints the City has received over a period of months relating to businesses that attempt to accommodate parking within their own properties. He said recently some businesses have opened up without sufficient parking on their premises which has caused their customers to use the parking facilities of adjoining or near-by businesses.

Mr. Emrick said that this is for informational purposes only and that no action can be taken. He said that the ordinance we now have does not accommodate the types of problems we are concerned with. He summarized the following proposed amendment:

"Sec. 30-3-11 Regulation of Off-Street Parking and Loading.

Subsection C. Joint Use of Parking Lots.

1. The required parking space for any number of separate uses may be combined in one lot, but the required spaces assigned to one may not be assigned to another for use during the same hours.

However, overflow parking generated by one or more businesses or uses not located in a typical shopping center complex(es) or similar group development(s), shall not encroach upon the parking areas assigned to other businesses or uses unless a properly drawn legal instrument is executed by the parties concerned for the joint use of the off-street parking areas (adjacent or remote) and said instrument is approved as to form and manner of execution by the Corporation Counsel of the City of Asheville, N. C. and filed with the application for a building permit."

Upon inquiry of Councilman Rainey, Mr. Emrick said this would be enforced by the Zoning Administrator and the Police Department. He said this is almost an unenforceable type of situation.

Councilman Rainey suggested that an owner put up a sign saying "no parking other than customers" then the owner could designate the cars he wanted towed away.

He advised Vice-Mayor Horton that he would find out whether any other companies charge on this basis.

Mr. Jerose urged Council to base their judgement on the performance of the Company in covering new areas. He pointed out to Council that once the area is built up and subscriptions increased, the rate would stabilize.

Mayor Ochsenreiter said he felt like Cablevision is a luxury and if Council thinks it is a fair price then it would be up to the option of the user to say whether or not they want it for the price offered.

After further discussion, Mayor Ochsenreiter requested that an ordinance be prepared for Council's consideration at their next regular scheduled meeting on September 1, 1977.

Mayor Ochsenreiter closed the public hearing at 6:10 o'clock p.m.

RESOLUTION NO. 77-143 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR AN 8-INCH WATER LINE ON TOWN MOUNTAIN ROAD

11. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way agreement with the North Carolina Department of Transportation for an 8-inch water line on Town Mountain Road.

The City Manager read the resolution.

Upon motion of Councilman Rainey, seconded by Councilman Hoyle, Resolution No. 77-143 was unanimously adopted.

Complete text of Resolution No. 77-143 will be found in Resolution Book No. 10 at page 25.

ORDINANCE NO. 976 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

12. Consideration was given to an ordinance amending the operating budget of the City of Asheville for Fiscal Year 1977-78 (equipment to clean City vehicles).

The City Manager read the ordinance.

Councilman Michael moved for the adoption of Ordinance No. 976. This motion was seconded by Councilman Morris.

On a roll call vote of 5-0, Ordinance No. 976 passed on its first reading.

Councilman Michael moved to suspend the rules and proceed to the second reading of Ordinance No. 976. This motion was seconded by Councilman Rainey and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 976 passed on its second reading.

Councilman Michael again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 976. This motion was seconded by Councilman Rainey and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 976 passed on its third and final reading.

Mr. Cogburn said that since the last increase granted by Council in April of 1976 increasing the rates to $7.00 per month, Thoms Cablevision had been involved in the expansion of facilities, construction, and providing an enrichment program for its subscribers. He said without an adjustment in rates approved by Council, Thoms Cablevision could not hope to have any return on the large investment which has been put into their business.

He pointed out that Council had provided Thoms Cablevision with a resolution relative to their obtaining permission from the FCC to carry Channel 3. He advised that Thoms had undertaken efforts with an attorney in Washington, who is familiar with the FCC practices, to get some relief from the rule which will not allow them to carry Channel 3. This, he said would not only be important to the subscriber, but valuable to the business as well.

Mr. John Jerose, Vice President and General Manager of Thoms Cablevision, reviewed the rate increase application for members of Council. Included in this application were areas constructed over the past year totalling $106,356.51; proposed construction for 1977-78 totalling $97,865; and a list of services provided to all subscribers, which he said fulfilled the commitment made by Thoms prior to the last increase.

Upon inquiry of Council, Mr. Jerose said that Thoms was presently attached to 5,181 poles and the proposed increase of $2.00 per pole by the power company would cost $10,362. As of July 1, 1977, Mr. Jerose said the contract between Thoms Cablevision and Carolina Power and Light Company for poles had expired. He said CP&L had proposed a $2.00 increase per pole in the new contract and that Thoms had not agreed to that price. Because of their failure to sign the new contract, he said CP&L would not allow any more attachments to their poles.

Upon inquiry of Councilman Michael, Mr. Jerose said that CP&L Co. did not go up on the pole rates for the telephone company due to an agreement reached on a national level with the Bell Systems and the Federal Communications Commission that would be in effect until 1980 or 1981. He informed Council that the FCC did not regulate the power industry. However, he said there is a Bill pending in Congress to give the State Utilities Commission authority to regulate pole rates for the FCC if the State chose not to regulate them.

Mr. Jerose explained that the $1.50 per month was the needed rate increase and presented the following formula:

6500 accounts x $1.50 per month equals $9,750 per month x
12 months equals an $117,000 annual yield.

Based on projected liabilities and construction, he said Thoms should be requesting a $3.00 rate increase. Since the request is only for $1.50 or annual yield of $117,000, this would only keep pace with the needs for 1978. In order to get the type of return needed and what their investors should have, he said the rate should be $10.00.

In reply to Councilman Rainey's question, Mr. Jerose said Thoms Cablevision Company, Inc. lost under 20 customers when Council approved the last increase, but to the best of his knowledge most of these came back. He said the net gain since the last increase was in the neighborhood of seven or eight hundred new customers.

Upon inquiry of Councilman Michael, Mr. Jerose said he did not know whether it would be legally possible for Thoms Cablevision to charge a distance rate and possibly more to County residents, but he thought they would be justified in doing so.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 77-146 was unanimously adopted.

Complete text of Resolution No. 77-146 will be found in Resolution Book No. 10 at page 29.

SEPTEMBER NIGHT MEETING - SEPTEMBER 15, 1977

Upon motion of Councilman Hoyle, seconded by Councilman Michael, the September night meeting is scheduled for September 15, 1977 at 7:30 o'clock p.m.

Councilman Michael asked the City Manager to include, as much as possible, community business at these night meetings.

REPORTS - CHARLES STREET AND HAW CREEK - CITY MANAGER

City Manager K. M. Michalove said that his updated reports on Charles Street and Mrs. Noblett's inquiries would be given at Tuesday's work session.

Adjournment.

Eugene L. Schanacke Jr.
MAYOR

William F. Moseley
CITY CLERK

Complete text of Ordinance No. 976 will be found in Ordinance Book No. 8 at page 175.

RESOLUTION NO. 77-144 - RESOLUTION OF INTENT TO CLOSE AN UNNAMED ALLEY WAY BETWEEN JULIA STREET, NOW ROBINDALE AVENUE AND HENRIETTA STREET AND CALLING A PUBLIC HEARING ON THE QUESTION

13. Consideration was given to a resolution of intent to close an unnamed alley way between Julia Street, now Robindale Avenue and Henrietta Street and calling a public hearing on the question.

The City Manager read the resolution scheduling the date for the public hearing for October 6, 1977, which is a 7:30 o'clock p.m. meeting.

Mr. Emrick, Planning Director, showed Council, by use of a map, where the alley way is located.

Upon motion of Councilman Rainey, seconded by Councilman Michael, Resolution No. 77-144 was unanimously adopted.

Complete text of Resolution No. 77-144 will be found in Resolution Book No. 10 at page 26.

ORDINANCE NO. ___ - AN ORDINANCE AMENDING THE HEALTH AND SANITATION CODES, CHAPTER 14 OF THE CODE OF ORDINANCES, CITY OF ASHEVILLE, NORTH CAROLINA

14. Upon request of Councilman Rainey, consideration of this ordinance was postponed until September 1, 1977.

ORDINANCE NO. ___ - AN ORDINANCE AMENDING THE GARBAGE AND TRASH CODES, CHAPTER 13 OF THE CODE OF ORDINANCES, CITY OF ASHEVILLE, NORTH CAROLINA

15. Upon request of Councilman Rainey, consideration of this ordinance was postponed until September 1, 1977.

RESOLUTION NO. 77-145 - RESOLUTION RECOMMENDING NUMBER ONE PRIORITY PROJECTS TO THE NORTH CAROLINA BOARD OF TRANSPORTATION FOR 1977-84 HIGHWAY IMPROVEMENT PROGRAM

16. Consideration was given to a resolution recommending Number One priority projects to the North Carolina Board of Transportation for 1977-84 Highway Improvement Projects.

The City Manager read the resolution.

Upon motion of Councilman Michael, seconded by Councilman Rainey, Resolution No. 77-145 was unanimously adopted.

Complete text of Resolution No. 77-145 will be found in Resolution Book No. 10 at page 27.

RESOLUTION NO. 77-146 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO MAKE APPLICATION FOR BUREAU OF OUTDOOR RECREATION FUNDS FOR NORTH ASHEVILLE PARK

17. Consideration was given to a resolution authorizing the Director of Parks and Recreation to make application for Bureau of Outdoor Recreation Funds for North Asheville Park.

The City Manager read the resolution.

their last increase by Council. It was also his opinion that there was to be no installation charge, therefore the new customer would not be bearing the weight of the expansion. He said the accounting report is based on the assumption that there will be no increase in customers. He said that since Thoms Cablevision is going into the Biltmore area, Barnard Avenue Ext., etc., there should be additional subscribers.

Mr. Cogburn said he believed that the present customers were receiving an adequate return on last year's increase. Referring to the services listed in the front of the Rate Increase Application, Mr. Cogburn said that under the franchise, Thoms Cablevision has the obligation to expand and serve the entire City and that money has to come from some source. In response to Councilman Rainey's inquiry about the financial report, Mr. Cogburn explained that this report was drawn up for the present time.

Councilman Rainey said that he has not been able to find any justification for the rate increase in the financial report.

Mr. Cogburn said that since Thoms Cablevision executed the microwave service agreement in November, 1976, they have been trying to get service to their subscribers as quickly as possible.

Mr. Don Williams said that the parent company has $1,372,000 invested in Thoms Cablevision and that the net income in 1976 was only a fraction over 4% return on its capital. He also said that the $54,000 profit figure from last year would have been much lower in that the company had $975,000 in losses, therefore having no income taxes to pay.

Vice-Mayor Horton stated that Council does not have the prerogative of amending this ordinance since it was adopted by vote of the people in a referendum.

Councilmen Rainey and Morris said that they were both under the understanding that the ordinance would be edited and a satisfactory agreement reached relative to the calculation of future rates prior to the second reading of the ordinance.

Councilman Morris moved for the adoption of Ordinance No. 977. This motion was seconded by Councilman Hoyle.

On a roll call vote of 4-1, Ordinance No. 977 passed on its first reading, with Vice-Mayor Horton voting "no."

PUBLIC HEARING - REZONING REQUEST - C. C. BLOUNT AND ASSOCIATES, INC. - PROPERTY BOUNDED BY STATE STREET, MICHIGAN AVENUE AND AMBOY ROAD

3. A public hearing was held relative to a rezoning request by C. C. Blount and Associates, Inc. to rezone property bounded by State Street, Michigan Avenue and Amboy Road from R-3 Residential District to LI Light Industrial District.

Mayor Ochsenreiter opened the public hearing at 3:44 o'clock p.m.

The City Manager presented the advertised notice to the public setting the time and date of the public hearing and the affidavit of publication.

Mr. Verl Emrick, Planning Director, advised that the Planning and Zoning Commission recommended approval of the rezoning request. He said the original request was that the property be rezoned to HI Heavy Industrial District, but the Planning and Zoning Commission felt that the LI Light Industrial District would accommodate the proposed use. By use of a map, Mr. Emrick pointed out the proposed rezoning area to members of Council.

Thursday - September 1, 1977 - 3:00 o'clock p.m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Gene E. Rainey, Corporation Counsel William C. Moore, City Manager K. M. Michalove

Absent: Councilwoman JoAnn M. Swilling, Councilman Otis B. Michael, Associate City Manager/City Clerk William F. Wolcott, Jr.

APPROVAL OF MINUTES

1. Approval of the amended minutes of the August 18, 1977 meeting and the minutes of the August 25, 1977 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilman Morris, the amended minutes of the August 18, 1977 meeting were approved as submitted.

Upon motion of Councilman Rainey, seconded by Councilman Hoyle, the minutes of the August 25, 1977 meeting were approved as submitted.

ORDINANCE NO. 977 - ORDINANCE AMENDING ORDINANCE GRANTING FRANCHISE TO THOMS BROADCASTING COMPANIES, INC.

2. Consideration was given to an ordinance amending ordinance granting franchise to Thoms Broadcasting Companies, Inc.

The City Manager read the ordinance and said that the City Attorney, Mr. Cogburn, Mr. Jerose, and himself had met this week to attempt to develop a formula relative to questions raised at last week's Council meeting. Due to a lack of time, they were unable to meet with the sub-committee of City Council. He said it was agreed at Tuesday's work session that this would only be the first reading, and that the language in the ordinance that dealt with the fees and charges would have to be looked at by the sub-committee of Council.

Mr. Max Cogburn, Attorney representing Thoms Broadcasting Companies, Inc., said that Mr. J. Donald Williams who prepared the Thoms Cablevision Rate Increase Application, was present today to answer any questions.

Upon inquiry of Councilman Rainey, Mr. Williams explained that Thoms Cablevision does not hire its own internal accountant, therefore they must appropriate $1,000 per month for accounting services.

Councilman Rainey felt that inflation should be one item in the calculation, but not the total item.

Councilman Rainey raised the following issues:

1. Has the present customer recieved an adequate return on the $1.60 increase last year?

2. Should the present customers be required to pay for expansion of future customers?

Councilman Rainey said he thought it was unfair to the customers of cablevision for Thoms to request an increase at this time, because they have just this past August provided the services of two additional stations they promised when they were granted

The City Manager explained that the current president of the Asheville-Buncombe County Youth Council is Ms. Lisa Dean.

READOPTION OF ORDINANCE NO. 322, AS AMENDED, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF ASHEVILLE

6. Consideration was given to the second reading of the readoption of Ordinance No. 322, as amended, known as the Zoning Ordinance of the City of Asheville.

Mr. Verl Emrick reviewed the changes in the proposed ordinance as follows:

1. SIGN REGULATIONS were inserted as Article 9 and the remaining Articles were renumbered in the Table of Contents and the Text.

2. ARTICLE I, Section 30-1-3. Jurisdiction was amended.

3. ARTICLE 4, Section 30-4-1. Use Districts, rewording of the use district designation to correspond with the references made to the maps in the Jurisdictional statement.

Mr. Emrick said there was one other change in Article 8, Board of Adjustment, and it was brought about by a change that was made in state law governing appointments to the Board of Adjustment 160A-388. The sentence which will be deleted reads as follows:

"The City Council and the County Commissioners may, in their discretion, appoint alternate members to serve on said Board in the absence, for any cause, of any regular meeting."

Mr. J. E. Johnson, Director of Inspections, said that the alternate members should be appointed as members, so they could be called if some others couldn't attend a meeting.

Mayor Ochsenreiter asked Mr. Johnson for suggestions to the wording change.

Mr. Emrick, upon the request of Mr. Al Sneed, asked Council for a zoning change from R-2 Residential to R-1 for the area south of Elk Mountain Scenic Highway at the northernmost edge of the revised extraterritorial area, where property owners feel a need for the additional protection offered by the highly restrictive R-1 designation.

Mr. Charlie Patton from Ballentree Sub-Division, requested that the boundary line be redrawn on the southeast to include the Ballentree Sub-Division, which is within the present one-mile perimeter, but would have been outside the proposed new boundary.

Mr. Emrick said that he would contact Mr. Rice and get a detailed description of the entire Ballentree property and that would suffice for the description that would need to be inserted in the Jurisdictional statement. He said that this would be presented at the work session on Tuesday.

Mr. Nick Fisher recommended a change in the extraterritorial boundary where the northwestern boundary would be changed from Gorman Bridge Road and Riverview Road to Brickyard and Pearson Bridge Road.

Mayor Ochsenreiter said these items would be taken up at Tuesday's work session.

Vice-Mayor Horton moved for the readoption of Ordinance No. 322, as amended. This motion was seconded by Councilman Morris.

On a roll call vote of 4-0, the readoption of Ordinance No. 322, as amended, passed on its second reading.

Mrs. Elrod spoke in opposition to the rezoning request saying that she has six lots that could be built on, but the residents of this area don't want buildings near the lots where homes would be built.

Mr. Emrick said that the residents in the area would be protected by stringent buffer requirements.

Vice-Mayor Horton said he would not recommend a designation of Light Industrial District zoning on a residential street (State Street).

Mayor Ochsenreiter suggested that Council continue the public hearing until members of Council could have an opportunity to visit the property.

Mrs. Wilson also spoke in opposition to this rezoning request stating that there would be too much congestion and that the only available water and sewer lines were installed by the property owners.

Councilman Morris moved to continue the public hearing until September 8, 1977, until Council members could have an opportunity to view the property. This motion was seconded by Councilman Rainey and carried unanimously.

PUBLIC HEARING - GROUP DEVELOPMENT - ADDITION TO SQUARE D COMPANY

4. A public hearing was held relative to the site plan of the proposed expansion of the Square D Company located on Bingham Road.

The City Manager presented the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Emrick advised Council that the Planning and Zoning Commission recommended approval of the site plan subject to the recommendations of the Water Department and the submission of a satisfactory erosion control plan.

Upon inquiry of Vice-Mayor Horton relative to additional water usage, Mr. Hammond, a representative of Square D Company, said that there would be perhaps a 10% increase of water usage in the proposed area.

Mayor Ochsenreiter closed the public hearing at 4:16 o'clock p.m.

Councilman Rainey moved to approve the site plan of the proposed expansion of the Square D Company located on Bingham Road. This motion was seconded by Councilman Hoyle and carried unanimously.

RESOLUTION NO. 77-147 - RESOLUTION APPOINTING THE ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL PRESIDENT TO THE ASHEVILLE AREA CIVIC CENTER COMMISSION

5. Consideration was given to a resolution appointing the Asheville-Buncombe County Youth Council President to the Asheville Area Civic Center Commission.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilman Hoyle, Resolution No. 77-147 was unanimously adopted.

Complete text of Resolution No. 77-147 will be found in Resolution Book No. 10 at page 31.

The City Manager read the ordinance which increases the penalty from $10.00 to $25.00, a new requirement that weeds and grass be cut twice a year on or before June 1 and September 1 of each year, and a new requirement that undeveloped lots of more than one acre be cleared by those dates to a distance of 50 feet from all public roadways and lots that have businesses and residences built on them.

Councilman Rainey said that this ordinance would bring out a better appearance for Asheville in the future.

Councilman Rainey moved for the adoption of Ordinance No. 979. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 4-0, Ordinance No. 979 passed on its first reading.

Upon inquiry of Councilman Rainey, Mr. Johnson said that the service stations with a lot of old tires are covered under this ordinance.

ORDINANCE NO. 980 - ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

10. Consideration was given to an ordinance amending the operating budget of the City of Asheville for Fiscal Year 1977-78 (electric fencing at the Asheville Airport).

The City Manager read the ordinance. He explained that this would allow electric fences to be installed at the Asheville Airport to keep deers out of the airport area.

Councilman Morris moved for the adoption of Ordinance No. 980. This motion was seconded by Councilman Hoyle.

On a roll call vote of 4-0, Ordinance No. 980 passed on its first reading.

Vice-Mayor Horton moved to suspend the rules and proceed to the second reading of Ordinance No. 980. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 980 passed on its second reading.

Vice-Mayor Horton again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 980. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 980 passed on its third and final reading.

Complete text of Ordinance No. 980 will be found in Ordinance Book No. 7 at page 182.

DOGS ON TACOMA CIRCLE

Rev. Samuel A. Friedman of 186 Tacoma Circle requested some method of dog control, especially between the hours of 11:00 o'clock p.m. and 3:00 o'clock a.m.

Mayor Ochsenreiter said that the City Manager is working on this type of problem.

ORDINANCE NO. 974 - ORDINANCE ESTABLISHING A CROSS-CONNECTION CONTROL POLICY FOR THE ASHEVILLE MUNICIPAL POTABLE WATER SUPPLY

7. Consideration was given to the third and final reading of Ordinance No. 974, an ordinance establishing a Cross-Connection Control Policy for the Asheville Municipal Potable Water Supply.

Mayor Ochsenreiter advised Council that the ordinance was previously read on the first reading and members of Council had been furnished copies of the ordinance and it would not be re-read unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 974 passed on its third and final reading.

Complete text of Ordinance No. 974 will be found in Ordinance Book No. 7 at page 173.

ORDINANCE NO. 978 - ORDINANCE AMENDING THE HEALTH AND SANITATION CODES, CHAPTER 14 OF THE CODE OF ORDINANCES, CITY OF ASHEVILLE, NORTH CAROLINA

8. Consideration was given to an ordinance amending the Health and Sanitation Codes, Chapter 14 of the Code of Ordinances, City of Asheville, North Carolina.

The City Manager read the ordinance incorporating the change in the penalty from $10.00 to $25.00. The amendment will read as follows:

> "(f) In addition to and separate and apart from the other remedies set forth in this Section, a violator of any of the above provisions may be assessed a penalty of Twenty-five Dollars ($25.00), and each and every day during which a violation occurs shall be a separate and distinct offense."

Councilman Rainey pointed out that the $25.00 penalty fee is in keeping with fines charged by other cities. It was his hope that by increasing penalties in this particular area, the City would alleviate most of the complaints with weeds. He said he also drafted a letter that would be sent out by the City Inspector. He said he believed the enforcement of this is more important than the penalty itself.

Councilman Rainey moved for the adoption of Ordinance No. 978. This motion was seconded by Councilman Hoyle.

On a roll call vote of 4-0, Ordinance No. 978 passed on its first reading.

Mr. Michalove said that the problems of enforcing this code would be through the courts. He said that there will be property owners that will not cut their weeds, but the way this ordinance reads, the Inspections Department may go to the residence and notify the person responsible, if the trash is not removed or if the weeds are not cut. At this point, he said the Chief of Building Inspections would have to bring the matter before Council. Upon receiving an order from Council, the Building Inspector would instruct personnel under his control to cut the grass, remove the trash, garbage, etc. and a lien placed on the property for the costs incurred by the City.

ORDINANCE NO. 979 - ORDINANCE AMENDING THE GARBAGE AND TRASH CODES, CHAPTER 13 OF THE CODE OF ORDINANCES, CITY OF ASHEVILLE, NORTH CAROLINA

9. Consideration was given to an ordinance amending the Garbage and Trash Codes, Chapter 13 of the Code of Ordinances, City of Asheville, North Carolina.

RESOLUTION NO. 77-150 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH PERRY M. ALEXANDER CONSTRUCTION COMPANY FOR THE PROJECT KNOWN AS REDWOOD FOREST 6-INCH WATER LINE

14. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Perry M. Alexander Construction Company for the project known as Redwood Forest 6-Inch Water Line.

The City Manager read the resolution. He read a memorandum from William DeBruhl, Utilities Operations Coordinator, which stated that the five (5) responsive bids were received and recommended the acceptance of the lowest bid by Perry Alexander Construction Company in the amount of $49,058.00.

Bid Summary

Bidder	Bid
Perry Alexander Construction Company	$49,058.00
Taylor and Murphy Construction Company	56,920.00
Huntley Construction Company	52,492.30
W & W Construction Company	54,625.00
Hobson Construction Company	50,900.00

Upon motion of Councilman Rainey, seconded by Vice Mayor Horton, Resolution No. 77-150 was unanimously adopted.

Complete text of Resolution No. 77-150 will be found in Resolution Book 10, page 34.

CLAIM - HARLEY WARREN BURLESON AND WIFE RUBY M. BURLESON

The City Manager presented a claim received from Long, McClure and Dodd on behalf of Harley Warren Burleson and wife, Rudy M. Burleson.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - JERRY LEWIS MUSCULAR DYSTROPHY TELETHON WEEKEND

Mayor Ochsenreiter proclaimed the period of September 4-5, 1977, as "Jerry Lewis Muscular Dystrophy Telethon Weekend."

FREE PARKING - CIVIC CENTER

The City Manager said that the Civic Center Commission is sponsoring a special event at the Civic Center in September to interest business and industry clubs to use the Civic Center, to show them what kinds of facilities we have and what types of uses we can make with those facilities, and to encourage as many people as possible to come to that event, the Commission is asking for free parking in the Civic Center Garage on that evening.

Councilman Hoyle moved to let the Civic Center Commission have a free night of parking in the Civic Center Garage for this special event. This motion was seconded by Vice-Mayor Horton and carried unanimously.

BILL FASS - AKZONA PROPOSAL

Mr. Bill Fass spoke in favor of the proposed Akzona development. He said he believes the City needs to back this development and whatever the costs are, in time, it will come back to the City.

Adjournment.

MAYOR

CITY CLERK

ORDINANCE NO. ___ - ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

11. Consideration of an ordinance amending the operating budget of the City of Asheville for Fiscal Year 1977-78 (creation of Advertising Services and Promotions activities in conjunction with the Civic Center activity).

The City Manager read the ordinance.

Mr. Larry Fisher, Director of Finance, explained that this is only an accounting change. He said there is no change in what the Commission and the City Council appropriated to these activities. Mr. Fisher said that these activities were in the Civic Center activity net (the anticipated profit of the promotions activity was already in the Civic Center budget, but the revenue that would have created that profit and the expenditures that it will take to generate that profit were not displayed in the Civic Center budget). He said this in no way alters the support that the General Fund is budgeted to give to the Civic Center fund.

After some discussion, it was the consensus of Council to table this ordinance until they could study the request in more detail.

RESOLUTION NO. 77-148 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH COMPUTER SYSTEM SERVICES, INC.

12. Consideration was given to a resolution authorizing the Mayor to sign a contract with Computer System Services, Inc.

The City Manager read the resolution. He explained that the contract is for a variety of services for a one year period beginning September 1, 1977. The contract is for $1,750 per month, which is the same amount we had the previous year. Since the type of equipment to be serviced is detailed, the City has found this maintenance agreement to be less expensive than going to the supplier of the equipment for these services.

Upon motion of Councilman Morris, seconded by Vice-Mayor Horton, Resolution No. 77-148 was unanimously adopted.

Complete text of Resolution No. 77-148 will be found in Resolution Book No. 10 at page 32.

RESOLUTION NO. 77-149 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR PROJECT NO. 78-P-01

13. Consideration was given to a resolution authorizing the Mayor to enter into a contract with the North Carolina Department of Transportation for Project No. 78-P-01.

The City Manager read the resolution. He explained that this is a continuing grant agreement with the state and federal government. He said the $7,000 of non-federal costs is shared with the state 50-50, the City is actually putting up $3,500 which is an in-kind contribution. He said this goes to pay the salary of some of the Planning Staff.

Upon motion of Councilman Hoyle, seconded by Councilman Rainey, Resolution No. 77-149 was unanimously adopted.

Complete text of Resolution No. 77-149 will be found in Resolution Book No. 10 at page 33.

Mayor Ochsenreiter closed the public hearing at 3:26 o'clock p.m.

Mayor Ochsenreiter said that Mr. Emrick and the petitioners will work together to amend the ordinance prior to the second reading deleting the State Street lots bordering the existing residential area.

Upon Vice-Mayor Horton's request, Mr. Emrick read the permitted uses in the commercial services (LI Light Industrial) zone.

Mrs. Elrod said that with the uses permitted in a Light Industrial area, things would pile up and it would look like a junkyard.

The City Manager read the ordinance.

Councilman Hoyle moved for the adoption of Ordinance No. 981. This motion was seconded by Councilwoman Swilling.

On a roll call vote of 6-0, Ordinance No. 981 passed on its first reading.

PUBLIC HEARING - GROUP DEVELOPMENT - THE ASHEVILLE HOUSE

3. Mr. Emrick requested that the public hearing be rescheduled for a later date, which will be determined at the September 15, 1977 meeting.

PUBLIC HEARING - GROUP DEVELOPMENT - ASTON PARK LONG TERM HEALTH CARE FACILITY

4. A public hearing was held relative to the site plan of the proposed Aston Park Long Term Health Care Facility to be located on N. C. 191 Connector near Brevard Road.

Mayor Ochsenreiter opened the public hearing at 3:35 o'clock p.m.

Mr. Emrick advised Council that the Planning and Zoning Commission recommended approval of the site plan subject to the recommendations of the Water Department and the submission of a satisfactory erosion control plan.

By use of a map, Mr. Emrick pointed out the location of the proposed site plan, that being located at the former Rhododendron Park. He said that it would be a 120 bed long-term care facility.

Mayor Ochsenreiter closed the public hearing at 3:45 o'clock p.m.

Vice-Mayor Horton moved to approve the site plan of the proposed Aston Park Long Term Health Care Facility to be located on N. C. 191 Connector near Brevard Road. This motion was seconded by Councilman Michael and carried unanimously.

PUBLIC HEARING - CLOSING A PORTION OF ANDERSON STREET (FIRST STREET)

RESOLUTION NO. 77-151 - RESOLUTION CLOSING A PORTION OF ANDERSON STREET (FIRST STREET)

5. A public hearing was held relative to closing a portion of Anderson Street (First Street).

Mayor Ochsenreiter opened the public hearing at 3:47 o'clock p.m.

The City Manager said that the affidavit of publication setting the time and date for the public hearing was forthcoming.

Thursday - September 8, 1977 - 3:00 o'clock p.m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Councilwoman JoAnn M. Swilling, Corporation Counsel William C. Moore, City Manager K. M. Michalove

Absent: Associate City Manager/City Clerk William F. Wolcott, Jr.

APPROVAL OF MINUTES

1. Approval of the minutes of the September 1, 1977 meeting.

Vice-Mayor Horton suggested that we amend the minutes on Page 186 relative to Thoms Broadcasting Companies, Inc. rate increase request to read as follows: "On a roll call vote of 4-1, Ordinance No. 977 passed on its first reading with Vice-Mayor Horton voting 'no.'"

Upon motion of Councilman Rainey, seconded by Vice-Mayor Horton, the minutes of the September 1, 1977 meeting were approved as amended.

OCTOBER CITY COUNCIL MEETINGS

Mayor Ochsenreiter said that the October City Council meetings would be held on Thursdays at 4:00 o'clock p.m. instead of 3:00 o'clock p.m. and the October Tuesday work sessions will be changed until earlier on Thursdays, giving staff and Council more time to work together.

CONTINUATION OF PUBLIC HEARING - REZONING REQUEST - C. C. BLOUNT AND ASSOCIATES, INC. - PROPERTY BOUNDED BY STATE STREET, MICHIGAN AVENUE AND AMBOY ROAD

ORDINANCE NO. 981 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

2. Continuation of a public hearing was held relative to a rezoning request by C. C. Blount and Associates, Inc. to rezone property bounded by State Street, Michigan Avenue and Amboy Road from R-3 Residential District to LI Light Industrial District.

Mayor Ochsenreiter opened the public hearing at 3:09 o'clock p.m.

Mr. Emrick, Planning Director, said that there is a verbal commitment between Mr. Blount and Carolina Power and Light Company to provide access through Carolina Power and Light Company's property as of September 6, 1977.

Mr. Emrick stated that in checking with the Water Department, there is a 12-inch water main on Amboy Road and also a 36 Metropolitan Sewer District sewer line, which could provide the necessary water and sewer services.

Upon inquiry of Councilman Rainey, Mr. Emrick explained that the Council had the option to grant approval of the entirety, a portion thereof, or none of the rezoning request.

In Mr. Emrick's opening remarks, he said that he had spoken to the attorney for Mr. Blount, Mr. Wellons, and was advised that a verbal commitment from CP&L had been obtained so as to provide an accessment through CP&L's property to Amboy Road. He said the commitment was obtained September 6, 1977.

Upon inquiry of Councilman Hoyle relative to whether access into Amboy Road was written or verbal, Mr. Wellons said the commitment was in both forms, that he had a verbal okay and that CP&L's legal department was writing the document at that time.

Upon inquiry of Vice-Mayor Horton, Mr. J. E. Johnson, Director of Inspections, said that the quorum requires that seven members be present in order for the Board of Adjustment to conduct a meeting.

Councilman Morris moved to accept the change relative to members of the Board of Adjustment. This motion was seconded by Councilwoman Swilling and carried unanimously.

Mr. Emrick said several property owners in the Beaverdam area recommended a change in the zoning classification of approximately two dozen lots in the Beaverdam area (just inside the extraterritorial zoning boundary at the point where it follows Elk Mountain Scenic Highway) for the zoning in that area to be changed from R-2 to R-1, the most highly restrictive classification.

Councilman Michael moved to accept the change in the zoning classification outline above from R-2 to R-1 in the Beaverdam area. This motion was seconded by Councilman Morris and carried unanimously.

Mr. Emrick reviewed the request by Mr. Nick Fisher to change the northwestern boundary from Gorman Bridge Road and Riverview Road to Brickyard and Pearson Bridge Road. Mr. Emrick said that he would recommend the boundary line stay where it is now, because the area needs the protection covering land use regulations.

Mr. Emrick discussed briefly the request from Mr. Charlie Patton relative to redrawing the boundary line on the southeast to include Ballentree Sub-Division.

Mr. Wayne Coulter, partial owner of Ballentree Sub-Division, asked Council to zone the areas around the Ballentree Sub-Division also.

Upon inquiry of Mayor Ochsenreiter, Mr. Emrick explained that most of the area Mr. Coulter is asking to be included in the one-mile perimeter is outside the City's jurisdiction altogether.

Councilwoman Swilling pointed out that the new proposed boundary line had already been mutually agreed upon by the Buncombe County Commissioners and the Town of Biltmore Forest and to include Ballentree Sub-Division and the surrounding area would require going back to them for their approval. She said she is in favor of including Ballentree Sub-Division itself, but letting property owners decide if they want the surrounding area included or not.

Councilman Rainey moved to include Ballentree Sub-Division itself in the proposed one-mile perimeter. This motion was seconded by Councilman Hoyle. By common consent, no action was taken on this motion.

Councilman Morris said that if Ballentree Sub-Division is included in the one-mile perimeter or if the surrounding areas are included, either way, Council would have to go back to the Buncombe County Commissioners and the Town of Biltmore Forest for their approval.

Mayor Ochsenreiter said after the ordinance is readopted, then Council can make amendments.

Councilman Michael moved to schedule the date of September 29, 1977 as the third and final reading of the readoption of Ordinance No. 322, as amended, known as the Zoning Ordinance of the City of Asheville. This motion was seconded by Councilwoman Swilling and carried unanimously.

Mayor Ochsenreiter called for a 5 minute recess at 4:40 o'clock p.m. Council reconvened the meeting at 4:45 o'clock p.m.

Mr. Jim Sullivan, representing Seven Up Bottling Company, said that for approximately ten years, Seven Up has used and maintained the portion of City Street proposed to be closed.

Mr. Emrick requested that petitioners include a tax map and a location map of the area proposed to be closed.

By use of a map, Mr. Emrick pointed out the street portion proposed to be closed.

Mayor Ochsenreiter closed the public hearing at 3:55 o'clock p.m.

The City Manager read the resolution.

Vice-Mayor Horton asked to amend this resolution to include the following: "A copy of this resolution will be filed with the Board of Tax Supervision, Buncombe County, North Carolina."

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 77-151 was unanimously adopted, as amended.

Vice-Mayor Horton then moved to include the following in all such resolutions: "A copy of this resolution will be filed with the Board of Tax Supervision, Buncombe County, North Carolina." This motion was seconded by Councilman Michael and carried unanimously.

Complete text of Resolution No. 77-151 will be found in Resolution Book No. 10 at page 35.

PUBLIC HEARING SET - GROUP DEVELOPMENT - AKZONA, INC.

6. Mr. Emrick said that the Planning and Zoning Commission recommended approval of the site plan of the proposed Akzona, Inc. Headquarters Office Building to be located on North Pack Square.

Councilwoman Swilling moved to schedule a public hearing on the matter for September 22, 1977. This motion was seconded by Councilman Hoyle and carried unanimously.

READOPTION OF ORDINANCE NO. 322, AS AMENDED, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF ASHEVILLE

7. Consideration was given to the third and final reading of the readoption of Ordinance No. 322, as amended, known as the Zoning Ordinance of the City of Asheville.

Mr. Emrick asked that the third and final reading be postponed until September 29, 1977, to allow time for the ordinance to be readvertised incorporating all of the changes made in the two previous readings and any changes made this week.

Mr. Emrick reviewed the change relative to the state law governing appointments to the Board of Adjustment which will delete the following sentence in Article 8, Section 30-8-2:

> "The City Council and the County Commissioners may, in their discretion, appoint alternate members to serve on said Board in the absence, for any cause, of any regular meeting."

He explained that the alternate members would be appointed as regular members and there would be ten instead of seven.

10. A public hearing was held relative to the adoption of an ordinance directing the Housing Officer to demolish those dwelling houses known as 35 Clayton Street, 33 Gray Street, 160 Hazel Mill Road, 36 Short Madison Avenue and 106 Mount Clare Avenue.

The City Attorney read the ordinance.

Mayor Ochsenreiter opened the public hearing at 5:08 o'clock p.m.

Mr. J. E. Johnson, Director of Inspections, stated that an inspection was made of each of the premises this date and no repair work had been started on any of the dwellings. He presented photographs of each of the dwellings to be demolished. He said due process of law had been completed on each location.

Mayor Ochsenreiter closed the public hearing at 5:11 o'clock p.m.

Councilman Morris moved for the adoption of Ordinance No. 982. This motion was seconded by Councilman Hoyle.

On a roll call vote of 5-0, Ordinance No. 982 passed on its first reading.

ORDINANCE NO. 983 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

11. Consideration was given to an ordinance amending the operating budget of the City of Asheville for Fiscal Year 1977-78 (creation of Advertising Services and Promotions activities in conjunction with the Civic Center activity).

The City Manager read the ordinance.

Vice-Mayor Horton moved for the adoption of Ordinance No. 983. This motion was seconded by Councilman Morris.

City Manager K. M. Michalove explained that this was the way to express the Council's action to provide the Civic Center with $30,000 for promotional activities.

On a roll call vote of 6-0, Ordinance No. 983 passed on its first reading.

Councilman Michael moved to suspend the rules and proceed to the second reading of Ordinance No. 983. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 983 passed on its second reading.

Councilwoman Swilling moved to suspend the rules and proceed to the third and final reading of Ordinance No. 983. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-1, Ordinance No. 983 passed on its third reading, with Councilman Rainey voting "no."

Complete text of Ordinance No. 983 will be found in Ordinance Book No. 7 at page 188.

RESOLUTION NO. 77-152 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SIX ASSOCIATES, INC. TO PROVIDE DESIGN AND CONSULTANT SERVICES EVALUATION OF CITY FACILITIES

12. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with Six Associates, Inc. to provide design and consultant services evaluation of City facilities.

ORDINANCE NO. 978 - AN ORDINANCE AMENDING THE HEALTH AND SANITATION CODES, CHAPTER 14 OF THE CODE OF ORDINANCES, CITY OF ASHEVILLE, NORTH CAROLINA

8. Consideration was given to the second reading of Ordinance No. 978, an ordinance amending the Health and Sanitation Codes, Chapter 14 of the Code of Ordinances, City of Asheville, North Carolina.

Mayor Ochsenreiter advised Council that the ordinance was previously read on the first reading and members of Council had been furnished copies of the ordinance and it would not be re-read unless there was a specific request to do so.

The City Manager explained that the change in the penalty from $10.00 to $25.00 was the only change in the ordinance.

On a roll call vote of 6-0, Ordinance No. 978 passed on its second reading.

ORDINANCE NO. 979 - AN ORDINANCE AMENDING THE GARBAGE AND TRASH CODES, CHAPTER 13 OF THE CODE OF ORDINANCES, CITY OF ASHEVILLE, NORTH CAROLINA

9. Consideration was given to the second reading of Ordinance No. 979, an ordinance amending the Garbage and Trash Codes, Chapter 13 of the Code of Ordinances, City of Asheville, North Carolina.

Mayor Ochsenreiter advised Council that the ordinance was previously read on the first reading and members of Council had been furnished copies of the ordinance and it would not be re-read unless there was a specific request to do so.

The City Manager explained that the penalty had been changed from $10.00 to $25.00, and that property owners are required to cut weeds and grass twice a year on or before June 1 and September 1 of each year. Also, that property less than one acre and lots that are more than one acre of underdeveloped land, the owner, tenant, agent or person in control of the property shall cut the weeds and clear the land of undergrowth twice a year on or before June 1 and September 1 of each year.

Another amendment in the wording developed at Tuesday's work session reads as follows: "On lots that are more than one acre of underdeveloped land, the owner, tenant, agent or person in control of the property shall cut the weeds and clear the land of undergrowth twice a year on or before June 1 and September 1 of each year to provide for site visibility on all public roadways and fifty (50) feet on lots that have businesses and residences built on them."

Councilman Michael said that there would probably be problems in what people would consider as undergrowth and weeds.

Upon inquiry of Councilman Rainey relative to whether land owners would have to cut on the right-of-way, Mr. Moore explained that the City is responsible for the right-of-way and is required to cut the weeds.

Councilman Rainey moved to pass Ordinance No. 979 on its second reading, as amended. This motion was seconded by Councilman Michael.

On a roll call vote of 6-0, Ordinance No. 979 passed on its second reading.

PUBLIC HEARING - DEMOLITION OF 35 CLAYTON STREET, 33 GRAY STREET, 160 HAZEL MILL ROAD, 36 SHORT MADISON AVENUE AND 106 MOUNT CLARE AVENUE

ORDINANCE NO. 982 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 35 CLAYTON STREET, 33 GRAY STREET, 160 HAZEL MILL ROAD, 36 SHORT MADISON AVENUE AND 106 MOUNT CLARE AVENUE

Thursday - September 15, 1977 - 7:30 o'clock p.m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Acting Corporation Counsel Robert J. Robinson, City Manager K. M. Michalove

Absent: Associate City Manager/City Clerk William F. Wolcott, Jr., Corporation Counsel William C. Moore

APPROVAL OF MINUTES

1. Approval of the minutes of the September 8, 1977 meeting.

Vice-Mayor Horton suggested that the minutes, relative to Ballentree Sub-Division's inclusion in the one-mile perimeter appearing on page 196, be amended to read as follows: "By common consent, no action was taken on this motion."

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Swilling, the minutes of the September 8, 1977 meeting were approved as amended.

ORDINANCE NO. 981 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

2. Consideration was given to the second reading of Ordinance No. 981, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended (rezoning of property bounded by State Street, Michigan Avenue and Amboy Road from R-3 Residential District to LI Light Industrial District).

By use of a map, Mr. Verl Emrick, Planning Director, pointed out to Council the proposed area to be rezoned. He said that buffering would be required along the residential side.

Upon inquiry of Councilman Rainey, Mr. Emrick said that C. C. Blount, the developer, had not specified any particular use for the area.

Councilman Rainey said that since Council does not know what the area is going to be used for, the residents in that area would have to be satisfied with the rezoning.

Mr. Emrick explained that an area is zoned for suitability of land uses under a broad category of specified types of uses.

Mrs. Elrod spoke in opposition of the rezoning request saying that the area will look like a junkyard if the open ground storage is put in.

Mr. Emrick read the permitted uses in commercial services (LI Light Industrial) zone and pointed out the HI Heavy Industrial uses, which are more offensive than anything that can be utilized in a light industrial zone. He said the developer is trying to get this property rezoned so that it can be developed into a light industrial park.

Mr. Allen Wellons, Attorney representing C. C. Blount and Associates, Inc., said that there will be a small industrial park developed in the proposed area, not a trailer park, gas station or taxi cab station.

The City Manager read the resolution.

Councilman Michael moved for the adoption of Resolution No. 77-152. This motion was seconded by Councilman Rainey and carried unanimously.

Upon inquiry of Vice-Mayor Horton, Mr. Michalove explained that for the time being, Six Associates, Inc. will confine their evaluation to the E. Ted Linn property and as to whether or not the City can utilize the property for its purposes.

Complete text of Resolution No. 77-152 will be found in Resolution Book No. 10 at page 37.

COUNCILMAN MICHAEL - CONSOLIDATION AND REPAIR OF MOTOR VEHICLES WITH THE COUNTY

Councilman Michael asked that at the meetings with the County Commissioners that the consolidation and repair of motor vehicles with the County be considered.

JERRY LEWIS MUSCULAR DYSTROPHY TELETHON

Mayor Ochsenreiter said he was proud of the citizens of Asheville for all their help and contributions to the Jerry Lewis Muscular Dystrophy Telethon.

PROCLAMATION - NATIONAL CANCER DAY

Mayor Ochsenreiter proclaimed September 8, 1977 as "National Cancer Day."

COUNCILMAN MICHAEL - REZONING REQUEST - MONTFORD AVENUE

Councilman Michael moved to send the rezoning request on Montford Avenue back to the Planning and Zoning Commission for further consideration. This motion was seconded by Councilman Hoyle and carried unanimously.

Councilman Michael suggested that the City Attorney draw up an instrument relating to commission members attendance. He suggested that a rule be drawn up stating that if a person misses three consecutive meetings, the position will be considered vacant.

Mayor Ochsenreiter said it would be determined whether the Boards would enforce this rule internally or whether City Council would attempt this.

Mr. Emrick said that it was his opinion that the decision that was made relative to Mr. Graves rezoning request was heard very thoroughly and it was not made in haste.

Councilman Michael said his reason for sending this back to the Planning and Zoning Commission was strictly to keep the community together.

Councilman Michael moved to cancel the public hearing scheduled on September 15, 1977 relative to the rezoning request on Montford Avenue. This motion was seconded by Councilman Rainey and carried unanimously.

Adjournment.

Eugene S. Ochsenreiter Jr.
MAYOR

Thelma D. Holcomb
CITY CLERK

ORDINANCE NO. 978 - AN ORDINANCE AMENDING THE HEALTH AND SANITATION CODES, CHAPTER 14 OF THE CODE OF ORDINANCES, CITY OF ASHEVILLE, NORTH CAROLINA

4. Consideration was given to the third and final reading of Ordinance No. 978, an ordinance amending the Health and Sanitation Codes, Chapter 14 of the Code of Ordinances, City of Asheville, North Carolina.

On a roll call vote of 6-0, Ordinance No. 978 passed on its third and final reading.

Complete text of Ordinance No. 978 will be found in Ordinance Book No. 7 at page 178.

ORDINANCE NO. 979 - AN ORDINANCE AMENDING THE GARBAGE AND TRASH CODES, CHAPTER 13 OF THE CODE OF ORDINANCES, CITY OF ASHEVILLE, NORTH CAROLINA

5. Consideration was given to the third and final reading of Ordinance No. 979, an ordinance amending the Garbage and Trash Codes, Chapter 13 of the Code of Ordinances, City of Asheville, North Carolina.

City Manager K. M. Michalove suggested that the ordinance be amended (deleting the word "site") to read as follows:

> "On lots that are more than one acre of underdeveloped land, the owner, tenant, agent or person in control of the property shall cut the weeds and clear the land of undergrowth twice a year on or before June 1 and September 1 of each year to provide for visibility on all public roadways and fifty (50) feet on lots that have businesses and residences built on them."

Councilwoman Swilling moved to remove the word "site" in the above paragraph. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 979 passed on its third and final reading.

Complete text of Ordinance No. 979 will be found in Ordinance Book No. 7 at page 180.

ORDINANCE NO. 984 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

6. Consideration was given to an ordinance amending the operating budget of the City of Asheville for Fiscal Year 1977-78.

K. M. Michalove explained that the $3,000 being requested in this budget amendment was to pay for the administrative and legal costs associated with a federal grant, which the City will receive to build a new fire station in West Asheville. He said these expenses had not been anticipated when the City applied for the grant.

The City Manager read the ordinance.

Vice-Mayor Horton moved for the adoption of Ordinance No. 984. This motion was seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 984 passed on its first reading.

Councilman Michael said that if a light industrial park is developed, the property value of the adjoining property owner's land might increase.

Councilwoman Swilling moved to amend the original proposal so that the boundary would follow the property lines for Lots 393, 387, 361, 408, 337, 325, 318, 316, 2, 264, 405, 226 down the platted street, Swannanoa, to Lot 201 and then parelled with State Street to Lot 212 and then back to Lot 246, 207, 248, 249, 250 to Amboy Road. This motion was seconded by Councilman Michael and carried unanimously.

Mayor Ochsenreiter said that the line would be redrawn so it could be understood more fully and presented at next week's meeting.

Vice-Mayor Horton said he would like the lots bordering State Street deleted because it is a residential street, and he sees no way the developers can use it for an entrance.

Councilwoman Swilling said she felt that Mr. Blount will need the lots bordering State Street for a possible access point.

Vice-Mayor Horton moved to exclude Lots 202 through 212 that front on State Street because of the broad encroachment this would create on a residential street, and also if State Street is used for ingress and egress, an increase in the traffic flow. This motion was seconded by Councilman Rainey.

Vice-Mayor Horton said that he would like the ingress and egress on Amboy Road.

Mr. Wellons said that they would study the amendment excluding the lots bordering State Street and see if they could work within the remaining lots.

Since the developers agreed to study Vice-Mayor Horton's amendment, Vice-Mayor Horton withdrew his motion and Councilman Rainey withdrew his second.

Councilwoman Swilling urged Councilmembers to go to State Street and look at the width of the lots that are affected by this.

Mrs. Parker asked Council if Planning and Zoning took into consideration the school bus routes on State Street.

Mr. Emrick stated that Michigan Avenue is not touched and he believed Mr. Blount had gone far beyond his limits to satisfy the residents of the area.

Upon inquiry of Councilman Rainey, Mr. Elrod said that he was satisfied with the ordinance as amended as long as the developers do not put in the items mentioned.

On a roll call vote of 6-0, Ordinance No. 981 passed on its second reading.

ORDINANCE NO. 982 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 35 CLAYTON STREET, 33 GRAY STREET, 160 HAZEL MILL ROAD, 36 SHORT MADISON AVENUE AND 106 MOUNT CLARE AVENUE

3. Consideration was given to the second reading of Ordinance No. 982, an ordinance directing the Housing Officer to demolish those dwelling houses known as 35 Clayton Street, 33 Gray Street, 160 Hazel Mill Road, 36 Short Madison Avenue and 106 Mount Clare Avenue.

On a roll call vote of 6-0, Ordinance No. 982 passed on its second reading.

PUBLIC HEARING SET - BILTMORE AND STONER ROAD - REQUESTED BY MS. EVELYN K. NESS

12. Vice-Mayor Horton moved to schedule a public hearing relative to a rezoning request of Ms. Evelyn K. Ness to rezone property in Biltmore and on Stoner Road from R-3 Residential District to HI Heavy Industrial District for October 13, 1977. This motion was seconded by Councilman Hoyle and carried unanimously.

PUBLIC HEARING SET - RELATIVE TO AMENDING THE ZONING ORDINANCE IN REFERENCE TO PERMITTED USES IN CH COMMERCIAL HIGHWAY DISTRICT

13. Councilman Michael moved to schedule a public hearing on October 13, 1977 relative to amending the Zoning Ordinance in reference to permitted uses in CH Commercial Highway District. This motion was seconded by Councilwoman Swilling and carried unanimously.

BID - ONE PRE-FABRICATED PARK PICNIC SHELTER FOR RECREATION PARK

14. Consideration was given to bids received September 12, 1977 for one pre-fabricated park picnic shelter for Recreation Park.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the lowest overall bidder, submitted by Koppers Company, Inc. in the amount of $15,328.

Councilman Morris moved to accept the recommendations of the Purchasing Agent and award the bid to Koppers Company, Inc. for a total amount of $15,328. This motion was seconded by Councilman Michael and carried unanimously.

Bid Summary

Bidder	Bid
Recreathletic Equipment Company	$29,500.00
Koppers Company, Inc.	$15,328.00

PROCLAMATION - CONSTITUTION WEEK

Mayor Ochsenreiter proclaimed the week of September 17-23, 1977 as "Constitution Week."

CLAIM - DEBORAH MAPP

The City Manager presented a claim from Deborah Mapp.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for investigation and recommendation.

VICE-MAYOR HORTON - PORNOGRAPHY

Vice-Mayor Horton requested the City Manager to obtain from the City of Gastonia a copy of their anti-obscenity ordinance that was recently passed, so that the City of Asheville may study it in relation to ours.

VICE-MAYOR HORTON - STREET WASHING

Vice-Mayor Horton suggested that each street washing truck have a log book installed, so we can see what type of coverage we are getting. He said with this type of book, the City can tell if a street has been missed.

Councilman Michael moved to suspend the rules and proceed to the second reading of Ordinance No. 984. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 984 passed on its second reading.

Vice-Mayor Horton moved to suspend the rules and proceed to the third and final reading of Ordinance No. 984. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 984 passed on its third and final reading.

Complete text of Ordinance No. 984 will be found in Ordinance Book No. 7 at page 189.

RESOLUTION NO. 77-153 - RESOLUTION APPOINTING A MEMBER TO THE PLANNING AND ZONING COMMISSION FOR THE CITY OF ASHEVILLE

7. Consideration was given to a resolution appointing a member to the Planning and Zoning Commission for the City of Asheville.

The City Manager read the resolution appointing Mr. Cleatus B. Tate as a member of the Planning and Zoning Commission for the City of Asheville.

Upon motion of Councilman Michael, seconded by Councilman Rainey, Resolution No. 77-153 was unanimously adopted.

Complete text of Resolution No. 77-153 will be found in Resolution Book No. 10 at page 38.

PUBLIC HEARING RESCHEDULED - GROUP DEVELOPMENT - THE ASHEVILLE HOUSE

8. Councilman Rainey moved to reschedule the public hearing relative to the approval of the site plan of a proposed four-story apartment complex, The Asheville House, to be located on Orange Street for October 6, 1977. This motion was seconded by Councilman Morris and carried unanimously.

PUBLIC HEARING RESCHEDULED - CLOSING AN UNNAMED ALLEY WAY BETWEEN JULIA STREET, NOW ROBINDALE AVENUE AND HENRIETTA STREET

9. Councilman Hoyle moved to reschedule the public hearing relative to the closing of an unnamed alley way between Julia Street, now Robindale Avenue and Henrietta Street for October 20, 1977. This motion was seconded by Councilman Morris and carried unanimously.

PUBLIC HEARING RESCHEDULED - CUL-DE-SAC REQUEST ON INGLEWOOD ROAD

10. Councilman Morris moved to reschedule the public hearing relative to a cul-de-sac request on Inglewood Road for October 6, 1977. This motion was seconded by Vice-Mayor Horton and carried unanimously.

PUBLIC HEARING SET - MILDRED AVENUE - REZONING REQUEST - REQUESTED BY J. D. CAUBLE

11. Councilwoman Swilling moved to schedule a public hearing relative to a rezoning request of Mr. J. D. Cauble to rezone property on Mildred Avenue from R-3 Residential District to CS Commercial Service District for October 6, 1977. This motion was seconded by Councilman Michael and carried unanimously.

READOPTION OF ORDINANCE NO. 322, AS AMENDED, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF ASHEVILLE

Councilwoman Swilling moved to reschedule the third and final reading of the readoption of Ordinance No. 322, as amended, known as the Zoning Ordinance of the City of Asheville for October 6, 1977. This motion was seconded by Councilman Michael and carried on a 4-2 vote, with Councilman Rainey and Vice-Mayor Horton voting "no."

Adjournment.

Eugene S. Rogers Jr.
MAYOR

William J. Hoffman
CITY CLERK

COUNCILWOMAN SWILLING - AREAS AROUND ASHEVILLE THAT NEED REPAIR

Councilwoman Swilling suggested that a staff person be designated to "float" around the City and make notes of where there are broken sidewalks, holes in the street, bushes growing on signs, streets not being washed, etc. She feels this might help the City get one step ahead of some problems.

COUNCILMAN MICHAEL - BOARD APPOINTMENTS

Councilman Michael said that he will try and ask the person appointed to agree to serve, want to serve and be interested in that board. He believes Mr. Cleatus Tate will be an asset to the Planning and Zoning Commission. He feels if this approach is taken, there will be better attendance, better participation and better decisions.

COUNCILMAN RAINEY - AKZONA PROPOSAL

Councilman Rainey asked if the staff could tell Council if there is any federal money available to help the small business people who have to relocate because their building is going to be torn down. Mr. Michalove said this would be looked into.

Councilman Michael said since Market Street will be going the opposite way, could the minority business buildings that are there be helped to get small business association loans and build up the businesses.

DOUG RAY - SECOND FIXED BASE OPERATORS AT THE ASHEVILLE AIRPORT

Mr. Doug Ray asked Council what could be done in relation to his proposal of a second FBO at the Airport.

Mr. Michalove said that the FBO at the airport is pretty much governed by an ordinance the City has. He said the City has one FBO that City Council has raised some questions about. He said that he has been concerned about having two FBO's along the same line and it may not be in the best interest of the City, so he wants to make sure that this is the proper direction. He suggested that on September 20, 1977 it would be dealt with as an agenda item for the September 22, 1977 meeting.

Upon inquiry of Councilman Michael, Mr. Michalove said that on September 20, he would have an opinion of the adequacy of Mr. Ray's proposed lease, an opinion of FAA, and the opinion of the planning consultant regarding the second FBO.

Councilman Michael said that Council should move forward and tell Mr. Ray whether he is eligible and let him move ahead with his plans.

Councilman Michael said that the hold-up is with the lease. He explained that there is some difficulty in determining if there should be some changes in the lease with the present FBO and getting a comparable lease for the second FBO. He said this will have to be worked out with the attorneys.

Councilman Rainey said it was his understanding that the City was to proceed with a second lease about ten days ago. In this lease, a provision was to be included that any changes made in the first FBO lease would be automatic, if agreeable with Mr. Doug Ray.

Mayor Ochsenreiter said that at Tuesday's work session it would be decided where the City stands in reference to the second FBO at the Asheville Airport.

Mrs. Wilson spoke in opposition to the rezoning request.

Upon inquiry of Vice-Mayor Horton, Mr. Emrick explained that spot zoning is generally the rezoning of a small tract of land which is entirely surrounded by a different zoning on land use district. An example would be rezoning a few lots LI in the middle of the Blount tract and leaving the remainder zoned R-3. However, the courts have not been very consistent in their rulings on this issue, so each case must be considered individually. Therefore in this particular instance, the Blount petition, in his opinion, is not spot zoning.

Mr. Emrick read the lots that Mr. C. C. Blount request to be rezoned: Ward 5, Sheet 8, Lots 2, 202-212, 226-250, 261-269½, 270-283, 289, 296-317, 322, 323, 324, 338-350, 362-386, 396-405, and 409-418.

Councilwoman Swilling moved to amend Ordinance No. 981 to include the changes as read by the Planning Director. This motion was seconded by Councilman Hoyle and carried on a 5-1 vote, with Councilman Rainey voting "no."

Councilwoman Swilling said that it was her hope that the area would be developed into something that would be an assest to West Asheville and the neighborhood.

Vice-Mayor Horton said that is was still his desire to exclude the State Street lots, but since the area needs to be developed and there are no residential plans in the near future, he is in favor of the rezoning request.

Councilman Michael said that since the area might be developed into something objectionable to the residents, he would have to vote against the ordinance.

Councilman Morris said that Council has made every effort to keep the request favorable to the residents of the area, but he felt this land should not be left idle; therefore, he was in favor of the rezoning request.

On a roll call vote of 4-2, Ordinance No. 981 passed on its third and final reading, with Councilmen Rainey and Michael voting "no."

Complete text of Ordinance No. 981 will be found in Ordinance Book No. 7 at page 183.

ORDINANCE NO. 982 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 35 CLAYTON STREET, 33 GRAY STREET, 160 HAZEL MILL ROAD, 36 SHORT MADISON AVENUE AND 106 MOUNT CLARE AVENUE

3. Consideration was given to the third and final reading of Ordinance No. 982, an ordinance directing the Housing Officer to demolish those dwelling houses known as 35 Clayton Street, 33 Gray Street, 160 Hazel Mill Road, 36 Short Madison Avenue and 106 Mount Clare Avenue.

On a roll call vote of 6-0, Ordinance No. 982 passed on its third and final reading.

Complete text of Ordinance No. 982 will be found in Ordinance Book No. 7 at page 184.

ORDINANCE NO. 985 - AN ORDINANCE REALLOCATING, AMENDING AND APPROVING COMMUNITY DEVELOPMENT BUDGET FUNDS SET FORTH IN THE CITY OF ASHEVILLE GENERAL FUND BUDGETS FOR 1975-76, 1976-77 AND 1977-78

4. Consideration was given to an ordinance reallocating, amending and approving Community Development budget funds set forth in the City of Asheville General Fund budget for 1975-76, 1976-77 and 1977-78.

Thursday - September 22, 1977 - 3:00 o'clock p.m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Presiding; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove

Absent: Associate City Manager/City Clerk William F. Wolcott, Jr.

APPROVAL OF MINUTES

1. Approval of the minutes of the September 15, 1977 meeting.

Upon motion of Councilman Rainey, seconded by Councilman Morris, the minutes of the September 15, 1977 meeting were approved as submitted.

ORDINANCE NO. 981 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

2. Consideration was given to the third and final reading of Ordinance No. 981, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended (rezoning of property bounded by State Street, Michigan Avenue and Amboy Road from R-3 Residential District to LI Light Industrial District).

Mr. Emrick said that the map had been redrawn to reflect the changes in the boundary lines made by Council at last week's meeting and stated that there would be ample buffering. He further indicated that Mr. Blount agreed to accept the proposed modification.

Upon inquiry of Vice-Mayor Horton, Mr. Allen Wellons, Attorney representing C. C. Blount and Associates, Inc., explained the necessity of including the lots that front on State Street. Mr. Wellons said that the lots have no residential use because of the terrain and the size of the lots.

Vice-Mayor Horton again expressed concern about traffic congestion on State Street, saying he didn't like the idea of leaving the residential lots as a possible ingress and egress to the LI Light Industrial property on State Street itself. He also expressed concern about encroachment on residential streets with zoning other than residential.

Mrs. Elrod spoke in opposition to the rezoning request saying that the residents want to know what is going to be developed in the area. She said they need homes built in the area.

Councilman Rainey said that since the residents are not satisfied, he could not vote for the ordinance.

Councilman Michael suggested that when the zoning goes beyond the R-3 Residential designation, there should not be so many multiple uses of land. He said the developer should state what he is going to do on the land, since the residents are opposing this rezoning request due to this lack of information.

Mayor Ochsenreiter opened the public hearing at 4:04 o'clock p.m.

Mr. Emrick advised Council that the Planning and Zoning Commission recommended approval of the site plan subject to the following:

Traffic Flow Pattern Changes

1. That the flow of traffic on Market Street between College and Patton be reversed to flow one-way north rather than south.

2. That the one-way flow on South Market between Patton and Eagle be converted to two-way and the existing parking be re-aligned to accommodate the change.

3. Close access on the eastern end of North Pack Square to vehicular traffic.

4. Close North Pack Square to all general vehicular traffic after construction with the exeception of emergency vehicles and those dropping or picking up individuals. (Note: There should be no parking allowed within this area.)

5. Resite all existing signalization and signage to accommodate the changes recommended above.

Parking

1. Following completion of construction, permanently eliminate all parking on Pack Square Park and the south side of College Street.

   (Note: This action involves eliminating 38 spaces, but with Akzona vacating 100 spaces in the parking deck on College Street, this move should have little or no impact.)

Mr. Emrick explained the project as being on the north side of Pack Square, which includes a number of lots that are presently there which will be obliterated should the building be constructed. He explained that this presentation was given to the Asheville Downtown Revitalization Commission and that they have communicated their support to the Planning and Zoning Board. Mr. Emrick also stated that a number of merchants on Wall Street had submitted a petition indicating their support of the proposed project. He said Dr. Larry Tise, Chairman of the North Carolina Department of Cultural Resources, had also submitted a letter in which he indicated that the Department does support the concept of the project.

Mr. Pei explained how his firm is going to come about the design of the proposed building, what this building will do for Akzona, Inc., and what this building will do for Asheville. He said since there is no parking room, they have asked the City to sell them the sub-surface area under Pack Square for development of an underground parking facility. He said the building would be a great assest to the area and by use of a model, Mr. Pei described the building.

Upon inquiry of Councilman Rainey, Mr. Parsons said that there would be no shops in the proposed building, which should encourage development of more cafeterias, restaurants and shops in the downtown area.

Councilwoman Swilling was excused from the meeting at 4:25 o'clock p.m.

The City Manager read the ordinance and said that funds appropriated to support the eleven projects listed on the ordinance were left over after completion of First and Second Year Community Development projects and from funds appropriated to projects that could not be reasonably spent in the alloted time frame set by HUD; Third year projects funds were appropriated from Contingency.

Upon inquiry of Councilman Rainey, Mr. Michalove said that everything for the West Asheville Fire Station had been included in another grant except for the land acquisition.

Councilwoman Swilling suggested that a community meeting be held to obtain citizen input and views concerning this project (W. Asheville Fire Station).

Councilwoman Swilling moved for the adoption of Ordinance No. 985. This motion was seconded by Councilman Michael.

On a roll call vote of 6-0, Ordinance No. 985 passed on its first reading.

Mr. Logan Delany, Community Development Coordinator, requested all three readings at this meeting because of the time factor invelved in these projects.

Vice-Mayor Horton moved to suspend the rules and proceed to the second reading of Ordinance No. 985. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 985 passed on its second reading.

Councilman Rainey moved to suspend the rules and proceed to the third and final reading of Ordinance No. 985. This motion was seconded by Councilman Hoyle and carried on a 4-2 vote, with Councilman Morris and Vice-Mayor Horton voting "no."

On a roll call vote of 6-0, Ordinance No. 985 passed on its third and final reading.

Complete text of Ordinance No. 985 will be found in Ordinance Book No. 7 at page 190.

PUBLIC HEARING - GROUP DEVELOPMENT - AKZONA, INC.

5. A public hearing was held relative to the site plan of the proposed Akzona, Inc. Headquarters Office Building to be located on North Pack Square.

Mr. Michalove explained that Items 5, 6 and 7 are directly related to one another. He explained that for sometime the residents of the City of Asheville had felt need to develop the downtown area. He mentioned the Civic Redevelopment Urban Renewal Project, the Civic Center, and the City-County activities relative to the Library as a few things the City has undertaken the initiative to develop. He said that the proposed group development will be a major private development in the downtown area.

Mr. Parsons from Akzona, Inc. introduced Mr. I. M. Pei and Mr. Charles Young from I. M. Pei and Partners, the architectual firm that Akzona commissioned to assist them in the site selection and the design of the building; Mr. Warren Travers of Travers Associates, Traffic Consultants; Mr. Dick Wood, local counsel; Mr. Ray Poston, Vice-President and General Counsel for Akzona; Mr. Mortimer Ryon, Attorney; and Mr. Phillip Stull, former President and Chairman of Akzona, Inc.

lighting, underground wiring and litter control. He feels the City should make these types of improvements within the context of a developed plan which has been approved by City Council and he feels that funds should be appropriated for this kind of activity through appropriate ordinances or resolutions.

Mr. Michalove said that since this development will be advantageous to both the City and County, that a joint capital improvement fund should be established for developmental purposes that he mentioned above.

The City Manager made the following recommendations concerning the establishment of the Capital Improvement Fund:

1. That the City combine the $10,000 offered by Akzona for the purchase of the subsurface rights and the $65,000 offered for the purchase of the Biltmore Fire Station property, with the Debt Service Fund which has a capital reserve of $165,538 to establish the fund in a total amount of $240,538.

2. That these funds be used for complimentary development on private developments.

3. That allocations be made over the next two years to bring the funds up to $500,000.

4. That a request be made to the County of Buncombe to match these funds in the same amount.

5. That the Pack Square Rehabilitation Project be one of the first projects funded.

6. That $50,000 of this fund be used for improvements to the sidewalks downtown.

7. That the City Council take action on the establishment of this fund by October 5, 1977.

He stated that funds received through the sale of City property would be a good source of adding to this fund in the future.

Mr. Michalove said that he had reviewed the costs involved with the proposal and listed the following work that needed to be done, along with a high and low estimate for each:

1. Installation of all eletrical power underground. High estimate - $82,888; low estimate - $72,500, which he said could be further reduced by City crews breaking up the street and digging the holes for the installation of the cable by Carolina Power and Light Company.

2. Installation of fire alarm wiring and traffic flow signalization. High estimate - $12,000; low estimate - $10,000.

3. Rehabilitation of Pack Square area proper. High estimate - $242,000; low estimate - $175,000.

In response to Vice-Mayor Horton's question concerning pedestrian traffic flow, Mr. Travers said the proposal contains a provision for shorter crosswalks and more efficient intersection control.

Mr. George Tisdale, Chairman of the Asheville Downtown Revitalization Commission, urged the City Council to work closely with the management of Akzona in this proposal.

Mr. Michalove presented the following correspondence in favor of and in support of the Akzona proposal: An editorial from WLOS-TV; a letter from the Bank of Asheville, which included a resolution of support from the six commercial banks in Asheville; a petition from the Wall Street Association; and a resolution from the Asheville Area Chamber of Commerce.

Mayor Ochsenreiter closed the public hearing at 4:35 o'clock p.m.

Councilman Morris moved to approve the site plan of the proposed Akzona, Inc. Headquarters Office Building to be located on North Pack Square. This motion was seconded by Vice-Mayor Horton and carried unanimously.

RESOLUTION NO. 77-154 - RESOLUTION AUTHORIZING THE SALE OF CERTAIN SUBSURFACE PORTIONS OF THE PROPERTY ON NORTH PACK SQUARE STREET - PURSUANT TO NORTH CAROLINA GENERAL STATUTES 160A-269

6. Consideration was given to a resolution authorizing the sale of certain subsurface portions of the property on North Pack Square Street - pursuant to North Carolina General Statutes 160A-269.

The City Manager read the resolution.

Mr. Michalove advised Council that he had received a letter from Akzona, Inc. submitting a bid for the property, along with a bid deposit of $500.00. He said that he had also received a deed transfer from the County of Buncombe to the City of Asheville granting the City of Asheville rights to these properties.

Upon inquiry of Councilman Michael relative to the location of the land in question, Mr. Parsons explained that Akzona is submitting a bid for the subsurface rights to the parcel of land under the street at Pack Square.

Upon motion of Vice-Mayor Horton, seconded by Councilman Rainey, Resolution No. 77-154 was unanimously adopted.

Complete text of Resolution No. 77-154 will be found in Resolution Book No. 10 at page 39.

RESOLUTION NO. 77-155 - RESOLUTION AUTHORIZING THE PACK SQUARE REHABILITATION PROJECT

7. Consideration was given to a resolution authorizing the Pack Square Rehabilitation Project.

The City Manager said that the City has looked into how the improvements in the downtown area could be developed in the near future.

Mr. Michalove is attempting to establish a City-set policy on public improvements for private developers which should include improvements of public park areas on existing public lands or dedicated easements, the initial planting of trees, sidewalks, the paving of streets, parking - the increase or decrease of such on-street and off-street, traffic control, the improvement of traffic flow and directional change, street

Upon motion of Councilman Rainey, seconded by Councilman Hoyle, Resolution No. 77-155 was unanimously adopted.

Complete text of Resolution No. 77-155 will be found in Resolution Book No. 10 at page 41.

BIDS - ROLLER SKATES FOR USE AT THE ASHEVILLE CIVIC CENTER

8. Consideration was given to bids received September 19, 1977 for roller skates for use at the Asheville Civic Center.

The City Manager read a memorandum from the Purchasing Agent which stated that six responsive bids were received and recommended the acceptance of the lowest bid by Johnny Jones, Jr. in the amount of $7,959.00.

Upon inquiry of Councilman Michael relative to the amount of revenue this will generate, Mr. Jim Evans, Civic Center Manager, said he estimated a revenue of $30,000 a year from the roller skating enterprise.

Councilman Rainey expressed concern relative to the $1.50 rate and also 50¢ for parking to skate at the Civic Center. He would like to see bids opened up to the private businessman to get involved. He said if the City gets into a private business sector, the City would run the risk of a loss.

Upon inquiry of Vice-Mayor Horton, Mr. Evans said the operating hours would be in the evenings when there would be no functions in the arena area in that the Civic Center could conveniently be set up for roller skating, approximately 6:00 o'clock p.m. to 9:00 o'clock p.m. He said if there was going to be any skating on the weekends, perhaps there would be a matinee and an evening period.

Councilman Michael said that the majority of people using the skating facilities would be dropped off and picked up by the parents.

Mr. Carl Henderson, Owner of Skateland Roller Rink, questioned whether the Civic Center management looked into the detail of the type of skates they were buying. He also said that the surface at the Civic Center is not conducive to roller skating and the surface must be stripped of everything and a sealer put in, then an epoxy surface will need to be applied that will be adhering to roller skate wheels.

Mr. Henderson pointed out that the skates the City put on order have boots which none of the legitimate roller skating suppliers will carry and that the City will be using loose ball bearing wheels.

Mr. Henderson said that he would be willing to look into the possibilities of his operating a skating rink in the Civic Center as a private businessman.

Mr. John Jerose said that the Civic Center Commission is trying to utilize the building as much as possible.

Mayor Ochsenreiter suggested that Mr. Evans, Mr. Jerose and Mr. Henderson meet and discuss this further.

Councilman Morris moved to table the bid for one week until it could be studied further. This motion was seconded by Councilman Michael and carried unanimously.

4. Refacing of the library, painting of street lights, planting of trees, reworking of parking areas in front of businesses on the southwest corner or Pack Square and rehabilitation work to be done in and around the Plaza Theatre and library area. High estimate - $407,000; low estimate - $328,000.

Mr. Michalove said that the work could be done in four phases: 1. Burying of power lines; 2. Rehabilitation of Pack Square proper; 3. Painting of street lights, planting of trees, reworking parking area in front of businesses on the southwest corner of Pack Square, and rehabilitation work in and around the Plaza Theatre and library area; and 4. Refacing of the library.

In addition to the sources mentioned earlier, Mr. Michalove said there are other sources available, such as the funds received from the Buncombe County Sinking Fund Commission, EDA Title 9 Grants, Community Development Funds, Bureau of Outdoor Recreation, Appalachian Regional Commission, Urban Mass Transit and the reimbursement of funds loaned to the Community Development Budget for the acquisition of land in the Civic Redevelopment Project.

Based on the current tax rate and the proposed building and property valuation planned by Akzona, Mr. Michalove said the gross income to the City over a 20-year period from property taxes alone would amount to approximately $362,300. In addition, this would also increase the potential for further redevelopment of this area and generate other businesses.

In reply to Vice-Mayor Horton's question, Mr. Michalove stated that the Captial Funds Improvement proposal would be submitted as a separate consideration to the City Council.

Vice-Mayor Horton said he was in favor of the Capital Improvement Fund and agreed that the County should be asked to contribute to the fund, as it would also increase their tax base. However, he objected to including the capital reserve from the debt service because the funds were paid into the fund by the citizens of Asheville. He said that he would like to see the fund set up without the use of direct property tax, if at all possible.

Councilman Michael suggested an amendment to the resolution requesting the County to contribute their fair share to the fund, prior to adoption of the resolution by City Council. Vice-Mayor Horton agreed with this suggestion and said the $500,000 should be provided by the City paying $250,000 and the County likewise.

Councilman Rainey suggested incremental financing for the development plan, in which the difference in what would be collected on the existing buildings and what would be collected on the new building planned by Akzona would be put into the fund on a yearly basis.

Mr. Emrick commented that incremental financing is a relatively new concept of financing which is being used successfully in other parts of the country, but pointed out that the N. C. Legislation would have to pass a law to enable the City to use it. He urged Council to explore these types of possibilities with the delegation, as the City needs some flexibility in these types of financing.

In reply to Councilman Rainey's question at last week's meeting relative to whether there are relocation grants that might be made to the small businessmen who have to relocate because of the Akzona development, Mr. Michalove said that Mr. Logan Delany had checked with the Department of Housing and Urban Development (HUD) and HUD stated that no loans could be obtained because this is a private business transaction. He said that minority business loan funds are available from SBA.

Upon inquiry of Councilman Michael, Mr. Michalove said that more zones could be created which takes out the number of options in a given zone and would mean that the developer would have to comply with a closer residential characteristic.

Vice-Mayor Horton moved to approve the sale of certain parcels in the East Riverside Urban Renewal Project, as recommended by the Housing Authority of the City of Asheville. This motion was seconded by Councilman Michael and carried unanimously.

STATUS REPORT - SECOND FIXED BASE OPERATION AT THE ASHEVILLE AIRPORT

11. The City Manager said that he had met with a representative of FAA and Gary Taylor, Airport Manager, on Tuesday to discuss the second FBO at the Asheville Airport.

Mr. Michalove said that he had a good idea of how the City should move ahead with both FBO operations. He said that a meeting is scheduled for Monday morning with both FBO operations, after which he'll meet separately to discuss the individual matters in both contracts and he'll have a report for Council at the next Council meeting.

RESOLUTION NO. 77-156 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

12. Consideration was given to a resolution authorizing the Mayor to sign an agreement with the North Carolina Department of Transportation.

Mr. Michalove read the resolution. He explained that this resolution is for grade crossing signs at railroad intersections.

Upon motion of Councilman Michael, seconded by Councilman Hoyle, Resolution No. 77-156 carried unanimously.

Complete text of Resolution No. 77-156 will be found in Resolution Book No. 10 at page 45.

RESOLUTION NO. ___ - RESOLUTION REQUIRING THAT INDIVIDUALS APPOINTED BY THE CITY COUNCIL TO VARIOUS BOARDS, COMMISSIONS AND COMMITTEES BE REQUIRED TO ATTEND AT LEAST FIFTY PERCENT OF THE REGULARLY SCHEDULED MEETINGS OF THAT ORGANIZATION IN ORDER TO FULFILL THEIR RESPONSIBILITY OF THE APPOINTMENT

13. Consideration was given to a resolution requiring that individuals appointed by the City Council to various boards, commissions and committees be required to attend at least fifty percent of the regularly scheduled meetings of that organization in order to fulfill their responsibility of the appointment.

The City Manager read the resolution. He explained that the Board of Adjustment have more members appointed to it than the City expects to attend because of the number of meetings that they have. He said the this particular Board is more of a call meeting. He said that they meet two times a week because of the heavy workload.

Councilman Rainey suggested that the attendance increased to 75%.

Councilman Morris said that Council should study this resolution because the intent is good but that Council needs a little more time to study the context.

Vice-Mayor Horton suggested that the Boards be contacted to see what their individual policy is regarding attendance and then Council could have a better understanding of the problem.

ORDINANCE NO. 986 - AN ORDINANCE AMENDING ORDINANCE NO. 813 - REVISED BY ORDINANCE NO. 846, KNOWN AS "CITY OF ASHEVILLE EROSION CONTROL ORDINANCE," AS AMENDED

9. Consideration was given to an ordinance amending Ordinance No. 813 - revised by Ordinance No. 846, known as "City of Asheville Erosion Control Ordinance," as amended.

The City Manager read the ordinance.

Mr. Michalove explained that the purpose of this ordinance is to permit the Chief Building Inspector, Mr. J. E. Johnson, to proceed with work that he felt that the City has complied with in every other way, but for some reason need to have temporary permission to proceed with portions of work contemplated under pending applications for a Development Permit. He said that the work to be done during the time of the temporary permit would be limited to clearing, grubbing, grading, installation of hydraulic structures necessary to control runoff and erosion and the establishment of vegetative cover and/or other control measures necessary to maintain the site. He explained that the temporary permit shall not exceed 60 days and shall not be extended. Mr. Michalove said that this is one way to speed up the work, by issuing this type of permit.

Councilman Hoyle moved for the adoption of Ordinance No. 986. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 4-1, Ordinance No. 986 passed on its first reading, with Councilman Michael voting "no."

SALE OF CERTAIN PARCELS - EAST RIVERSIDE URBAN RENEWAL PROJECT

10. Consideration was given to the approval of the sale of certain parcels in the East Riverside Urban Renewal Project.

Mr. Larry Holt, Executive Deputy Director of the Asheville Housing Authority, read the following letter from the Housing Authority of the City of Asheville requesting approval of the sale of certain parcels in the East Riverside Urban Renewal Project:

Parcel	Reuse	Established Price	Amount Bid	Redeveloper(s)
51	Commercial	$40,000.00	$40,000.00	Hill, Rice & Trash
54-54A	Commercial	$51,500.00	$51,500.00	Douglas J. Fox, DDS
116	Residential	$ 1,586.00	$ 1,586.00	Marie P. Washington
132	Residential	$ 1,150.00	$ 1,150.00	Frieda S. Burton
138	Residential	$ 2,200.00	$ 2,200.00	Jack R. Steele, et ux
145-146	Office-Inst.	$ 5,900.00	$ 5,900.00	Hines, Hines, & Tate

He said the developments for Parcels 51 and 54-54A will consist of professional office space. He said Parcels 145-146 will be developed as parking in conjunction with the redevelopers current development on Parcel 144. He stated that Parcel 132 will be developed as parking in connection with a proposed neighborhood child care facility proposed by the redeveloper who is an adjacent property owner. He said the redevelopers of Parcels 116 and 138 are adjacent property owners who wish to enlarge their property so that theirs will be a standard lot.

Councilman Michael said that some persons are acquiring adjacent land which they say is needed for parking, and plan to sell it later because it is in a good neighborhood.

Mr. Holt said that the redevelopment plan requires that the development must be completed before they can sell it.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 987. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 987 passed on its third and final reading.

Complete text of Ordinance No. 987 will be found in Ordinance Book No. 7 at page 194.

BIDS - 216 COIN-OPERATED LOCKERS FOR THE PARKS AND RECREATION DEPARTMENT

15. Consideration was given to bids received September 19, 1977 for 216 coin-operated lockers for the Parks and Recreation Department.

The City Manager read a memorandum from the Purchasing Agent which stated that two responsive bids were received and recommended the acceptance of the lowest bid by American Locker Security Systems, Inc. in the amount of $11,096.94.

Vice-Mayor Horton moved to accept the recommendation of the Purchasing Agent and award the bid to American Locker Security Systems, Inc. for a total amount of $11,096.94. This motion was seconded by Councilman Hoyle and carried unanimously.

BID SUMMARY

Bidder	Bid
American Locker Security Systems, Inc.	$11,096.94
Routed Signs, Inc.	$11,700.80

BIDS - SAFETY SHOES TO MEET OSHA SAFETY STANDARDS FOR VARIOUS DEPARTMENTS

16. Consideration was given to bids received September 19, 1977 for safety shoes to meet OSHA safety standards for various departments.

The City Manager read a memorandum from the Purchasing Agent which stated that four responsive bids were received and recommended the acceptance of the lowest bid by Asheville Army Store in the amount of $5,988.00.

Councilman Hoyle moved to accept the recommendation of the Purchasing Agent and award the bid to Asheville Army Store in the amount of $5,988.00. This motion was seconded by Councilman Morris and carried unanimously.

BID SUMMARY

Bidder	Bid
Western Carolina Safety Supply Co.	$7,580.00
Stinnette Uniform Sales	$7,400.00
Paymaster Safety Footwear	$7,036.00
Asheville Army Store	$5,988.00

BIDS - PROPOSED IMPROVEMENTS AT THE ASHEVILLE AIRPORT

The City Manager requested that this be postponed until Council's next meeting.

Adjournment.

Eugene F. Roberts, Jr.
MAYOR

Miriam J. Moore
CITY CLERK

Councilman Rainey moved for the adoption of this resolution. This motion was seconded by Councilman Michael and defeated on a 3-3 vote with Councilman Rainey, Councilman Michael and Councilman Hoyle voting "yes" and Vice-Mayor Horton, Mayor Ochsenreiter and Councilman Morris voting "no."

Mayor Ochsenreiter said this resolution would be redrafted and presented at next week's Council meeting.

COUNCILMAN RAINEY - SENIOR OPPORTUNITY CENTER VAN

Councilman Rainey said that he has been in contact with the Senior Opportunity Center people and they expressed concern about a new van.

COUNCILMAN RAINEY - BOHANNAN AND NOBLETT

Councilman Rainey asked that the Bohannan and Noblett items be discussed at next week's Council meeting.

Councilman Rainey was excused from the meeting at 6:50 o'clock p.m.

RESOLUTION NO. 77-157 - RESOLUTION AUTHORIZING APPLICATION FOR STATE WATER BOND FUNDS

13. Consideration was given to a resolution authorizing the Mayor to sign an application for State Water Bond Funds.

The City Manager read the resolution explaining that the Beaverdam Project will cost $45,000 and the Charlotte Highway Water Line will be $9,000.

Councilman Michael was excused from the meeting at 6:55 o'clock p.m.

Upon motion of Councilman Morris, seconded by Vice-Mayor Horton, Resolution No. 77-157 carried unanimously.

Complete text of Resolution No. 77-157 will be found in Resolution Book No. 10 at page 46.

ORDINANCE NO. 987 - AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

14. Consideration was given to an ordinance amending the operating budget for the City of Asheville for Fiscal Year 1977-78.

The City Manager read the ordinance. He explained that the waste water treatment system at the Asheville Airport had been found to be discharging wastes in violation of the North Carolina Environmental Commission Standards, therefore, the City is proposing to install a chlorination system which would provide as a temporary solution to this problem.

Vice-Mayor Horton moved for the adoption of Ordinance No. 987. This motion was seconded by Councilman Morris.

On a roll call vote of 4-0, Ordinance No. 987 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 987. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 987 passed on its second reading.

4. Consideration was given to an ordinance establishing the Asheville-Buncombe Revitalization Capital Improvement Fund.

The City Manager read the ordinance and explained that the purpose of establishing the Asheville-Buncombe Revitalization Capital Improvement Fund was to stimulate private development, which would provide growth and an increase in taxes to both the City and the County. He said that the City should be in the position of promotiong what it has to offer and these funds will go a long way in helping the City with this type of promotion. He also said that the County Commissioners were in support of a similiar type of plan county-wide and this would also generate a great deal of private development within the City and the County. He pointed out that if Council approves this ordinance on the first reading today, that he would introduce an ordinance with a specific budget at the October 6, 1977 meeting, which hopefully could be read on all three readings and would approve the Pack Square Rehabilitation Project. He said that Council had approved this project last week and now the City should appropriate the funds from this budget.

He said the Pack Square Rehabilitation Project can be divided into three or four phases and pointed out that the City has a period of time to attract federal, state, and county funds.

Councilman Michael requested that the County Commissioners commit themselves to contribute their fair share to the fund.

Mr. Michalove said that he thinks the County is going to set up a Buncombe County Revitalization Fund. When the City of Asheville has a project that will benefit the County and City, the City will take that project before the Commissioners and they will evaluate it and, upon approval of the project, will provide a percentage of funds based on the tax rate in order to help us fund that particular project.

Councilman Rainey suggested that the City go ahead and set up the fund for Akzona and get it out of the way and hopefully entice the County to participate and then rebuild the fund over a period of time so that the City doesn't have a massive drainoff of any other funds the City may have in the budget.

Mr. Michalove said Councilman Rainey's suggestion might be misleading. He said the City is approving a concept and appropriating non ad valorem funds over a period of time. He reviewed the sources for funding the Asheville-Buncombe Revitalization Capital Improvement Fund.

It was the unanimous agreement of Council that the wording of Item 3 of the ordinance be revised to read as follows:

"The initial appropriation to this fund shall be up to $500,000."

Councilman Rainey moved for the adoption of Ordinance No. 988. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 988 passed on its first reading.

RESOLUTION NO. 77-159 - RESOLUTION APPROVING THE USE OF OPERATION COMPLEX FUNDS FOR UPGRADING EXISTING FACILITIES

5. Consideration was given to a resolution approving the use of Operation Complex funds for upgrading existing facilities.

Thursday - September 29, 1977 - 3:00 o'clock p.m.

Regular Meeting

Present: Vice-Mayor Horton, Councilwoman Swilling, Councilmen Ralph D. Morris, Jr., Gene E. Rainey, Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Ochsenreiter and Councilman J. W. Hoyle

INVOCATION

Prior to the opening of the September 29, 1977 meeting of City Council, Vice-Mayor Horton requested Reverend James A. Johnson, Pastor of the West Asheville Baptist Church, to give the invocation.

APPROVAL OF MINUTES

1. Approval of the minutes of the September 22, 1977 meeting.

Upon motion of Councilman Michael, seconded by Councilwoman Swilling, the minutes of the September 22, 1977 meeting were approved as submitted.

ORDINANCE NO. 986 - AN ORDINANCE AMENDING ORDINANCE NO. 813 - REVISED BY ORDINANCE NO. 846, KNOWN AS "CITY OF ASHEVILLE EROSION CONTROL ORDINANCE," AS AMENDED

2. Consideration was given to the second reading of Ordinance No. 986, an ordinance amending Ordinance No. 813 - revised by Ordinance No. 846, known as "City of Asheville Erosion Control Ordinance," as amended.

City Manager K. M. Michalove explained that the purpose of the ordinance was to permit the Chief Building Inspector to authorize developers to proceed with preliminary work, pending approval of a Development Permit.

On a roll call vote of 4-0, Ordinance No. 986 passed on its second reading.

RESOLUTION NO. 77-158 - RESOLUTION AUTHORIZING THE SALE OF PROPERTY LOCATED IN BILTMORE VILLAGE

3. Consideration was given to a resolution authorizing the sale of property located in Biltmore Village.

The City Manager read the resolution and stated that legal notices requesting bids on the property had been published as required by the North Carolina General Statutes 160A-269. However, he said no further qualifying bids had been received and recommended that City Council approve the resolution authorizing the sale of the property to The Biltmore Company for $65,000.

Upon motion of Councilman Michael, seconded by Councilman Rainey, Resolution No. 77-158 was unanimously adopted.

Complete text of Resolution No. 77-158 will be found in Resolution Book No. 10 at page 48.

ORDINANCE NO. 988 - AN ORDINANCE ESTABLISHING THE ASHEVILLE-BUNCOMBE REVITALIZATION CAPITAL IMPROVEMENT FUND

The relative value of this tract to such a center is dependent upon the cost of acquiring sufficient land north of the city barn.

Secondly, the existing building on the Linn property might be used to house all or part of several city operations currently in need of adequate building space. Several of these needs are described in a memo directed to the City Managers Office by staff members and are:

Police sign and signal storage
Signal controller and sign make up shop
Sand and salt storage
Parking for patrol vehicles
Storage of tires, tracks and spare parts
Storage for motor transport parts and supplies (tires, etc.)
Vehicle paint space
Central purchasing and warehousing for all
City departments

There are a number of possible problems inherent in trying to adapt these functions to this existing facility. Several of these are:

Difficult access from Valley Street (inability to maneuver free of normal traffic)
Low ceiling heights and door heights - can't add a hoist storage is virtually impossible because of inability to dump or load within the ceiling limitations.
Extensive remodeling and repair necessary to adapt this building to any city function. (lighting, heating, removal of partitions and fixtures, re-roofing and roof structure repair - see attached)
No ventilation (for vehicle paint space)
No natural light

A careful scrutiny of this building's plan and condition reveal a 38,000 s.f., 1940's building of varied construction and characteristics. The southern most section (approximately 2,000 s.f.) has a totally leaking roof with seriously rotted wood decking. Adjacent to the north is a 10,000 s.f. area accessed from a [illegible] on this section and Valley Street. This area is 11' high and the ceiling inside is 13'-9". Approximately half this area is occupied by freezers. There is no access between this area and the south room

Mr. John Rogers of Six Associates, Inc., the architectural firm employed to evaluate existing City facilities and to make recommendations to the City Council, relative to the functional benefits the City might derive from the purchase of the E. Ted Linn property, presented the following report to members of City Council:

SIX ASSOCIATES
INCORPORATED
ARCHITECTS ENGINEERS PLANNERS
704 274-0551
1005 HENDERSONVILLE ROAD
BOX 5504
ASHEVILLE, N.C.
28803

ASSOCIATES
THOMAS F. BRIDGES, A.I.A.
ROBERT M. CAIN, P.E.
HAROLD D. CARTER, P.E.
ALBERT D. JOHNSON, A.I.A.
JAMES M. LOVICK, JR., P.E.
EDWARD W. MCCANTS, P.E.
MARSHALL D. ROBERTS, A.I.A.

September 29, 1977

City Council
City of Asheville
Asheville, North Carolina

Gentlemen:

This report is in response to your request for an evaluation of the functional benefits to the City which may derive from the purchase of the Linn property. The report is a part of the larger planning task which we have been assigned.

The Linn property is completely described in an Appraisal report dated August 15, 1977, prepared for the City by Alan Butterworth MAI and Thomas Stuitler, appraiser. I hereby reference that appraisal as an attachment to this report.

Of the two parcels of land which make up the property, parcel no. 2 can be dealt with quickly. This vacant lot lies east of Valley Street and south of Carroll Avenue. It contains 40,000 s.f. net useable land. The lot is not contiguous with any City-owned property. It could be used for parking of personnel cars or other vehicles (40 cars, 20-30 trucks or operational vehicles) or may have value if the City moved to acquire extensive property along Valley St. for a comprehensive operations center. In either case, this lot is further south than would appear desirable in relation to properties along Valley Street currently owned by the City.

Parcel No. 1 is attractive to the City in two ways: First, it is contiguous with City-owned land and can be valuable in the development of a comprehensive operations center if there were a decision by the City to develop such a center on Valley Street. The amount of land required for such a center is not yet defined.

Upon inquiry of Councilman Rainey relative to what the severe repairs would cost, Mr. Rogers said that he did not have an estimate of the cost, because he did not itemize the repairs.

Councilman Rainey said that the City should recycle buildings, using what they have instead of building a new multi-million dollar complex. He expressed concern that the residents in the area would have to wait until the City locates land in which to build the new complex which could take years.

Mr. Michalove explained that on Valley Street, from the intersection of Eagle and Valley Streets to the intersection of Beaumont and Valley Streets, that it had been determined by the City that there is sufficient land in this area to build a new building and parking lots for City operations. He also pointed out that the City has very seriously considered the recycling of existing buildings and this was also one of the responsibilities of the architectural firm.

Councilman Michael said the City should move toward consolidation with the County to build a complex that would serve both governmental units.

Councilwoman Swilling said that she realized that the City needs relief from these problems, but if the Linn building cannot be used to the benefit of the City, then that is not the way to go.

The City Manager stated that approximately 115 staff hours (not including City Council time) had been spent on evaluating the Linn property.

Mr. John Rogers presented an idea for winterizing the Street and Sanitation Divisions by bringing the men inside to work and still maintain the barn as a Street and Sanitation Division Operation and also make some safety improvements in the building that are very serious problems. He reviewed the following estimates for winterization measures to the City barn:

1.	SOUTH WALL		
	Footings and Retaining Walls	$ 7,150.00	
	Metal Panels	7,200.00	
	Demolition	1,500.00	
			$ 15,850.00
2.	EXIT DRIVE ON SOUTH		
	Grading and Paving	15,000.00	
	Rolling Door	2,250.00	
			$ 17,250.00
3.	EAST WALL		
	Footings and Retaining Walls	14,225.00	
	Metal Panels	15,000.00	
	Demolition	3,500.00	
	Structural Steel	5,000.00	
	Reroof and insulation	10,000.00	
			$ 47,725.00
4.	WEST SHED		
	Reroof and Insulate		$ 18,500.00
	General Heat		$ 2,000.00
			$101,325.00
	Contingency 5%		$ 5,000.00
	TOTAL		$106,325.00

portion and a single opening to the areas to the north." Altogether, this section is in better condition than other areas of the building. Adjacent to the east is a 3,500 s.f. built-in-place freezer (95± x 37±). This is a single space with one door opening from the dock area of the northernmost section. The remaining section of 20,000± s.f. is divided into a raised dock area with a 40' deep receiving space opening from Valley Street at street edge; an office section; two freezers; an area in which there is a mezzanine creating a 7' clear ceiling height and an area with a 12'6" clear ceiling height which opens to Valley Street at a corner door 13' high. The floor level ramps down to this doorway creating a sloping area some 20' long. There are two unused doors which could be opened to a vacant portion of the property north of this section and adjacent to the city "barn".

The building is thus divided into numerous separate areas, none of which is larger in useable area than 6,000± s.f. Columns and bearing walls are interspersed throughout. The overall configuration results in inflexible space which places a severe burden on warehouse efficiency and inventory control as well as vehicle maneuvering and circulation.

What is needed to serve the city requirements which have been identified is a building featuring large structural bays and long spans to facilitate vehicle maneuverability, regular in shape for flexibility of use and easy control and clear ceiling height greater than 20' to allow maximum use of hoists and loaders.

The Linn building offers only extremely limited usefulness for any of the City's functions. Temporary relief of present needs is all that could be expected of this building. Severe repair, renovation and operating costs would accompany such use.

I,therefore, do not recommend the use of this building for city operations. The question of the value of the land for future use can only be determined after a decision to stay on Valley Street and a determination of the amount of land needed and the availability and cost of land to the north of the barn.

Respectfully submitted,

SIX ASSOCIATES, INC.
Architects, Engineers, Planners

by: John D. Rogers, Jr.

/jb

The City Manager read the resolution and explained that the following were the lowest bidders and recommended that the contracts be awarded to them:

Extension of Runway 34 (100 feet)	Asheville Contracting Co., Inc. Asheville, N. C.	$ 47,670.00
Refurbishing H.I. Runway and M.I. Taxiway Lighting	Walker and Whiteside, Inc. Greenville, S. C.	$ 76,167.00
Fire and Crash Building		
General - Schedule I	H & M Contractors Asheville, N. C.	$126,219.00
Plumbing - Schedule II	New Systems Plumbing Co. Banner Elk, N. C.	$ 12,655.00
Mechanical - Schedule III	20th Century Heating Co. Asheville, N. C.	$ 8,945.00
Electrical - Schedule IV	R. A. Smith Electric Co., Inc. Flat Rock, N. C.	$ 11,350.00
Fire and Rescue Vehicle	Walter Motor Truck Co. Voorheesville, N. Y.	$148,990.00

Mr. Michalove said that the total grant amount is $519,340 in which the federal government will pay 90 percent of the cost of these projects and the State will pay 5 percent and the City will pay 5 percent.

Vice-Mayor Horton explained that these items have been budgeted and that the bids are less than the actual amount budgeted for these projects.

Mr. U. Gary Taylor, Airport Manager, said that the Fire Station will be completed in approximately three (3) months.

Upon motion of Councilman Michael, seconded by Councilman Rainey, Resolution No. 77-161 was unanimously adopted.

Complete text of Resolution No. 77-161 will be found in Resolution Book No. 10 at page 51.

BIDS - UNIFORMS FOR THE POLICE DEPARTMENT

8. Consideration was given to bids received on September 19, 1977, relative to uniforms for the Police Department.

The City Manager read a memorandum from the Purchasing Agent which stated that three (3) responsive bids had been received and recommended the acceptance of the low bid submitted by Stinnette Uniform Sales, Inc. in the amount of $16,379.65.

The City Manager explained that this would provide summer uniforms to the entire force and the winter uniforms, caps, and other items on an as needed replacement basis.

The City Manager said that if the City decided to do the winterization work, Six Associates, Inc. will prepare the specifications and the City will take the bids for the work.

Councilman Rainey asked that the City Manager try to get shower and bathroom facilities in the barn.

The City Manager read the resolution and explained that funds for the Operations Complex had been set aside two or three years ago to make improvements or construct buildings for various City operations.

Upon motion of Councilwoman Swilling, seconded by Councilman Michael, Resolution No. 77-159 was unanimously adopted.

Complete text of Resolution No. 77-159 will be found in Resolution Book No. 10 at page 49.

RESOLUTION NO. 77-160 - RESOLUTION REQUESTING THE CIVIL SERVICE BOARD TO REVIEW AND RECOMMEND TO THE ASHEVILLE CITY COUNCIL EMPLOYEE RESIDENCY REQUIREMENTS

6. Consideration was given to a resolution requesting the Civil Service Board to review and recommend to the Asheville City Council employee residency requirements.

The City Manager read the resolution and explained that this resolution would request the Civil Service to:

1. Review their recommendations of April 7, 1977, after review of the results of the employee opinion survey and other information provided to the City Council;

2. Submit their recommendations to the Asheville City Council on or before February 1, 1978; and

3. Withhold any action against any employee for violation of the currently existing residency requirements until ninety (90) days after the City Council has acted on the recommendations forthcoming from the Civil Service Board.

Upon motion of Councilman Michael, seconded by Councilman Morris, Resolution No. 77-160 was unanimously adopted.

Complete text of Resolution No. 77-160 will be found in Resolution Book No. 10 at page 50.

Councilman Rainey was excused from the meeting at 4:21 o'clock p.m. and returned to the meeting at 4:25 o'clock p.m.

RESOLUTION NO. 77-161 - RESOLUTION AWARDING CONTRACTS FOR THE EXTENSION OF THE SAFETY AREA, RUNWAY 34; REHABILITATION OF THE MITL AND HIRL SYSTEMS; CONSTRUCTION OF A FIRE AND CRASH BUILDING AND THE ACQUISITION OF A FIRE AND CRASH RESCUE VEHICLE, AT THE ASHEVILLE AIRPORT

7. Consideration was given to a resolution awarding contracts for the extension of the Safety Area, Runway 34; rehabilitation of the MITL and HIRL systems; construction of a fire and crash building and the acquisition of a fire and crash rescue vehicle at the Asheville Airport.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 989. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 989 passed on its third and final reading.

Complete text of Ordinance No. 989 will be found in Ordinance Book No. 7 at page 197.

PUBLIC HEARING SET - REZONING PROPERTY ON THE EAST SIDE OF LEICESTER HIGHWAY

11. Consideration was given to scheduling a public hearing on the rezoning request by Mr. J.F. Bridges, Jr. to rezone property located on the East Side of Leicester Highway from R-3 Residential District to CS Commercial Service District.

Councilwoman Swilling moved to schedule a public hearing on the rezoning request of Mr. J. F. Bridges, Jr. to rezone property located on the East side of Leicester Highway from R-3 Residential District to CS Commercial Service District for October 27, 1977. This motion was seconded by Councilman Rainey and carried unanimously.

Vice-Mayor Horton called for a five (5) minute recess.

City Council reconvened the meeting at 5:00 o'clock p.m.

MRS. ROGERS - SENIOR OPPORTUNITY CENTER VAN

Mrs. Rogers urged Council to continue to look into the idea of a van for the Senior Opportunity Center.

Mr. Michalove said that he would prepare a report for Council and present it at next week's meeting.

RESOLUTION NO. 77-163 - RESOLUTION OF INTENT TO CLOSE ALLEY AND CALLING A PUBLIC HEARING ON THE QUESTION

12. Consideration was given to a resolution of intent to close alley and calling a public hearing on the question.

The City Manager read the resolution.

Councilwoman Swilling moved for the adoption of the resolution and to schedule a public hearing relative to the matter for October 27, 1977. This motion was seconded by Councilman Morris and carried unanimously.

Complete text of Resolution No. 77-163 will be found in Resolution Book No. 10 at page 54.

BIDS - RE-ROOFING BUILDING AT THE SENIOR OPPORTUNITY CENTER, 36 GROVE STREET, FOR THE PARKS AND RECREATION DEPARTMENT

13. Consideration was given to bids received September 20, 1977, relative to re-roofing the building at the Senior Opportunity Center, 36 Grove Street, for the Parks and Recreation Department.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to Stinnette Uniform Sales, Inc. in the amount of $16,379.65. This motion was seconded by Councilman Morris and carried unanimously.

Bid Summary

Bidder	Bid
Caleb V. Smith Uniform Company	$23,930.21
Stinnette Uniform Sales, Inc.	$16,379.65
Asheville Army Store	$16,888.13

RESOLUTION NO. 77-162 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BUNCOMBE COUNTY BOARD OF ELECTIONS

9. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with the Buncombe County Board of Elections.

The City Manager read the resolution and explained that this was a routine agreement and that under North Carolina General Statutes 163-283 every municipality is required to deliver its registration books to the County Board of Elections who assume the responsibility for administration of the registration and election process in such municipalities and special districts.

Councilman Michael was excused from the meeting at 4:35 o'clock p.m.

Upon motion of Councilwoman Swilling, seconded by Councilman Morris, Resolution No. 77-162 was unanimously adopted.

Complete text of Resolution No. 77-162 will be found in Resolution Book No. 10 at page 53.

ORDINANCE NO. 989 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (MAINTENANCE CONTRACT FOR THE ASHEVILLE ART MUSEUM SECURITY SYSTEM)

10. Consideration was given to an ordinance amending the operating budget of the City of Asheville for Fiscal Year 1977-78, providing funds for the maintenance contract for the Asheville Art Museum Security System.

The City Manager read the ordinance and explained that the City, in the past, has provided funds for the maintenance contract for the Asheville Art Museum Security System and this ordinance will amend the budget to include this.

Councilman Morris pointed out that the City might not always provide funds for this contract.

Councilwoman Swilling moved for the adoption of Ordinance No. 989. This motion was seconded by Councilman Morris.

On a roll call vote of 4-0, Ordinance No. 989 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 989. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 989 passed on its second reading.

REPORT BY THE CITY MANAGER - JOHN N. BOHANNON - 75 MACON AVENUE

Upon a request by Councilman Rainey, the City Manager said that this matter would be placed on the published agenda.

REPORT BY THE CITY MANAGER - DRAINAGE PROBLEM AT 15 MCINTOSH ROAD

The City Manager said that a report would be presented to members of City Council relative to the drainage problems being experienced by Mrs. C. A. Noblett who lives at 15 McIntosh Road.

Upon Councilwoman Swilling's request, the City Manager said that this matter would be placed on the published agenda.

MR. JOSEPH SINGLETON - SELECTION OF NEW POLICE CHIEF

Mr. Joseph Singleton commented on the process that the City Manager is taking to select a new Chief of Police.

MR. HAROLD GROSSMAN - 88 COLLEGE STREET

Mr. Harold Grossman, owner of a store at 88 College Street, appealed to Council for help with an outrageous water bill in the amount of $1,351 and requested that Council appoint somebody to look into this matter. This matter was referred to the City Manager.

RALPH G. BISHOP - SELECTION OF POLICE CHIEF

Mr. Ralph G. Bishop appeared before City Council to express his dissatisfaction to the process the City Manager has chosen to select the new Chief of Police.

Adjournment.

Ben B Hutto
VICE-MAYOR

Miriam J. Moncrief
CITY CLERK

The City Manager read a memorandum from the Purchasing Agent which stated that three (3) responsive bids had been received and recommended the acceptance of the low bid submitted by Asheville Roofing, Inc. in the amount of $9,625.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Asheville Roofing, Inc., in the amount of $9,625. This motion was seconded by Councilman Morris and carried unanimously.

Bid Summary

Bidder	Bid
Tarco, Inc.	$23,200
Stroup Sheet Metal Works	$13,639
Asheville Roofing, Inc.	$ 9,625

RESOLUTION NO. 77-164 - RESOLUTION APPOINTING ASHEVILLE CITY COUNCIL REPRESENTATIVES TO THE JOINT STUDY COMMITTEE ON THE CONSOLIDATION OF ASHEVILLE CITY AND BUNCOMBE COUNTY SCHOOLS

14. Consideration was given to a resolution appointing Asheville City Council representatives to the Joint Study Committee on the consolidation of Asheville City and Buncombe County Schools.

The City Manager read the resolution which appointed Mr. W. P. Griffin, Mr. Alfred J. Whitesides, and Mrs. Mildred C. McGill to the Joint Study Committee on the consolidation of Asheville City and Buncombe County Schools.

Upon motion of Councilman Rainey, seconded by Councilwoman Swilling, Resolution No. 77-164 was unanimously adopted.

Complete text of Resolution No. 77-164 will be found in Resolution Book 10, pg. 55.

PROCLAMATION - NATIONAL EMPLOY THE HANDICAPPED WEEK

Vice-Mayor Horton proclaimed the week of October 2 - 8, 1977 as "National Employ the Handicapped Week."

DIVISION OF INSPECTIONS & DEMOLITIONS - CHART OF PERMITS

The City Manager said that there is now a chart available showing the various types of permits, activities requiring permits, applications procedures and requirements, normal processing time, number of inspections required, and the principal City office to contact. This chart was prepared by the Inspections Division.

Councilwoman Swilling commended Mr. J. E. Johnson, Chief Building Inspector, and the Inspections Division for the work that went into preparing the chart.

HEY-DAY, - NATURE CENTER

Vice-Mayor Horton read a letter from Bonnie T. Brannon, Chairman of the Hey-Day Fall Carnival, personally inviting members of the City Council and the public to the fund raising carnival to be held at the Nature Center on Saturday, October 15, 1977 from 10:00 o'clock a.m. until 4:00 o'clock p.m. Proceeds from this event will go toward remodeling the old zoo barn into a real barnyard.

ORDINANCE NO. 988 - AN ORDINANCE ESTABLISHING THE ASHEVILLE-BUNCOMBE REVITALIZATION CAPITAL IMPROVEMENT FUND

3. Consideration was given to the second reading of Ordinance No. 988, an ordinance establishing the Asheville-Buncombe Revitalization Capital Improvement Fund.

On a roll call vote of 5-0, Ordinance No. 988 passed on its second reading.

Councilman Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 988. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 988 passed on its third and final reading.

Complete text of Ordinance No. 988 will be found in Ordinance Book No. 7 at page 195.

ORDINANCE NO. 986 - AN ORDINANCE AMENDING ORDINANCE NO. 813 - REVISED BY ORDINANCE NO. 846, KNOWN AS "CITY OF ASHEVILLE EROSION CONTROL ORDINANCE," AS AMENDED

4. Consideration was given to the third and final reading of Ordinance No. 986, an ordinance amending Ordinance No. 813 - revised by Ordinance No. 846, known as "City of Asheville Erosion Control Ordinance," as amended.

On a roll call vote of 5-0, Ordinance No. 986 passed on its third and final reading.

Complete text of Ordinance No. 986 will be found in Ordinance Book No. 7 at page 192.

READOPTION OF ORDINANCE NO. 322, AS AMENDED, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF ASHEVILLE

5. Consideration was given to the third and final reading of the readoption of Ordinance No. 322, as amended, known as the Zoning Ordinance of the City of Asheville.

Vice-Mayor Horton opened the public hearing at 4:20 o'clock p.m.

Mr. Emrick, Planning Director, requested to amend the first paragraph in Article 8, (Board of Adjustment) Section 30-8-2, (Membership and Powers) to include the following sentence:

"An official quorum shall consist of seven (7) members of the Board."

Article 8, Section 30-8-2, Paragraph 1 with the amendment included shall read as follows:

"The Board shall consist of nine (9) members appointed by the City Council for a term of three (3) years and two (2) members who are residents of the extraterritorial County Commissioners for a term of three (3) years. An official quorum shall consist of seven (7) members of the Board. The organization and procedure of the Board, its meeting, method of handling appeals and other related matters, shall be in conformity with the provisions of the General Statutes, particularly Article 19, Part 3. 160A-388."

Thursday - October 6, 1977 - 4:00 o'clock p.m.

Regular Meeting

Present: Vice-Mayor Horton, Councilwoman Swilling, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove

Absent: Mayor Ochsenreiter and Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

Prior to the opening of the October 6, 1977 meeting of the City Council, Vice-Mayor Horton requested Rev. Nilous Avery, Pastor of the Hill Street Baptist Church, to give the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the September 29, 1977 meeting.

Councilman Rainey moved to amend the minutes of the September 8, 1977 meeting relative to the rezoning request of C. C. Blount and Associates by inserting the following:

"In Mr. Emrick's opening remarks, he said that he had spoken to the attorney for Mr. Blount, Mr. Wellons, and was advised that a verbal commitment from Carolina Power and Light had been obtained so as to provide an accessment through Carolina Power and Light's property to Amboy Road. He said the commitment was obtained September 6, 1977.

Upon inquiry of Councilman Hoyle relative to whether access into Amboy Road was written or verbal, Mr. Wellons said the commitment was in both forms, that he had a verbal okay and that Carolina Power and Light's legal department was writing the document at that time."

This motion was seconded by Councilman Michael and carried unanimously.

Upon motion of Councilwoman Swilling, seconded by Councilman Morris, the minutes of the September 29, 1977 meeting were approved as submitted.

RESOLUTION NO. 77-165 - RESOLUTION ACCEPTING QUITCLAIM DEED FROM BUNCOMBE COUNTY FOR CERTAIN PROPERTY ON NORTH PACK SQUARE

2. Consideration of a resolution accepting quitclaim deed from Buncombe County for certain property on North Pack Square.

The City Manager read the resolution and explained that the Buncombe County Commissioners authorized conveyance of certain lands located on North Pack Square to the City of Asheville.

Upon motion of Councilwoman Swilling, seconded by Councilman Michael, Resolution No. 77-165 was unanimously adopted.

Complete text of Resolution No. 77-165 will be found in Resolution Book No. 10 at page 56.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and presented the affidavit of publication.

Mr. Emrick explained that as a result of protest petitions which had been submitted, the twenty percent (20%) protest rule applies to this petition, which requires City Council to render a favorable vote of three-fourths of all members of Council to approve the petition. (NOTE: Mr. Emrick advised later that a recalculation indicated the twenty percent rule would not apply and a simple majority could pass the request.)

Mr. Emrick advised that the Planning and Zoning Commission recommended approval of the rezoning request. By use of a map, Mr. Emrick pointed out the proposed rezoning area to members of Council.

Mrs. Dean Blankenship spoke in favor of the rezoning request by saying that a lot of work was put into the plan by Mr. Caudle.

Vice-Mayor Horton closed the public hearing at 4:59 o'clock p.m.

The City Manager read the ordinance rezoning the property as requested.

Councilwoman Swilling moved for the adoption of Ordinance No. 990. This motion was seconded by Councilman Rainey.

On a roll call vote of 5-0, Ordinance No. 990 passed on its first reading.

PUBLIC HEARING - GROUP DEVELOPMENT - THE ASHEVILLE HOUSE

7. A public hearing was held relative to the site plan of a proposed four-story apartment complex, The Asheville House, to be located on Orange Street.

Vice-Mayor Horton opened the public hearing at 5:04 o'clock p.m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and presented the affidavit of publication.

Mr. Emrick advised Council that the Planning and Zoning Commission recommended approval of the site plan subject to the following:

1. That additional plans be submitted detailing all existing and proposed utilities and connections;

2. Submission of a satisfactory erosion control plan and storm drainage detail;

3. Submission of a landscaping plan; and

4. City Council granting a variance on minimum parking requirements. (Zoning Ordinance requires 2 spaces per unit or 216 spaces; Commission recommends a variance to permit 1.25 spaces per unit or 135 total spaces).

Mr. Emrick explained that this is a four-story complex consisting of 108 units located on Orange and Liberty Streets. He said that there are some problems off site dealing with erosion control. He said it seems that Merrimon Place empties water onto the American Court Motel and because of the grade differentials on the street itself, it's impossible at this point to handle the water in any other manner except

Councilman Morris moved to accept this amendment to the Zoning Ordinance. This motion was seconded by Councilman Michael and carried unanimoulsy.

Mr. Emrick told members of Council that he had advised the residents of the Ballentree Sub-Division, who had requested to be included in the extraterritorial boundary, to wait until the ordinance was adopted and then petition Council to amend the ordinance to coincide with their request. In order for Council to grant such a request, Mr. Emrick advised that Council would have to seek an amendment to the jurisdictional agreement between the Town of Biltmore Forest and the County of Buncombe. After this action had been approved by these governmental units, then the Council could act on the request of the residents of Ballentree Sub-Division.

Vice-Mayor Horton suggested a 15-day waiting period after the adoption of the ordinance to hear any person or group that might have a similar request concerning the 1 mile perimeter. He requested the Planning and Zoning Office to contact Mr. Coulter and advise him of the 15-day waiting period.

Mr. John Powell, Attorney representing the owner of the Manor Inn, requested the change of a Use District classification for the Manor Inn from R-2 Residential District to OI Office Institutional District.

Council advised Mr. Powell that they would not consider the reclassification of the Manor Inn property at this hearing. Further, acting upon the advice from Mr. William C. Moore, City Attorney, Vice-Mayor Horton advised that a public hearing would have to be scheduled for this specific request, thereby adhering to the established procedure for rezoning individual tracts of land.

Vice-Mayor Horton closed the public hearing at 4:42 o'clock p.m.

On a roll call vote of 5-0, the readoption of Ordinance No. 322, as amended, known as the Zoning Ordinance of the City of Asheville passed on its third and final reading.

Complete text of the readoption of Ordinance No. 322, as amended, will be found in Ordinance Book No. 7 at page 202.

PUBLIC HEARING SET - MANOR INN - REZONING REQUEST

Councilman Morris, agreeing with Vice-Mayor Horton's earlier statement, moved to schedule a public hearing relative to the rezoning request of the Manor Inn from R-2 Residential District to OI Office Institutional District for November 10, 1977. This motion was seconded by Councilman Michael and carried unanimously.

Councilman Michael requested Mr. Emrick to have the recommendation of the Planning and Zoning Commission ready for Council's review on November 3, 1977.

PUBLIC HEARING - REZONING - REQUESTED BY J. D. CAUDLE - MILDRED AVENUE

ORDINANCE NO. 990 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

6. A public hearing was held relative to rezoning property on Mildred Avenue from R-3 Residential District to CS Commercial Service District, requested by Mr. J. D. Caudle.

Vice-Mayor Horton opened the public hearing at 4:47 o'clock p.m.

ORDINANCE NO. 991 - AN ORDINANCE AMENDING THE CAPITAL PROJECTS AND ASHEVILLE-BUNCOMBE REVITALIZATION CAPITAL IMPROVEMENT FUND BUDGETS TO INCLUDE THE PACK SQUARE AREA REHABILITATION PROJECT

9. Consideration was given to an ordinance amending the Capital Projects and Asheville-Buncombe Revitalization Capital Improvement Fund Budgets to include the Pack Square Area Rehabilitation Project.

The City Manager read the ordinance and explained that the revenues are from the sale of the Biltmore Fire Station and other property in Biltmore which took place last week for a total of $65,000, which was unanticipated money for this fiscal year. He said the $10,000 additional funds came from the resolution just passed accepting Akzona's offer for sub-surface rights. He said the County has not yet appropriated the $40,900, but he has been given every indication that they will follow through with that next week.

Councilman Michael moved for the adoption of Ordinance No. 991. This motion was seconded by Councilman Hoyle.

On a roll call vote of 5-0, Ordinance No. 991 passed on its first reading.

Councilman Michael moved to suspend the rules and proceed to the second reading of Ordinance No. 991. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 991 passed on its second reading.

Councilman Michael again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 991. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 991 passed on its third and final reading.

Complete text of Ordinance No. 991 will be found in Ordinance Book No. 7 at page 199.

PUBLIC HEARING - CUL-DE-SAC OR THOROUGHFARE ON INGLEWOOD ROAD

10. A public hearing was held relative to a cul-de-sac or thoroughfare on Inglewood Road.

Vice-Mayor Horton opened the public hearing at 5:39 o'clock p.m.

The City Manager presented the advertised notice to the public setting the time and date of the public hearing and also presented the affidavit of publication.

Vice-Mayor Horton said that even though there is no staff recommendation on this, Council will still hear the residents' point-of-views relative to a cul-de-sac or thoroughfare on Inglewood Road.

Councilman Michael said that regardless of Council's decision on this matter, there would not be any City funds spent for doing either project.

dumping it onto the Court, which is unsatisfactory. He said Merrimon Place would need to be regraded to provide sufficient storm drainage or culverts in that area to handle the run-off from the existing as well as the proposed development. He said that the architects are working with the developer and the adjoining property owners to try to come up with something that is acceptable. In his opinion, he said unless this particular point could be addressed satisfactorily or some agreement reached by Council and all members concerned, then perhaps there should be a delay on any further deliberations.

Upon inquiry of Councilman Rainey, Mr. Emrick said that the regrading of Merrimon Place would be the City's responsibility.

Mr. Wolcott, Attorney representing American Court Motel, favors the development of The Asheville House, but feels that there should be a sufficient storm retention system and a storm sewer system laid in somewhere in the area of Merrimon Place or some other suitable place in order to move the water.

Councilwoman Swilling asked the City Manager to get an estimate of the cost for regrading Merrimon Place and the City's involvement in that area.

Mr. Robert Patterson, one of the developers of The Asheville House, stated that he was not sure whether the water run-off was the City's or the developer's problem.

Upon inquiry of Councilman Morris, Mr. Johnson, Chief Building Inspector, said that the project developers have not met the City's erosion control plan based upon information submitted thus far.

Councilman Michael suggested that the City Manager work with Mr. Johnson and the developers to try and point out what has to be done to correct the erosion control problem.

Councilwoman Swilling moved to continue the public hearing until October 13, 1977, at which time the City Manager can present some suitable alternatives relative to achieving a satisfactory erosion plan and storm drainage plan for the development. This motion was seconded by Councilman Michael and carried unanimously.

RESOLUTION NO. 77-166 - RESOLUTION AUTHORIZING THE SALE OF CERTAIN SUBSURFACE PORTIONS OF PROPERTY ON NORTH PACK SQUARE STREET PURSUANT TO N.C.G.S. 160A-269

8. Consideration was given to a resoultion authorizing the sale of certain subsurface portions of property on North Pack Square Street pursuant to N.C.G.S. 160A-269.

The City Manager read the resolution.

K. M. Michalove, City Manager, stated that legal notices requesting bids on the property had been published as required by the N.C.G.S. 160A-269. However, he said no further qualifying bids had been received and recommended that City Council approve the resolution authorizing the sale of certain subsurface portions of property on North Pack Square Street to Akzona, Incorporated.

Upon motion of Councilman Morris, seconded by Councilman Michael, Resolution No. 77-166 was unanimously adopted.

Complete text of Resolution No. 77-166 will be found in Resolution Book No. 10 at page 57.

Mrs. Eva Chandley, 28 Inglewood Road, spoke in favor of the thoroughfare by stressing the need for police and fire protection. She also said that City services such as those provided by the street and sanitation departments and the postal service, would be inconvenienced.

Mrs. Emmett Davis, 57 Inglewood Road, spoke in favor of the thoroughfare and asked that the road be widened.

Mr. & Mrs. H. H. Miles, 7 Stratford Road, opposed the closing of Inglewood Road by stating the inconveniences it would be to them and the residents in the area.

Mrs. Sally Boothroyd, 5 Inglewood Road, said that if Inglewood Road was widened, her house would be very close to the street, so she is in favor of a cul-de-sac.

Mr. George Saenger presented the City Manager with a petition which was signed by approximately 360 citizens opposing the cul-de-sac.

The City Manager said he will prepare a report which will contain a traffic and various recommendations from the City staff for Council's review at next week's meeting.

In response to Councilman Rainey's question as to whether exact figures could be obtained from the petitions received of the residents wanting a cul-de-sac and of those wanting a thoroughfare, Mr. Michalove said that the petitions because of some residents calling and requesting that their name be removed or placed on another petition.

Councilman Rainey said that the "No Thru Trucks" sign should be enforced on Inglewood Road.

Vice-Mayor Horton closed the public hearing at 6:46 o'clock p.m.

Vice-Mayor Horton requested that all Council members be present when a decision is made on the Inglewood Road issue. He also requested the City Manager provide Council with staff recommendations on the matter.

Councilman Michael said he believed this is a residential problem concerning residents in the area, not a problem that staff can solve by their recommendations.

Council directed Mr. Michalove to prepare a resolution closing Inglewood Road so it would be available should Council decide to approve a cul-de-sac for the street.

Councilman Rainey asked for the facts relative to the Fire Department getting two trucks on Inglewood Road if there is a cul-de-sac and what the time factor would be as a result of a cul-de-sac, on getting a fire truck to the street.

Councilwoman Swilling requested the City Manager to obtain information on the following:

1. The right-of-way and width of Inglewood Road.
2. The City departments requiring use of Inglewood Road to provide necessary City services to the area.
3. The number of school buses routed via Inglewood Road.
4. The condition of the culvert at the end of Inglewood Road.

Mrs. Lucia Ward, 48 Inglewood Road, spoke in favor of a cul-de-sac saying that the residents would be subject to noise, heavy traffic and racing if a thoroughfare remains.

Mr. Edwin Boothroyd, 5 Inglewood Road, spoke in favor of a cul-de-sac saying that if a bridge over Beaverdam Creek was ever temporarily impassable, residents of the area would always have an alternate route even if a cul-de-sac was put in. He said if a cul-de-sac was installed, there would be a reduction in bridge traffic, thereby extending the life of the bridge. He suggested that a study be made to enlarge the culvert to better accommodate water flow under the road and to lessen the possibility of debris accumulating there.

Mrs. Edward Schlaefer, 47 Inglewood Road, spoke in favor of a cul-de-sac saying that families are moving onto the street with young children.

Mrs. Judy Schlaefer read a letter from Mrs. Sally Boothroyd who was in favor of a cul-de-sac saying that vandalism would be cut down, traffic could be controlled, homes would be safer while owners are on vacation, working couples would feel safer and the neighborhood could watch and identify who was walking or driving through the area.

Mr. Alan Neilson, 1 Inglewood Road, said that if a cul-de-sac was put in, there would be less traffic, and better litter and vandalism control. It was also his opinion that the street is too narrow for through traffic.

Mr. Ed Schlaefer, 47 Inglewood Road, was concerned for the safety of the children on the street and the fact that the road is very narrow. He said it would cost approximately $34,700 to widen Inglewood Road to standard width if was left open as a thoroughfare.

Mr. George Saenger, Attorney representing the citizens that want to keep Inglewood Road open as a thoroughfare, said that all residents, not just the residents on Inglewood Road, should be considered in determining what the effect would be if the road was closed. By use of a map, Mr. Saenger outlined the routes the residents in the area would have to take, which would be a hardship, if Inglewood Road was made into a cul-de-sac.

Mr. Ray Hapke, 9 Inglewood Road, spoke in favor of a thoroughfare saying that if the road is closed and if an emergency situation arises, there will be only one access into the road which could be hazardous.

Mr. Ben McKenzie, 25 Summerhill Drive, spoke in favor of leaving Inglewood Road open for the convenience of residents of the area.

Mr. Mort Cohn, 161 Windsor Road, spoke in favor of keeping Inglewood Road open. He said it would be a big inconvenience to doctors as well as residents in the area if the road was closed.

Mr. Emmett Davis, 57 Inglewood Road, spoke in favor of leaving Inglewood Road open as a thoroughfare. He read a letter from Bill Duckworth which said that if Inglewood Road were a dead-end street, residents would have a circuitous drive to reach the Country Club.

Mrs. Ruth Johnson, 24 Inglewood Road, spoke in favor of leaving Inglewood Road open as a thoroughfare, becuase she prefers people driving through the street.

EVENT EXPENSES:

Admissions attendant	$ 10.00
Skate room rental attendant	10.00
Door guards (2)	20.00
Policemen (2)	40.00
Skate floor manager	25.00
Janitor	10.00
Nurse	15.00
Utilities cost	50.00
Concessions cost	45.00
	$225.00

EVENT INCOME:

Admission	$1.50
Skate renter	.75
Concessions	.70
	$2.95

200 persons per session x $2.95 = $590.00
2 sessions = $1,180.00

Mr. Ralph Bishop said he was opposed to the City of Asheville competing with a free enterprise system in the City of Asheville.

Mr. Carl Henderson, Owner of Skateland Roller Rink, said that he turned down the co-hosting of the Civic Center Roller Rink for many reasons, some being the type of skates the Civic Center will purchase and the inadequate purchase of skates. After all his considerations, he said that the expenditure that his roller rink would invest would not be a worthwhile investment.

Mr. Henderson listed ten (10) reasons why he felt the skates that the Civic Center was purchasing were inadequate.

Mr. John Jerose, member of the Civic Center Commission, said that Mr. Ray Kisiah, Director of Parks and Recreation, presented the Civic Center Commission with a request for skating facilities as a part of the City's recreational program. Mr. Jerose stated that there is no recreational facility of this type in the center of Asheville. He said that the Commission is trying to seek new programs and utilize the building as much as possible.

Councilman Michael said the question before Council is whether to buy skates or not, and if the Civic Center Commission wants to operate a facility of this type, then the Commission should make this decision.

Upon inquiry of Councilwoman Swilling, Mr. W. C. Moore said that the Civic Center would have to be insured for this type of activity.

Mr. Jerose said that the skating will be scheduled around other events as much as possible.

Upon inquiry of Councilman Rainey relative to the surface being slippery after a night of skating, Mr. Jerose said that the sealer the Civic Center will use is not a glossy type material and, therefore, should not be slippery to shoes.

5. Any formal proposals for widening Inglewood Road to normal subdivision standards and the cost for same.

Vice-Mayor Horton called a five (5) minute recess at 7:10 o'clock p.m. The meeting reconvened at 7:15 o'clock p.m.

BIDS - ROLLER SKATES FOR USE AT THE ASHEVILLE CIVIC CENTER

11. Consideration was given to bids received September 19, 1977 for roller skates for use at the Asheville Civic Center.

The City Manager read a memorandum from the Purchasing Agent which said that six (6) responsive bids had been received and recommended the acceptance of the low bid, submitted by Johnny Jones, Jr. in the amount of $7,959. He also read the following letter dated October 4, 1977, from James M. Evans, Civic Center Manager:

"At the October 3rd meeting of the Asheville Area Civic Center Commission, the Commission unanimously approved the following motion:

> That the Commission reaffirm its stand on roller skating now that any objections have been fully investigated and covered by the Commission and that the Commission ask the City Manager to place the purchase of the roller skates on the agenda at the next meeting of the Asheville City Council.

The Civic Center Management has checked into the quality of the roller skates as bid and find that our initial thoughts are correct. The roller skates are a middle line type of shoe and a middle line type of wheel. It was recommended to us by the Chicago Roller Skating Company that we supply this type of skate because of our infrequent use as compared to a full time roller skating rink. A second reason for buying this type of skate is that we do not wish to make any larger type of investment than is necessary due to the unknows involved in this promotion. Our investigation shows that these roller skates are perfectly safe and there is no danger of injury due to the skates. There is no higher risk of the ball bearings falling out than on a more expensive skate. Our reasoning for the number of skates to be purchased is also with the intention of keeping our investment at a minimum. Should the roller skating demand exceed our expectations, it could justify the purchase of additional skates which can be delivered within ten days. However, I feel it would be foolish for us to purchase 500 or 600 pairs with the unknowns we are now looking at.

Attached is a copy of our estimated expenses and income upon which we are basing our roller skating promotion."

ATTACHMENT

PROPOSED PUBLIC ROLLER SKATING PROMOTION
ASHEVILLE CIVIC CENTER

INITIAL EXPENSES:

60 pairs of juvenile roller skates	25.50	$ 1,530.00
240 parks of adult roller skates	29.40	7,056.00
30 gallons of concrete surface sealer	8.50	255.00
Materials for skate storage racks		250.00
Carpet for fringe and access areas		200.00
Initial promotion		1,000.00
		$10,291.00

amount from the Contingency Line Item of the General Capital Projects Fund to the Contributions to Other Funds Line Item in the Aviation Fund. The State would participate by paying a matching $12,500 and the federal government paying the balance of $225,000.

Councilman Michael pointed out that $15,000 had already been spent and billed to the City for a survey conducted by Talbert and Cox Associates, which had not been appropriated by City Council nor included in the Airport's budget request for this fiscal year. He said the City owes Talbert and Cox the $15,000 regardless of whether or not Council approves the plan for repairs and improvements to the FBO ramp.

Mr. U. Gary Taylor, Airport Director, explained how the survey was authorized. He said that in November of 1976, after the FAA made their inspection and requested that the City do something about the FBO ramp, he consulted with Mr. Ernest J. Ward, the City Manager at that time. Mr. Ward told him that there was a possibility of the City being able to get 100% funding for this project through the Public Works Funds and directed him to check with Mr. Verl Emrick and Mr. Marvin Vierra of the Planning Department on applying for these funds. Mr. Emrick and Mr. Vierra indicated to Mr. Taylor that he would have to have a cost and engineering figure before the City could apply for these funds. When he reported this fact to Mr. Ward, Mr. Taylor said that Mr. Ward directed him to have Talbert and Cox Associates do the necessary survey to obtain the cost and engineering figures.

When the survey had been completed by Talbert and Cox, Mr. Taylor said that he worked with the Planning Director to submit an application for funding, but was advised that because of the lateness of the application, the City would have to resubmit it for consideration in about six (6) months. In between this time, the bill was received from Talbert and Cox for the survey, and Mr. Taylor said that neither he nor Mr. Ward were aware that the survey would cost $15,000.

Upon inquiry of Councilman Michael relative to why the survey cost $15,000, Mr. Taylor said Talbert and Cox had advised him that they had no way of knowing what the cost would be until the survey had been completed determining the extent of damages to the ramp. Mr. Taylor also advised that Talbert and Cox would provide the necessary engineering services until the improvements to the ramp were complete at no additional cost to the City. This service, he said, was provided for in the $15,000.

Councilman Michael said that the lease with the FBO relative to parking should be updated so that the City would not lose revenue.

Upon inquiry of Councilman Rainey, Councilman Michael said that according to the lease with the FBO, the FBO is responsible for the planes on the dimensions of the areas under his lease.

Councilwoman Swilling suggested that the City receive a written statement saying that the FBO will pay $6,250 for the City's share of this project, and then amend the ordinance to reflect this change on the second reading.

Councilman Michael moved for the adoption of Ordinance No. 992. This motion was seconded by Councilman Rainey.

On a roll call vote of 5-0, Ordinance No. 992 passed on its first reading.

RESOLUTION NO. 77-167 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH THE BUNCOMBE COUNTY BOARD OF EDUCATION PERMITTING THE CITY OF ASHEVILLE TO DEMOLISH A PORTION OF THE SHILOH SCHOOL

Councilwoman Swilling requested the City Manager to obtain, at some later date, a breakdown of promotional activities at the Civic Center showing appropriations and expenditures.

Mr. Michalove said that the Civic Center Commission considers the promotion of the roller skating activity as part of the authority they received from City Council to establish new activities.

Mr. Nick Peterson, Owner of Space Mission Amusement Center, pointed out that there are few people out during the week nights. It was his opinion that the Civic Center skating facilities would not benefit anyone.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bid to Johnny Jones, Jr. in the amount of $7,959. This motion was seconded by Councilman Hoyle and carried on a 4-1 vote, with Councilman Rainey voting "no."

Councilman Rainey said his reason for voting against this bid was because he felt the City government should not be in competition with a private entrepreneur. He said he cannot see government entering this type of business activity. He said if the City gets into a private business sector, the City would run the risk of loss. He said that there is no budget to promote and advertise the dates and the time the rink will be open for skating.

Councilwoman Swilling agreed with Councilman Rainey, but said because there is a need in Asheville for this type of facility, she is in favor of the bid.

Councilwoman Swilling said that the rate of $2.95 is steep for a week night but is willing to try and see if it works.

MRS. MONTGOMERY - OBSCENE MAGAZINES

Mrs. Montgomery, who lives in the Riceville area, appealed to Council for help regarding obscene literature being distributed in her area.

Vice-Mayor Horton urged her to contact District Attorney Bob Fisher, whose responsibility it is to enforce the State Statutes that was passed and effective August 1, 1977, and inform him of these incidents.

ORDINANCE NO. 992 - AN ORDINANCE AMENDING THE GENERAL CAPITAL PROJECTS AND OPERATING BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

12. Consideration was given to an ordinance amending the General Capital Projects and Operating Budget for the City of Asheville for Fiscal Year 1977-78.

The City Manager read the ordinance and explained that this was a request that the City had considered in the initial run of the General Fund Budget for this fiscal year. He said at the time it was considered, it was deleted from the budget. He said since that time, more information had been received and he felt it would be in the best of the City to go ahead and request funds from the federal and state governments to enlarge and repave the FBO ramp at the Asheville Airport.

He said the total cost for the project would be $250,000 and that the FAA and the N. C. Department of Transportation would pay 95% of that amount. The total cost to the City would be $12,500, which would be appropriated by transferring this

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 993. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 993 passed on its third and final reading.

Complete text of Ordinance No. 993 will be found in Ordinance Book No. 7 at page 201.

PUBLIC HEARING SCHEDULED - REZONING - GREEN HILL AVENUE - REQUESTED BY WEST ASHEVILLE MEDICAL CENTER AND WESTERN FOOD SYSTEMS, INC.

16. The City Manager read a letter from the Planning and Zoning Commission relative to rezoning property on Green Hill Avenue from R-3 Residential District to CH Commercial Highway District, requested by West Asheville Medical Center and Western Food Systems, Inc.

Councilman Morris moved to schedule a public hearing on the matter for November 3, 1977. This motion was seconded by Councilman Michael and carried unanimously.

PROCLAMATION - FRENCH BROAD RIVER AWARENESS WEEK

Vice-Mayor Horton proclaimed the week of October 9-15, 1977 as "French Broad River Awareness Week."

ANNOUNCEMENT - PUBLIC HEARING SET BY THE DEPARTMENT OF HEW - NATIONAL HEALTH INSURANCE

The City Manager announced that a public hearing will be held on Wednesday, October 12, 1977, at the U. S. District Court Building in Asheville to obtain citizen views and comments on National Health Insurance.

PROCLAMATION - NATIONAL HOBBY MONTH

Vice-Mayor Horton proclaimed the month of October as "National Hobby Month."

PROCLAMATION - NATIONAL FIRE PREVENTION WEEK IN ASHEVILLE

Vice-Mayor Horton proclaimed the week of October 9-15, 1977 as "National Fire Prevention Week in Asheville."

PRIMARY ELECTION FOR CITY COUNCIL

The City Manager submitted as a matter of information the Abstract of Votes cast at the primary election for City Council members on September 27, 1977, which was transmitted to him from the Buncombe County Board of Elections.

The abstract is placed in the minutes for the record on the following page.

13. Consideration was given to a resolution authorizing the Mayor to sign an agreement with the Buncombe County Board of Education permitting the City of Asheville to demolish a portion of the Shiloh School.

The City Manager read the resolution.

K. M. Michalove explained that the Buncombe County Board of Education passed the following motion at their meeting on August 18, 1977:

> "That the Superintendent forward the agreement between the City of Asheville and the Buncombe County Board of Education to the appropriate office for execution by the City of Asheville prior to approving or demolition of the existing building."

Upon motion of Councilwoman Swilling, seconded by Councilman Michael, Resolution No. 77-167 was unanimously adopted.

Complete text of Resolution No. 77-167 will be found in Resolution Book No. 7 at page 59.

RESOLUTION NO. 77-168 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF COMMERCE, ENERGY DIVISION, FOR A TRANSIT MARKETING PROGRAM

14. Consideration was given to a resolution authorizing the Mayor to execute an agreement with the North Carolina Department of Commerce, Energy Division, for a transit marketing program.

The City Manager read the resolution and explained that this is a 100% grant for a transit marketing program in cooperation with the Transit Authority.

Upon motion of Councilwoman Swilling, seconded by Councilman Hoyle, Resolution No. 77-168 was unanimously adopted.

Complete text of Resolution No. 77-168 will be found in Resolution Book No. 7 at page 60.

ORDINANCE NO. 993 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

15. Consideration was given to an ordinance amending the Operating Budget of the City of Asheville for Fiscal Year 1977-78 (funds for the Audit and Evaluation Division).

The City Manager read the ordinance and explained that this division was established by Resolution No. 139 and was not included in the Fiscal Year 1977-78 Operating Budget.

Councilwoman Swilling moved for the adoption of Ordinance No. 993. This motion was seconded by Councilman Rainey.

On a roll call vote of 5-0, Ordinance No. 993 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 993. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 993 passed on its second reading.

HIGH COUNTRY CRAFTERS, INC.

The City Manager received a letter from High Country Crafters, Inc. requesting use of the sidewalk for an art and craft fair called the "Falling Leaf Festival" on the sidewalks at the intersection of Haywood Street. The festival will be held between the hours of 10:00 o'clock a.m. and 5:30 p.m. on October 13-15, 1977, in front of the Ivey's building and the vacant Red Cross Shoe Store. He said that one end of the fair will be at Penney's and will extend up Haywood Street to the Civic Center.

Councilwoman Swilling moved to approve High Country Crafters, Inc.'s request. This motion was seconded by Councilman Michael and carried unanimously.

REPORT - SENIOR OPPORTUNITY CENTER VEHICLE

The City Manager said that $17,500 had been appropriated for a van for the Senior Opportunity Center. He said that a 12-passenger van would cost approximately $9,000 complete, but without wheelchair adapters. He said that a 48-passenger bus that could be adapted to the use of 18 adults and 2 wheelchairs would cost approximately $18,000. He said the van is more in line with what the participants of the Senior Opportunity Center prefer.

Councilman Rainey moved to purchase the 12-passenger van for the Senior Opportunity Center. This motion was seconded by Councilman Michael and carried unanimously.

Upon inquiry of Vice-Mayor Horton as to the use of the old van, Mr. Michalove said that Mr. Jim Parris, Superintendent of Motor Transport, said there was still some use to it.

CITY MANAGER REPORT - MRS. NOBLETT - 15 MCINTOSH ROAD

The City Manager presented Council with material relative to Mrs. Noblett's drainage problem.

By mutual consent of Council, the City Manager was instructed to draw up a resolution which would state Mrs. Noblett's problem, the recommendation that there be some stabilization at the creek bank in the area where there is a problem of erosion, that the storm drain on the east side of McIntosh Road be cleared out from Haw Creek Road down to the creek so that the water will run that way, and also the bridge which is crossing McIntosh Road, which is Haw Creek, can be brought to the condition that it will not cause flooding onto Mrs. Noblett's property by build up of debris and trash.

CITY MANAGER REPORT - MR. BOHANNAN - 75 MACON AVENUE

The City Manager said that the drainage problem of Mr. Bohannan was delayed due to legal problems, but now that the City's responsibility has been determined, the City will move ahead with the work as soon as a right-of-way has been obtained from adjoining property owners.

REQUEST BY COUNCILMAN RAINEY

Councilman Rainey requested that copies of the memorandum sent to him from the City Manager regarding drainage problems of Mr. John Q. Shell and Mr. John Johnston, 184 and 186 Country Club Road, be distributed to Council members.

Adjournment.

Bill B. Horton
VICE-MAYOR

Miriam S. Moriarty
CITY CLERK

Abstract of Votes, Cast at Primary Election For City Councilmen, City of Asheville, September 27, 1977

Precinct	MATTHEW BACOATE, JR. (Dem.)	WALTER J. BOGGS (Dem.)	JOHN O. (Buck) BUCHANAN (Dem.)	F. JACK COLE (Dem.)	AUDIE S. ELLIS (Dem.)	PRISCILLA GILES, JR. (Dem.)	JOHN R. GRIFFIN (Dem.)	F. D. FITZGERALD HORNE (Dem.)	BILL B. HORTON (Dem.)	ROGER L. JONES (Dem.)	DONALD O. MAYER (Dem.)	LARRY E. METCALF (Dem.)	RALPH D. MORRIS, JR. (Dem.)	NORMA T. PRICE (Dem.)	GENE E. RAINEY (Dem.)	ROY M. TRANTHAM (Dem.)	ZACHARY R. (Zack) WINSTON (Dem.)
	12	22	13	33	5	3	1	1	11	9	6	1	27	20	20	22	5
1	132	74	90	97	20	25	49	58	101	8	16	27	85	32	58	95	26
2	214	108	125	129	27	67	57	70	166	55	82	103	149	94	233	186	113
3	99	89	116	146	28	33	71	46	144	52	57	50	137	88	172	173	85
4	143	223	272	390	31	40	45	33	341	112	158	64	357	204	299	336	109
5	134	260	324	403	29	28	39	30	391	115	114	46	444	277	323	372	121
6	141	218	293	357	57	48	73	46	368	134	115	80	357	216	328	382	22
7	111	176	190	222	29	36	47	24	186	114	58	60	179	120	184	262	87
8	124	72	100	102	27	40	42	30	119	27	20	55	94	51	146	171	59
9	52	75	111	95	18	12	20	13	106	24	26	37	100	48	113	110	37
10	123	36	33	28	13	30	11	77	39	4	13	21	39	14	53	52	13
11	88	29	27	32	11	28	22	37	49	9	11	14	36	18	65	57	16
12	29	44	56	68	13	15	31	19	67	36	38	68	64	49	81	90	58
13	36	62	66	100	23	14	47	21	103	32	57	57	103	77	134	128	52
14	57	38	69	78	13	14	28	20	100	17	19	29	83	53	78	94	46
15	76	133	189	249	38	36	65	42	275	74	94	99	254	216	298	276	104
16	65	70	134	207	51	24	57	28	209	72	87	70	189	153	197	213	94
17	77	121	134	150	19	19	26	20	156	45	75	41	143	134	134	160	51
Totals	1522	1551	2296	2540	447	532	731	1.25	2931	978	1052	932	2595	1599	2916	3156	1355

STATE OF NORTH CAROLINA—BUNCOMBE COUNTY—PRIMARY ELECTION, CITY OF ASHEVILLE, SEPTEMBER 27, 1977

The County Board of Elections for said county, having opened, canvassed and judicially determined the original returns of the Primary Election, City of Asheville in th several precincts in this city, held as above stated, we do certify that the above is a true abstract hereof, and contains the number of legal votes cast in each precinct, accordi to the returns made to said Board, for the Primary Election.

This 29th day of September, 1977.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed official seal, this 29th day of September, 1977.

Laura E. Goodrich (Seal)

My commission expires June 12, 1980

William D. Kelly Chairman

Beverly Williams Secretary

Mrs. Jane K. Young Member

Buncombe County Board of Elections

for any damages in the future. Any damages occurring after the work had been done by the City, he said would be the responsibility of the property owner. Vice-Mayor Horton suggested amending the resolution to include a sentence relative to the property owner giving written permission and signing a valid release for any future liability.

Councilman Hoyle suggested studying agreements used by Carolina Power and Light Company or Southern Bell Telephone Company on rights-of-way to come up with a suitable agreement stating the City's liability.

It was Councilman Rainey's opinion that the City should not shut their eyes to private citizens problems which are brought about by development in which they have no control over. He said that the City would lose tax base if they overlook these problems, but suggested that the affected property owner pay for the required materials to make the improvements since this would improve their property.

Councilwoman Swilling said she believed Mrs. Noblett's drainage problems began after the City replaced the bridge on McIntosh Road. She said the City's involvement in doing this justifies a degree of continued involvement by the City.

Mr. Michalove said that he had a memorandum from Clark Brown, Superintendent of Streets, in which Mr. Brown stated that the bridge the City replaced is not the cause of Mrs. Noblett's problem.

Councilman Morris pointed out that the City should develop a policy on involvement in these types of problems, but that the policy should not be dictated by this particular problem.

Mr. Michalove reviewed Mrs. Noblett's letter of April 14, 1977, in which she stated that "the County has allowed Nixon Terrace, Rolling Greens, Happy Valley and annex and the new Haw Creek Elementary School to be built and all the drainage to be emptied into the creek."

Councilwoman Swilling withdrew her motion to adopt the resolution and Councilman Rainey withdrew his second to the motion.

It was the consensus of Council to table the resolution until the next meeting so that Mr. Michalove could talk with Buncombe County officials and see if they would be willing to share the responsibility and contribute funds toward the necessary improvements.

CITY MANAGER'S REPORT - INGLEWOOD ROAD - CUL-DE-SAC OR THOROUGHFARE

3. The City Manager reviewed some of the staff opinions relative to a cul-de-sac or thoroughfare on Inglewood Road. He said Acting Chief of Police Trulove recommended leaving Inglewood Road as a thoroughfare because it would take less time to answer an emergency call.

Mr. Clark Brown, Superintendent of Streets, submitted the following information:

Inglewood Road

Maximum Usable Width	Minimum Usable Width
18.0 feet	16.0 feet

Traffic Load - 425 vehicles, 24 hours - 1977 Count

Thursday - October 13, 1977 - 4:00 o'clock p.m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr.; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Gene E. Rainey, Otis B. Michael, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Corporation Council William C. Moore

Absent: None

INVOCATION

Prior to the opening of the October 13, 1977 meeting of the City Council, Mayor Ochsenreiter requested Rev. Wilbur Groce, Pastor of the Asheville Wesleyan Church, to give the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 6, 1977 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilman Morris, the minutes of the October 6, 1977 meeting were approved as submitted.

RESOLUTION NO. _____ - RESOLUTION AUTHORIZING DRAINAGE IMPROVEMENTS ON MCINTOSH ROAD

2. Consideration was given to a resolution authorizing drainage improvements on McIntosh Road.

Mr. Michalove said that he had distributed copies of his report on the drainage problem of Mrs. C. A. Noblett, McIntosh Road, to members of City Council. He expressed hope that some relief could be given to Mrs. Noblett on this very difficult problem. He said that several staff hours had been spent in trying to come up with some action that might be undertaken to improve the drainage problem. He pointed out that there are numerous such drainage problems throughout the City and that Council should be cautious about setting a precedent in such matters.

City Manager K. M. Michalove read the resolution which he said had been prepared at the request of City Council and provided for the following work to be done:

1. Replace the twin culverts and bridge with an open span bridge and provide streambank stabilization and channel alterations within the City right-of-way on McIntosh Road.

2. Provide streambank stabilization and channel alterations for approximately fifty (50) yards downstream from the bridge off City right-of-way.

3. Clear the storm drainage culvert on the east side of McIntosh Road off City right-of-way.

Councilwoman Swilling moved for the adoption of the resolution. This motion was seconded by Councilman Rainey.

Upon inquiry of Vice-Mayor Horton relative to a type of agreement that could be drawn up where the City would not be liable for damages as a result of the City doing work on private property, Mr. William C. Moore, City Attorney, said that a release could be drawn up stating what work the City will do and that the City will not be liable

Councilman Michael requested that the City Manager obtain a map from Talbert Cox and Associates, the engineering firm doing the survey, showing the location of buildings at the Asheville Flying Service. If the $250,000 is going to be appropriated, he said the City should know what the money is appropriated for, what the total area is, and what work is to be done for that amount.

Councilman Michael also said that he would like to have a more complete description of the tie down spaces, what the City's liability is pertaining to planes that are tied down on City of Asheville property and if they are insured.

The City Manager read a letter from Mr. O. D. Griffin, Jr., President of A & H Flying Service, Inc. which stated: "It is agreed that A & H Flying Service, Inc. will share the City of Asheville's five percent (5%) cost of enlarging and reworking the present ramp at the FBO, not to exceed $6,250." Mr. Michalove said that this would reduce the City's participation to $6,250 for this project.

Mr. Michalove said that Mr. U. Gary Taylor, Director of Aviation, would be present for the third reading of the ordinance, and that he would also have the map and detailed specifications on what will be done.

ORDINANCE NO. 977 - AN ORDINANCE AMENDING ORDINANCE GRANTING FRANCHISE TO THOMS BROADCASTING COMPANIES, INC.

5. Consideration was given to the second reading of Ordinance No. 977, an ordinance amending ordinance granting franchise to Thoms Broadcasting Companies, Inc. (regarding cable television rate increase).

Mr. Max Cogburn, Attorney representing Thoms Broadcasting Companies, Inc., said that on August 25, 1977 Thoms Broadcasting Companies, Inc. made an application to the City Council for a rate increase and requested that the ordinance granting the franchise be amended to increase the monthly service charge to $8.50. Additionally, Thoms Broadcasting Companies, Inc. proposed that there be a change made in the language of the franchise with reference to the fixing of rates. He said the present franchise ordinance provides that the rates and adjustments in the rates are to be tied to the average of rates charged by cities and towns having approximately the same population as the City of Asheville. He said the topographical circumstances and other factors in this particular area were worthy of consideration. He pointed out that the General Statutes state that cable television companies are public utilities and should be able to earn a fair rate of return.

Mr. Cogburn said that an audited financial statement had been prepared and was distributed to Council on August 25, 1977 which he feels justifies Thoms Broadcasting Companies, Inc. request for a rate increase.

Councilman Michael said that he had been asked by residents why they have to pay an amount to get cablevision in their area and then pay the installation charge also. He believed that the service should be offered to all citizens and that the company should ask for an increase to cover that service.

Mr. Cogburn reviewed the construction projects of 1976 and the proposed projects of 1977.

Mr. Michalove read from Ordinance No. 877, which was effective April 2, 1976:

"The City Council may increase or decrease the rates charged, after satisfactory proof each year, by the amount that the national average has increased or decreased, during said previous year, above or below, the base charge as hereinafter set forth and identified as monthly service charge; said national average shall be

Ottari Road

Maximum Usable Width	Minimum Usable Width
18.0 feet	17.8 feet

Traffic Load - 1,741 vehicles, 24 hours - 1977 Count

Mr. Brown's memorandum said that the effect of cul-de-sac vs open street would be minimal so far as Street Department activities are concerned and that there would only be a slight inconvenience in the snow and ice control, by having to double back on Inglewood Road if the cul-de-sac was installed.

Mr. Michalove said that because there would be an increase in traffic on Inglewood Road, the City might have to consider widening and repaving the street. He said the cost for upgrading the road and improvements could range from $20,000 to $25,000.

Mr. Michalove said that the culvert under Inglewood Road at Elk Mountain Scenic Highway appears to be adequate to carry the storm water loads imposed upon it. He said the invert or flow area of the culvert does show deterioration from oxidation and this could shorten the life of the structure to possibly eight to ten more years.

Mr. Bill Swearngan, Audit and Evaluation Division, had submitted a report on school buses routed via Inglewood Road. Mr. Swearngan said in his report that Mr. Lance, Assistant Superintendent of City Schools, stated that if a cul-de-sac was installed, buses would not go up Inglewood Road, but that children would be picked up at the Elk Mountain or Windsor Road stops. According to Mr. Swearngan's personal contacts, he reported that thirteen (13) residents were for the cul-de-sac, one (1) was neutral and eight (8) were for a through street.

Chief Ball, Fire Department, reported to Mr. Michalove that he would not have any problem with getting a fire truck into the area if there was a cul-de-sac. Mr. Michalove said Chief Ball also indicated that a through street would be better if he had a choice.

Mr. Michalove said that in checking with the other departments and divisions, the City doesn't find any handicap if a cul-de-sac were installed, but that they prefer a through street.

Councilwoman Swilling moved to delay action until the next meeting so that members of Council can review the staff recommendations along with the resident's preferences. This motion was seconded by Councilman Hoyle and carried on a 5-1 vote, with Councilman Michael voting "no."

Mrs. Lucia Ward, 48 Inglewood Road, said it was her belief that the traffic count was incorrect and not valid.

Councilwoman Swilling was excused from the meeting at 4:52 o'clock p.m.

ORDINANCE NO. 992 - AN ORDINANCE AMENDING THE GENERAL CAPITAL PROJECTS AND OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

4. Consideration was given to the second reading of Ordinance No. 992, an ordinance amending the General Capital Projects and Operating Budget of the City of Asheville for Fiscal Year 1977-78 (regarding repaving and repairing the Fixed Base Operation Ramp at the Asheville Airport).

On a roll call vote of 5-0, Ordinance No. 992 passed on its second reading.

Mr. Michalove said that it appears that the high monthly cost ($1,600 per month) for leasing relatively the same amount of land, that was leased before, is rather high, and if that much is going to be paid out of the Cable Television Division, then is should be bought.

Mr. J. Donald Williams who prepared the Thoms Cablevision Rate Increase Application reviewed the items Mr. Michalove had brought up and said that there has to be a determination as to a fair rate of return that Thoms Cablevision is entitled to; otherwise, the company will not be able to install the additional miles of cables necessary to complete the system and make it profitable and viable, and give the people who want to subscribe the kind of service they should receive.

Councilman Rainey said that he could not support an increase of $8.50. He said that one valid complaint he has heard from residents is that only this past August subscribers have received the service of two additional stations that was promised when Thoms was granted their last increase by Council. He said that the expense of expansion should be born by new customers. He said there should be some assumption that there will be an increase in customers. He said that he could not support the 42¢ increase either as he felt this was a lag in inflation. He felt that somewhere between 42¢ and the $1.50 would be appropriate.

Councilman Rainey suggested one approach to this problem would be a rate increase of $1.00, which would bring the figure up to $8.00, with the provision that Council will work out a formula to take politics out of this business transaction in the next 18 months. He said the customers would then be assured that the rate would not go up again for 18 months.

Councilman Rainey suggested to continue the present rate of $7.00 for the present customers until Jan. 1st (or some date to be agreed upon) and charge new customers coming onto the line $8.50. He said after the date set, all the old customers would be then increased to the $8.50, which would allow the present customers the use of the 2 additional stations for an extra length of time.

Councilman Rainey requested that a regulatory commission be set up during the 18-month period to establish a formula to apply to rate increases. The commission would also hear rate increase requests so that the Council would not have to spend so much time on the requests in the future.

Vice-Mayor Horton pointed out that based on the ordinance as it now reads on the books, Council cannot increase the rates beyond 42¢.

The City Manager said that it was his understanding that Council would have to go at least to the national average, but could not go over.

Mr. Michalove suggested that the cable television division be separated from all other Thoms Broadcasting activities.

Mr. Michalove suggested that a third party be organized to regulate the company, which is considered a public utility. He also said that Thoms should submit a five-year plan to show what future development the company plans to undertake. He said that the City should also require that any new services that would affect the rates in the future come before Council before the fact instead of after the fact.

Mr. Jerose said he believed that Thoms Cablevision could not charge one rate to one person and another rate to another person within the same franchise area.

determined by ascertaining the rates as charged by CATV systems in cities and towns having approximately the same population as the City of Asheville; and that the City Council of the City of Asheville, upon satisfactory proof, must increase said rates at least three years to insure maintenance of at lease the national average."

Mr. Michalove said that according to that ordinance, the City Council could consider giving a rate increase of 42¢ at this time. He said that according to his understanding of the franchise, it was granted by a vote of the citizens of Asheville on the basis of a rate structure that was geared to the appropriate national average rates and not on the basis of percentage which would yield a fair rate of return on investment to the stockholders. He said the new language of Ordinance No. 877 changed the original concept of a rate structure from equal to the national average to a rate structure which was an amount the national average has increased or decreased above or below the base charge. Stating an example, Mr. Michalove explained that there is a 57¢ difference between the national rates and the present formula, thus the ordinance passed in April of 1976 gives Thoms Cablevision a 57¢ advantage over the method the franchise was originally given.

He said, in his opinion, the following items in relation to the fair rate of return on investment should be considered:

1. Any inter-company activities;

2. Salaries paid;

3. Tax incentives;

4. Inter-company shared services;

5. Inter-company rental releases; and

6. Any other item that might fall into these categories.

He pointed out a further difference between the family-owned company and a large public utility and that is there is normally a clear separation of stockholders, policy board and day-to-day administration. However, in this type of corporation, there is not very much difference in separation of activities.

Mr. Michalove suggested that Council approve a 42¢ increase to be used for construction, and even better, to finance long-term borrowing for construction. He said that Thoms Cablevision has been using their annual earnings to finance capital construction costs. He said that it appears that they should be borrowing money from a bank or from the parent company and paying that back over a long period of time. He said that if this method was used, the money may go further for capital construction and more capital construction could be done. He said it would also spread the cost to the consumer as far as increases in rates.

Mr. Michalove said that Thoms Cablevision was paying $600 per year to lease about 4 acres on Rich Knob where the receiving tower stands.

Mr. Jerose, Vice-President and General Manager of Thoms Cablevision, explained that banks were reluctant to loan money on undeveloped property, which Thoms Cablevision needed on the mountain. He said that the parent company was forced to purchase 88 acres on the mountain because the party from which Thoms was renting was not going to continue the contract.

ORDINANCE NO. 990 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

6. Consideration was given to the second reading of Ordinance No. 990, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended (rezoning property on Mildred Avenue requested by J. D. Caudle).

On a roll call vote of 4-0, Ordinance No. 990 passed on its second reading.

Vice-Mayor Horton moved to suspend the rules and proceed to the third and final reading of Ordinance No. 990. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 990 passed on its third and final reading.

Complete text of Ordinance No. 990 will be found in Ordinance Book No. 7 at page 198.

PUBLIC HEARING - REZONING - REQUESTED BY MS. EVELYN K. NESS - STONER ROAD

ORDINANCE NO. 994 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

7. A public hearing was held relative to rezoning property on Stoner Road from R-3 Residential District to HI Heavy Industrial District, requested by Ms. Evelyn K. Ness.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and presented the affidavit of publication.

Mayor Ochsenreiter opened the public hearing at 6:48 o'clock p.m.

Mr. Verl Emrick advised Council that the Planning and Zoning Commission recommended approval of the rezoning request for the following reasons:

1. The property is adequate in size to accommodate the proposed use, which is a warehouse;

2. Existing land uses to the north and west are predominately industrial; and

3. Due to the close proximity of the site to existing industrial development and the Southern Railway, the property is, in the staff's opinion, undesirable for future residential development.

Mayor Ochsenreiter closed the public hearing at 6:52 o'clock p.m.

The City Manager read the ordinance.

Councilman Morris moved for the adoption of Ordinance No. 994. This motion was seconded by Councilman Hoyle.

On a roll call vote of 4-0, Ordinance No. 994 passed on its first reading.

Mr. Jerose said that Thoms would be satisfied with a $1.00 increase with no further increase for 18 months and that Thoms be allowed to come back to Council after the 18 month period with the same evidence and ask for a rate increase at that time to equal the cost of living for the prior 12 months.

Mr. Jerose feels that with this rate increase, the citizens will see the rate tend to stabilize over the next few years with the addition of subscribers.

Upon inquiry of Councilman Rainey, Mr. Jerose said that perhaps a lease-purchase arrangement on the land could be worked out between Thoms Cablevision and Thoms Broadcasting Companies, Inc.

Mayor Ochsenreiter said that before the third reading, Council would try to work out the differences and the different approaches.

Mayor Ochsenreiter requested the City Clerk to call the roll.

Prior to Mayor Ochsenreiter's announcement of the vote, Councilman Rainey moved that the vote be retaken. This motion was seconded by Councilman Hoyle and carried on a 4-1 vote, with Councilman Michael voting "no."

Mayor Ochsenreiter requested the City Clerk to again call the roll, after which he announced that Ordinance No. 977 had passed on the second reading with a 4-2 vote with Vice-Mayor Horton and Councilman Michael voting "no."

Councilman Rainey moved that an amendment be made to the ordinance based on the context of Council's disucssion relative to $8.00 for 18 months. This motion was seconded by Councilman Hoyle and carried on a 4-2 vote with Vice-Mayor Horton and Councilman Michael voting "no."

Mr. Michalove said that the item in the ordinance that deals with the rate calculation should be re-examined or eliminated.

Mayor Ochsenreiter called for a five (5) minute recess at 6:25 o'clock p.m. The meeting reconvened at 6:30 o'clock p.m.

Councilman Michael was excused from the meeting at 6:30 o'clock p.m.

MRS. MONTGOMERY - OBSCENE LITERATURE

Mrs. Montgomery appeared again before Council concerning obscene literature being thrown out in the Riceville area. She reported that she had met with Mr. Bob Fisher, District Attorney, and that he had advised her that if she could identify the persons throwing out the magazines, he would prosecute them to the full extent of the law. She said that most of the magazines could be bought at most drug stores, etc., and asked what was going to be done to stop this.

Vice-Mayor Horton said that the City should adopt a local ordinance that would supplement and work with the State Statute, which would also eliminate commercialization of obscene materials not covered under the State Statutes.

Councilman Rainey requested that the Gastonia ordinance be brought before Council in a work session.

Corporation Counsel William C. Moore suggested that Vice-Mayor Horton and himself meet with the District Attorney again and see what is being done in the way of enforcing the State Statute.

1. Most existing rental facilities of this type are presently located within Commercial Highway Districts and are permitted as retail uses;

2. The inclusion of storage facilities as an accessory use for truck rental activities is not, in the staff's opinion, in conflict with the established purpose of the Commercial Highway District; and

3. The amendment would apply only to the specific rental use mentioned; t h e r e f o r e, the District would not be subject to any and all types of warehousing or storage operations.

Mr. Bill Fulcher, a representative of U-Haul Company of W. N. C., explained that U-Haul Company of W. N. C. plans to purchase the existing Pepsi-Cola Bottling Company facility located on Swannanoa River Road in a Commercial Highway Zoning District if the permitted use section can be amended to accommodate their full range of services.

Mr. Fulcher explained that the U-Haul Company wants to provide an accessory service to accommodate families who are moving. This service, he said, would be to provide storage facilities of household items for these families until they are able to locate suitable housing.

Mayor Ochsenreiter closed the public hearing at 7:14 o'clock p.m.

Mayor Ochsenreiter said the ordinance would be prepared, reflecting the requested wording change, and presented for Council's consideration at the October 20, 1977 meeting.

PUBLIC HEARING SET - REZONING REQUEST - WACHOVIA BANK AND TRUST COMPANY - HAZEL MILL ROAD

10. Councilman Hoyle moved to schedule a public hearing on the rezoning request of Wachovia Bank and Trust Company to rezone property on Hazel Mill Road from R-3 Residential District to LI Light Industrial District for November 10, 1977. This motion was seconded by Councilman Rainey and carried unanimously.

PUBLIC HEARING SET - REZONING REQUEST - MR. G. N. KOON - TUNNEL ROAD

11. Councilman Morris moved to schedule a public hearing on the rezoning request of Mr. G. N. Koon to rezone property on Tunnel Road from R-3 Residential District to CH Commercial Highway District and some property on Tunnel Road from CH Commercial Highway District to R-3 Residential District for November 10, 1977. This motion was seconded by Vice-Mayor Horton and carried unanimously.

BIDS - TWENTY-ONE (21) FOUR-DOOR POLICE-TYPE VEHICLES FOR THE ASHEVILLE POLICE DEPARTMENT

12. Consideration was given to bids received October 10, 1977 for twenty-one (21) four-door police-type vehicles for the Asheville Police Department.

The City Manager read a memorandum from the Purchasing Agent which stated that four (4) responsive bids were received and recommended the acceptance of the low bid, submitted by Apple Tree Chevrolet in the amount of $93,826.75.

Councilman Rainey moved to accept the recommendation of the Purchasing Agent and award the bid to Apple Tree Chevrolet in the amount of $93,826.75. This motion was seconded by Councilman Hoyle and carried unanimously.

MR. ROBERTSON - NOISE COMPLAINT

Mr. Robertson, a resident of Shorewood Drive, appeared before Council requesting relief from noise and disturbances of the peace occurring in the Shorewood Drive section.

Mr. Robertson stated that he had went through the various City departments seeking relief on this problem. He said that the Chief of Police had told him that he did not have sufficient manpower to patrol this area constantly.

Mr. Robertson explained that the problem is caused by approximately 1,000 youth gathering at Doc's Rock Shop and the Cosmic Ballroom, two popular discos for youth. He emphasized that he was not against the businesses or the youth patronizing them, but the things that were taking place after the businesses closed, such as screeching tires, screaming youth, blowing horns, breaking of bottles, sniffing glue, and smoking pot. All of this occurs, he said, in the vicinity of the Northland Shopping Center and the Grace Shopping Center.

Councilman Rainey suggested the possibility of requiring these type businesses to hire security police. He said that it had also been reported to him that some youth, old enough to buy beer, were buying beer from these places and carrying it outside to youth not old enough to buy it. This, he said, should be brought to the attention of the ABC Board.

Councilman Morris pointed out that the Police are not authorized to make arrests and enforce the laws on private property.

Mr. Robertson suggested that a meeting between the owners of the establishments, the tenants of the shopping centers, a representative of the Police Department, and the City Manager might be fruitful in working out a solution to this problem. If this does not work, Mr. Robertson said that he would get petitions or whatever it would take to declare these businesses a public nuisance and request Council to close them down.

Mayor Ochsenreiter requested the City Manager to investigate the matter and report back to Council on his recommendations for controlling the situation.

PUBLIC HEARING - WORDING AMENDMENT TO ZONING ORDINANCE NO. 322, PERMITTED USES IN COMMERCIAL HIGHWAY DISTRICT

9. A public hearing was held for a wording amendment to Zoning Ordinance No. 322, Permitted Uses in Commercial Highway District, requested by U-Haul Company of W. N. C.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and presented the affidavit of publication.

Mayor Ochsenreiter opened the public hearing at 7:08 o'clock p.m.

Mr. Emrick advised Council that the Planning and Zoning Commission recommended approval of the proposed wording amendment to Section 30-5-10, CH Commercial Highway District, Paragraph A. Uses Permitted, which will read as follows:

"Truck rental to include incidential storage as a conditional use."

Mr. Emrick gave the following reasons for Planning and Zoning's approval:

approval in amending the East Riverside Urban Renewal Plan. He said it would take several months to accomplish this, and due to bad weather coming on, construction of these courts must be started.

Vice-Mayor Horton moved to tentatively accept, with the approval of the bidder, the low bid on four of the six courts, excluding the two in question, in an amount that is to be agreed upon. This motion was seconded by Councilman Rainey and carried unanimously.

Mayor Ochsenreiter requested that the City Manager contact Rev. Grant and find out what his plans are relative to the lots. When this has been established, he said Council could give consideration to the other two tennis courts.

BIDS - CHAINLINK FENCE AROUND SIX (6) TENNIS COURTS FOR THE PARKS AND RECREATION DEPARTMENT

15. Mayor Ochsenreiter announced that consideration of bids for chainlink fence around six (6) tennis courts would be postponed until a later date.

RESOLUTION NO. 77-169 - RESOLUTION SUPPORTING THE NOVEMBER 8, 1977 REFERENDUM ON THE CLEAN WATER BOND ISSUE

16. Consideration was given to a resolution supporting the November 8, 1977 referendum on the Clean Water Bond Issue.

The City Manager read the resolution.

Mr. Michalove explained that on November 8, 1977, the citizens of North Carolina will have an opportunity to approve the issuance of $230 million in State bonds to provide grants to assist local governments in constructing and improving water pollution control and water supply systems to provide adequate, clean water for the citizens of North Carolina.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Horton, Resolution No. 77-169 was carried unanimously.

Complete text of Resolution No. 77-169 will be found in Resolution Book No. 10 at page 61.

RESOLUTION NO. 77-170 - RESOLUTION SUPPORTING THE NOVEMBER 8, 1977 REFERENDUM ON THE HIGHWAY BOND ISSUE

17. Consideration was given to a resolution supporting the November 8, 1977 referendum on the Highway Bond Issue.

The City Manager read the resolution.

Mr. Michalove explained that they Highway Bond Issue is to fund, at the earliest possible time, approved and critically needed improvements on the primary, secondary, and urban highway systems which cannot be funded on schedule with funds currently available from all other sources.

Upon motion of Councilman Rainey, seconded by Vice-Mayor Horton, Resolution No. 77-170 was carried unanimously.

Complete text of Resolution No. 77-170 will be found in Resolution Book No. 10 at page 62.

Bid Summary

Bidder	Bid
Apple Tree Chevrolet	$ 93,826.75
Matthews Motors, Inc.	$110,223.00
Dorato Motors, Inc.	$103,795.94
Pettit Dodge, Inc.	$ 95,341.20

BIDS - FIVE (5) SELF-CONTAINED HOPPER TYPE SALT/SAND SPREADERS FOR THE STREET DEPARTMENT

13. Consideration was given to bids received October 10, 1977 for five (5) self-contained hopper type salt/sand spreaders for the Street Department.

The City Manager read a memorandum from the Purchasing Agent which stated that six (6) responsive bids were received and recommended the acceptance of the low bid, submitted by North Carolina Equipment Company in the amount of $14,970.

Councilman Hoyle moved to accept the recommendation of the Purchasing Agent and award the bid to North Carolina Equipment Company in the amount of $14,970. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Bid Summary

Bidder	Bid
Ace Equipment Company, Inc.	$20,000.00
Western Carolina Tractor Company	$19,833.60
Griffin Implement and Milling Company	$19,295.00
N. C. Equipment Company	$14,970.00
A. E. Finley and Associates, Inc.	$18,500.00
Carolina Equipment Company, Inc.	$15,946.05

BIDS - CONSTRUCT SIX (6) ASPHALT TENNIS COURTS FOR THE PARKS AND RECREATION DEPARTMENT

14. Consideration was given to bids received August 15, 1977 to construct six (6) asphalt tennis courts for the Parks and Recreation Department (two at Livingston Street and Depot Street and four on Choctaw Street off McDowell Street).

The City Manager read a memorandum from the Purchasing Agent which stated that three (3) responsive bids were received and recommended the acceptance of the low bid, submitted by Paving Enterprises, Inc. in the amount of $39,970.

Mr. Michalove explained that on one location where two of the courts would be at Choctaw Street off McDowell Street, Reverend Grant has made an informal request to purchase what was formerly two vacant lots. He said the lots have been redrawn and taken into the entire Livingston Street Park itself; therefore, they no longer exist. He said the City is planning to put in two tennis courts and a parking area at this location.

Mr. Michalove said the lots are now in the ownership of the Asheville Housing Authority, and in order to make a change, Reverend Grant would need to make a request to the Asheville Housing Authority Citizens Review Committee. If approved by that Committee, the request would be considered by the Asheville Housing Authority Commission. If approved by the Asheville Housing Authority Commission, it would then come before City Council or could be appealed to City Council. If the City Council approved it, the request would be submitted to the Department of Housing and Urban Development for their

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr.; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Prior to the opening of the October 20, 1977 meeting of the City Council, Mayor Ochsenreiter requested Rev. Orion Hutchinson, Pastor of the Central United Methodist Church, to give the invocation.

PASSING OF MR. E. R. McCARTHY

Mayor Ochsenreiter extended sympathy to the family of Mr. E. R. McCarthy who attended many City Council meeting over several years.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 13, 1977 meeting.

Upon motion of Councilman Michael, seconded by Councilman Hoyle, the minutes of the October 13, 1977 meeting were approved as submitted.

MEETING SCHEDULED RELATIVE TO OBSCENITY

Vice-Mayor Horton announced that City Attorney William C. Moore, Councilman Hoyle and himself were scheduled to meet with District Attorney Robert Fisher regarding the enforcement of the State Statute relative to obscenity on October 21, 1977, at 3:00 o'clock p.m.

RESOLUTION NO. ___ - RESOLUTION OF INTENT TO CLOSE INGLEWOOD ROAD AND CALLING A PUBLIC HEARING ON THE QUESTION

2. Consideration was given to a resolution of intent to close Inglewood Road and calling a public hearing on the question.

The City Manager read the resolution.

Councilwoman Swilling moved to schedule a public hearing on the matter for December 1, 1977. This motion was seconded by Councilman Rainey and was defeated on a 2-4 vote, with Councilmen Michael, Morris, Hoyle and Vice-Mayor Horton voting "no."

Vice-Mayor Horton said that they have not yet received any right-of-way information from the Country Club.

Councilman Michael said his reason for voting "no" on the issue was because the street would have better fire and police protection if it was left open. He suggested leaving Inglewood Road open for a trial period to determine if there is an increase in traffic, if it's dangerous for children and various other reasons. After the trial period, the City Manager could give another report to Council and see if there is still the same unbiased objection.

It was Councilman Morris' opinion that a one-road approach should not be taken in this matter and that a deeper study of the situation was needed since the residents want the road closed based solely on their fear of increased traffic in the area.

PROCLAMATION - ALPHA DELTA KAPPA WEEK

Mayor Ochsenreiter proclaimed the week of October 9-15, 1977 as "Alpha Delta Kappa Week."

Adjournment.

MAYOR

CITY CLERK

Mrs. Tennant said that the slide presentation had been shown to thousands in the four-county area, and that just recently had received a grant from HEW to continue work in the four-county area of making people aware of "208." (Buncombe, Henderson, Madison, Transylvania Counties)

RESOLUTION NO. 77-171 - RESOLUTION AUTHORIZING DRAINAGE IMPROVEMENTS ON McINTOSH ROAD

4. Consideration was given to a resolution authorizing drainage improvements on McIntosh Road.

The City Manager read the resolution which provides for the following work to be done:

1. Replace the twin culverts and bridge with an open span bridge and provide streambank stabilization and channel alterations within the City right-of-way on McIntosh Road.

2. Provide streambank stabilization and channel alterations for approximately fifty (50) yards downstream from the bridge off City right-of-way, with the cost of materials being paid by the property owners.

3. Clear the storm drainage culvert on the east side of McIntosh Road off City right-of-way.

Mrs. Noblett, 15 McIntosh Road, said that there was some question about property lines and that she had obtained copies of the plats of her property, as well as adjoining property, and had given these to Mr. Michalove. She pointed out that with the free-standing bridge, the logs, trees, and trash can move with the heavy flow of water where the culverts still get the same amount of debris and this blocks them and serves as a dam. She requested answers to the following questions:

1. If the bridge is not responsible, why does the City have to remove the logs and debris after flood waters have subsided by use of manpower and equipment.

2. What influence does Mrs. Maude Trantham have over the City Departments? Mrs. Noblett explained that each time the men come out to work, Mrs. Trantham speaks to them and the workers leave.

Mr. Michalove said that the open span bridge would be less likely to hold back debris than the culverts and that the bridge is not the main cause for the drainage problems being experienced below the bridge. He pointed out that cleaning the creek upstream would improve the flooding conditions.

In response to Mrs. Noblett's second question, Mr. Michalove said Mrs. Trantham has no influence over City Departments and that he could only speculate that her concern might be of City crews working on private property.

Councilwoman Swilling said that it was her opinion that the City replacing the bridge in 1975 with a double culverts had caused flooding, and that it was the City's responsibility to alleviate the situation without court action being taken by Mrs. Noblett.

Upon inquiry of Vice-Mayor Horton relative to the County sharing in the responsibility for improvements, Mr. Michalove said that he had been advised by Mr. Charlie Clark, Public Safety Officer for the County, that the County would provide labor to make some improvements provided it could be shown that this was a public liability.

Vice-Mayor Horton gave the following reasons for voting against closing Inglewood Road:

1. The residents of the street seem divided on the issue.

2. The road would be less functional if closed opposed to being left open and the necessary improvements made.

3. Closing of the road would affect more people than just those living on the street.

4. The report and recommendations of City staff, which state that closing the street would hamper providing City services to the street.

Mr. John Turley, 44 Inglewood Road, spoke in favor of the cul-de-sac saying that the cost of improving Inglewood Road would be too high.

Councilman Rainey said that this was an issue of hardship vs convenience, and said he hoped the neighborhood could reach a consensus among themselves.

In reply to several questions from Councilwoman Swilling, Mr. Michalove said that the improvements to Inglewood Road would have to be included in the next fiscal year, along with many other streets throughout the City that were in need of comparable repairs and improvements. He said that these improvements could range from $25,000 to $35,000 and would not include the cost of curb and gutters.

Mr. Michalove said that the Country Club was not required to install curb and gutters on the portion of the road they would take over and be responsible for.

Councilman Rainey said that the problem which Ms. Lucia Ward has with her water line being put in the road should be noted when the improvements are made to Inglewood Road.

LEAGUE OF WOMEN VOTERS - SLIDE PROGRAM - "THE FIRST INGREDIENT"

Mr. Michalove said that the Mayor had received a letter on September 14, 1977 requesting that the League of Women Voters be given an opportunity to make the slide presentation, "The Fist Ingredient," at a Council Meeting. He introduced Mrs. Pauline Tennant of the League of Women Voters.

Mrs. Tennant introduced Mr. Bob Purcell of the Land-of-Sky Regional Council who explained that the program has to do with "208 Water Quality Management Planning," which is being developed by the Land-of-Sky Regional Council. He said that the number "208" refers to a section of the Federal Water Pollution and Control Act Amendment of 1972 which requires such planning for all areas of the country. This planning is being done in the State of North Carolina by the Land-of-Sky Regional Council, for this area, the Raleigh area, and the remainder of the State being planned for by the Department of Natural Resources and Community Development's Water Quality Section in Raleigh so that local governments in these areas will have direct representation. The plan is being prepared and is due to be submitted to the Environmental Protection Agency in June of 1978. Input for the plans are being obtained from various committee meetings throughout the area where local government agencies, State and Federal agencies and the general public meet and review the work as it is developed. The plan will affect how future federal grants should be funneled and how to control water quality programs that are not now being controlled by existing programs.

Councilman Rainey said that he was still dissatisfied with the $8.00 figure and moved to amend the ordinance by reducing the increase to $7.90. This motion died for a lack of a second.

Vice-Mayor Horton said that he believed the Council had done a disservice to the citizens of Asheville and possibly had made a legal mistake. He said that from complaints addressed to him, residents are asking for better signals on the two (2) new Washington stations and that the cablevision rates not be increased to $8.50.

On a roll call vote of 4-2, Ordinance No. 977 passed on its third and final reading with Vice-Mayor Horton and Councilman Michael voting "no."

Complete text of Ordinance No. 977 will be found in Ordinance Book No. 7 at page 176.

CONTINUATION OF A PUBLIC HEARING - THE ASHEVILLE HOUSE - GROUP DEVELOPMENT

6. The continuation of a public hearing was held relative to approving a site plan of a proposed four-story apartment complex, The Asheville House, to be located on Orange Street.

Mayor Ochsenreiter opened the public hearing at 6:15 o'clock p.m.

Mr. Verl Emrick, Director of Planning, said that the hearing on this development had been postponed before due to a lack of information on erosion control and that this matter had been resolved by regrading the road to channel water presently being drained onto the Amercian Court onto Merrimon Avenue.

Mr. Emrick pointed out that there is inadequate parking and that the Planning and Zoning Commission had approved a variance which would require 135 spaces. He said that the developer had indicated that they could only provide 96 parking spaces and that Council would have to approve a variance of 39 spaces or require the developer to provide the 135 spaces. One solution to this problem, he said, would be for Council to approve the plan with the developer providing only 96 parking spaces initially with the understanding that they would have to provide the other 39 spaces required by Council by the end of construction.

Vice-Mayor Horton moved to continue the public hearing until next week so that the developers can be present. This motion was seconded by Councilman Morris and was defeated on a 2-4 vote, with Councilmen Rainey, Hoyle, Michael and Councilwoman Swilling voting "no."

Mayor Ochsenreiter closed the public hearing at 6:30 o'clock p.m.

Councilman Michael moved to approve the site plan of the proposed four-story apartment complex, The Asheville House, to be located on Orange Street, under the condition that the developers provide 135 parking spaces as recommended by the Planning and Zoning Commission. This motion was seconded by Councilwoman Swilling and carried unanimously.

ORDINANCE NO. 992 - AN ORDINANCE AMENDING THE GENERAL CAPITAL PROJECTS AND OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

7. Consideration was given to the third and final reading of Ordinance No. 992 an ordinance amending the General Capital Projects and Operating Budget of the City of Asheville for Fiscal Year 1977-78 (regarding repaving and repairing the Fixed Base Operation Ramp at the Asheville Airport).

Vice-Mayor Horton pointed out that the present drainage policy which was adopted by Council limits Council's response to requests of this nature. He suggested that the present Drainage Policy be amended to cope with individual problems of property owners such as Mrs. Noblett.

Mayor Ochsenreiter said that the policy should be changed and money appropriated in the budget session to cover these types of problems.

Councilman Rainey said that the tax base needs to be protected and that each individual case should be looked at separately because these are problems of private citizens brought about by development.

Councilman Morris said that he had visited the site on three occasions and that the right side of the creek appeared to be the area of wash and agreed with Mr. Michalove that the bridge was not the cause of the problem. He said that he was against spending over $7,000 on a bridge when re-angling the creek would solve the problem.

Councilman Michael moved to amend the resolution by deleting Items 2 and 3 until a policy could be adopted relative to the City doing work on private property and by amending Item 1 of the resolution to read "Do whatever is necessary to provide streambank stabilization and channel alterations within the City right-of-way on McIntosh Road." This motion was seconded by Vice-Mayor Horton and carried unanimously.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 77-171 was unanimously adopted.

Complete text of Resolution No. 77-171 will be found in Resolution Book No. 10 at page 63.

Mayor Ochsenreiter called for a five (5) minutes recess at 5:40 o'clock p.m. The meeting reconvened at 5:45 o'clock p.m.

CITY COUNCIL MEETINGS - NOVEMBER, 1977

Mayor Ochsenreiter announced that City Council will meet on November 3, 10 and 17 at 3:00 o'clock p.m. He said that they would not hold a City Council meeting on November 24, 1977, which is Thanksgiving Day.

ORDINANCE NO. 977 - AN ORDINANCE AMENDING ORDINANCE GRANTING FRANCHISE TO THOMS BROADCASTING COMPANIES, INC.

5. Consideration was given to the third and final reading of Ordinance No. 977, an ordinance amending ordinance granting franchise to Thoms Broadcasting Companies, Inc.

Mayor Ochsenreiter pointed out that two amendments had been made in the ordinance. One was to reduce the monthly service charge from $8.50 to $8.00 and that the moratorium on rate increases had been changed from three (3) years to eighteen (18) months. He also said that it had been suggested during a general discussion last week to establish a Regulatory Commission to deal with requests for rate increases in the future.

On a request from Mayor Ochsenreiter, the City Manager read the ordinance, as amended.

Mr. Michalove suggested that the 42¢ increase should be applied toward capital improvements.

Mayor Ochsenreiter stated that the ordinance had been read previously on the first reading and members of Council had been furnished copies of the ordinance, so it would not be re-read unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 994 passed on its second reading.

PUBLIC HEARING - CLOSING OF AN UNNAMED ALLEY WAY BETWEEN JULIA STREET, NOW ROBINDALE AVENUE AND HENRIETTA STREET

RESOLUTION NO. 77-172 - RESOLUTION TO CLOSE AN UNNAMED ALLEY WAY BETWEEN JULIA STREET, NOW ROBINDALE AVENUE AND HENRIETTA STREET

9. A public hearing was held relative to closing an unnamed alley way between Julia Street, now Robindale Avenue and Henrietta Street.

The City Manager presented the advertised notice to the public setting the time and date of the public hearing and also presented the affidavit of publication.

Mayor Ochsenreiter opened the public hearing at 6:42 o'clock p.m.

Mr. Joseph A. Connolly, Attorney representing the petitioners, said that a copy of the resolution of intent to close the unnamed alley way was not sent by certified mail to all adjoining property owners, since all such owners were parties to the original petition in this matter. He said this alley way has never been opened or never been used. He said it is currently being used as yard by the adjoining property owners.

Mayor Ochsenreiter closed the public hearing at 6:44 o'clock p.m.

The City Manager read the resolution.

Upon motion of Councilman Rainey, seconded by Councilman Hoyle, Resolution No. 77-172 was unanimously adopted.

Complete text of Resolution No. 77-172 will be found in Resolution Book No. 10 at page 64.

DON MEADE - WATER DEPARTMENT INVESTIGATION

Mr. Don Meade, an employee of the Water Department, accused the administration of footdragging in the investigation of alleged criminal activities in the Water Department. Mr. Meade had previously brought these to the attention of Council at another Council Meeting.

Mr. Michalove said that this matter had been under investigation for some time with a Police Officer working full time and that a great deal of evidence presented by Mr. Meade had been hearsay. He said that it was trying to be determined if there was sufficient evidence that would stand up in court if criminal action was pursued. He said that the information is currently being evaluated by the District Attorney.

Councilman Rainey commended Mr. Michalove for placing the matter in the hands of the District Attorney and commended Mr. Meade for his fortitude in seeing the matter through.

ORDINANCE NO. 995 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

10. Consideration was given to an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended.

The City Manager read the ordinance in its entirety incorporating the following changes:

1. WHEREAS, the City and the FAA are responsible for the maintenance and upkeep of the Fixed Base Operation Ramp and public ramp.

2. That the General Capital Projects Fund budget adopted on October 28, 1976 and appearing on Page 158 of Minute Book 42 be amended as follows:

   Revenues:

State Grant - N. C. D.O.T.	$ 12,500
A & H Flying Service	6,250
Contribution from General Funds	6,250
Federal Grant - FAA	225,000
	$250,000

   Appropriations:

FBO and Asheville Public Ramp Repaving	$250,000

3. That the Fiscal 1977-78 Budget Ordinance of the City of Asheville adopted on June 30, 1977 and appearing on Page 108 of Minute Book 43 be amended by transferring $6,250 from the Contingency Line Item to the Contributions to Other Funds Line Item in the Aviation Fund.

Vice-Mayor Horton moved to amend the ordinance as read by the City Manager. This motion was seconded by Councilman Hoyle and carried unanimously.

Councilman Michael said his reason for requesting that the ordinance be changed is because the Fixed Base Operator is using approximately 40 tie-down spaces that are not in his lease and revenue derived from the use of these tie-down spaces is approximately $1,600 per month. He said these tie-down spaces are located on the City of Asheville property. It was his opinion that the $40.00 per month for the 40 tie-down spaces should be paid directly to the City of Asheville. He said the City is losing a lot of money unless they can negotiate some way to have that money paid directly to the City of Asheville, since this is City property. He also requested an opinion from the City Attorney as to whether the City is liable for anything that happens to those planes, since they are on Asheville property and not on the Fixed Base Operation leased property.

On a roll call vote of 6-0, Ordinance No. 992 passed on its third and final reading.

Complete text of Ordinance No. 992 will be found in Ordinance Book No. 7 at page 200.

ORDINANCE NO. 994 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

8. Consideration was given to the second reading of Ordinance No. 994, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended (rezoning property on Stoner Road from R-3 Residential District to HI Heavy Industrial District, requested by Ms. Evelyn K. Ness).

acquisition and relocation services to the City. In conjunction with this agreement, the Housing Authority has caused all properties in the Wyoming Road Relocation Project and certain properties in the Kenilworth Park Project to be appraised in order for the City of Asheville to carry out its approved plan for development. Since the Housing Authoity has been unable to reach agreements to purchase these properties at approved values, they are requesting City Council to condemn the following parcels:

Wyoming Road Relocation Project

Parcel	Owner	Address
3	Arbogast Heirs	Wyoming Road
4	Arbogast Heirs/Board of Tax Supervision	Wyoming Road
5	Arbogast Heirs/Board of Tax Supervision	Wyoming Road
6	Arbogast Heirs/Board of Tax Supervision	Wyoming Road

Kenilworth Park Project

Parcel	Owner	Address
7	Arbogast Heirs/Board of Tax Supervision	Wyoming Road
8	Arbogast/Hester	Wyoming Road

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 77-174 was unanimously adopted.

Complete text of Resolution No. 77-174 will be found in Resolution Book No. 10 at page 67.

BIDS - ONE MOTOR GRADER FOR THE STREET DEPARTMENT

14. Consideration was given to bids received October 10, 1977 for one (1) motor grader for the Street Department.

The City Manager read a memorandum from the Purchasing Agent which stated that five (5) bids were received, however, only three (3) were responsive, the other two (2) bids did not meet specifications. He recommended the acceptance of the third lowest bid, which was fully responsive to specifications, submitted by Western Carolina Tractor Company in the amount of $45,000.

Mr. Rick Dillingham of Mitchell Distributing Company said it was his opinion that his company had met all of the sixteen (16) specifications. He said that the full power shift transmission was the only discrepancy he saw and that both transmissions were made by the same manufacturer, Clark Equipment Company.

Mr. Clark Brown, Street Superintendent, said that the specifications called for a full power shift transmission, which means it can be shifted into any gear range while the machine is still moving. He said the Mitchell Distributing Company's Champion machine has six (6) forward and six (6) reverse gears, but to shift from low to high, the machine must be brought to a complete stop before shifting from one to the other range. He said that under a strict interpretation, it is not a full power shift.

Mr. Emrick read the ordinance explaining that Section 30-5-10, CH Commercial Highway District, be amended to include the following additional use within this district under A. Uses Permitted:

"Truck rental to include incidential storage as a conditional use."

Councilwoman Swilling was excused from the meeting at 7:00 o'clock p.m.

Councilman Morris moved for the adoption of Ordinance No. 995. This motion was seconded by Councilman Hoyle.

On a roll call vote of 5-0, Ordinance No. 995 passed on its first reading.

Councilwoman Swilling returned to the meeting at 7:03 o'clock p.m.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 995. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 995 passed on its second reading.

Councilman Michael said that several people have expressed the fact that rezoning from Residential to LI Light Industrial is too sharp. He asked the Planning Director to re-evaluate the types of facilities in each category.

ORDINANCE NO. ___ - AN ORDINANCE AMENDING THE CITY OF ASHEVILLE FEDERAL CAPITAL PROJECTS BUDGET FOR FISCAL YEAR 1977-78

11. Mayor Ochsenreiter announced that consideration of this ordinance would be postponed until next week.

RESOLUTION NO. 77-173 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH THE COUNTY OF BUNCOMBE FOR THE POLICE/FIRE CADET TRAINING PROGRAM

12. Consideration was given to a resolution authorizing the Mayor to sign an agreement with the County of Buncombe for the Police/Fire Cadet Training Program.

Mr. Sam Graves, Personnel Analyst, explained that a change in this program was that it was extended from six (6) months to twelve (12) months and the reason for that was that they felt it would be more beneficial if it was run on a longer basis. He pointed out another change which was that the program initially had five (5) police cadets and five (5) fire cadets, this time there will be sixteen (16) slots available.

Upon motion of Councilwoman Swilling, seconded by Vice-Mayor Horton, Resolution No. 77-173 was unanimously adopted.

Complete text of Resolution No. 77-173 will be found in Resolution Book No. 10 at page 66.

RESOLUTION NO. 77-174 - RESOLUTION AUTHORIZING CONDEMNATION OF PROPERTY IN THE WYOMING ROAD RELOCATION PROJECT AREA AND THE KENILWORTH PARK PROJECT AREA

13. Consideration was given to a resolution authorizing condemnation of property in the Wyoming Road Relocation Project Area and the Kenilworth Park Project Area.

The City Manager read the resolution and explained that the City of Asheville has a contract with the Housing Authority which requires the Housing Authority to provide

Consideration was given to a resolution of intent to hold a public hearing on an ordinance establishing the Asheville Police and Asheville Fire Uniformed Personnel Retirement Plan and Trust.

Councilwoman Swilling moved to adopt Resolution No. 77-175 scheduling a public hearing relative to the adoption of an ordinance establishing the Asheville Police and Asheville Fire Uniformed Personnel Retirement Plans and Trusts for November 10, 1977. This motion was seconded by Councilman Hoyle and carried unanimously.

Complete text of Resolution No. 77-175 will be found in Resolution Book No. 10 at page 68.

CLAIM - R. H. LAMB

The City Manager presented a claim for damages from R. H. Lamb.

Mayor Ochsenreiter referred the claim to the Corporation Counsel for his investigation and recommendation.

PROCLAMATION - TOASTMISTRESS WEEK

Mayor Ochsenreiter proclaimed the week of October 24-30, 1977 as "Toastmistress Week."

PROCLAMATION - CREDIT UNION DAY

Mayor Ochsenreiter proclaimed October 20, 1977 as "Credit Union Day."

PROCLAMATION - PARENTS WITHOUT PARTNERS WEEK

Mayor Ochsenreiter proclaimed the week of November 21-27, 1977 as "Parents Without Partners Week."

PROCLAMATION - UNITED NATIONS DAY

Mayor Ochsenreiter proclaimed October 24, 1977 as "United Nations Day."

PROCLAMATION - DAY IN COURT FOR LEGAL SECRETARIES

Mayor Ochsenreiter proclaimed October 27, 1977 as "Day in Court for Legal Secretaries."

COUNCILMAN RAINEY - SUPER POLES

Councilman Rainey asked if anything could be done to remove the high electricity poles being installed in North Asheville. He said these poles are two to three times the size of standard power poles.

FRATERNAL ORDER OF POLICE BOARD - RESOLUTION OF RESIDENCY

Mr. Michalove said that he had received a copy of a resolution adopted by the North Carolina State Fraternal Order of Police Board at their meeting in Durham, North Carolina on September 23-25, 1977, which relates to residency of City employees. He said this would be taken into consideration when the Civil Service Board reviews all the recommendations.

Adjournment.

Eugene S. Ochsenreiter
MAYOR

Thelma D. Nesbitt
CITY CLERK

Mr. Michalove suggested that Mr. Brown evaluate the transmissions and give the Council a recommendation, since both transmissions are made by Clark Equipment Company and Mr. Dillingham feels he has met all specifications.

Mr. Pete Fleming of Western Carolina Tractor Company feels that this transmission is an alternate.

BIDS - CHAINLINK FENCE AROUND FOUR (4) TENNIS COURTS FOR THE PARKS AND RECREATION DEPARTMENT

15. Consideration was given to bids received August 15, 1977 for chainlink fence around four (4) tennis courts for the Parks and Recreation Department.

The City Manager read a memorandum from the Purchasing Agent which stated that two (2) bids were received and recommended the approval of the low bid submitted by Asheville Fence Company, in the amount of $6,220.26, which is two-thirds of the original bid of $9,330.39.

Councilman Hoyle moved to accept the recommendation of the Purchasing Agent and award the bid to Asheville Fence Company in the amount of $6,220.26, which is two-thirds of the original bid of $9,330.39. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Bid Summary

Bidder	Bid
Sears, Roebuck and Company	$11,254.00
Asheville Fence Company	$ 9,330.39**
**Total Bid Award for four (4) tennis courts	$ 6,220.26

BIDS - CHAINS, CROSS LINKS, AND ADJUSTERS TO BE USED IN THE MOTOR TRANSPORT DIVISION

16. Consideration was given to bids received October 4, 1977 for chains, cross links, and adjusters to be used in the Motor Transport Division.

The City Manager read a memorandum from the Purchasing Agent which stated that four (4) responsibe bids had been received and recommended the approval of the low bid submitted by AAA Parts of Asheville, Inc., in the amount of $5,160.93.

Vice-Mayor Horton moved to accept the recommendation of the Purchasing Agent and award the bid to AAA Parts of Asheville, Inc. in the amount of $5,160.93. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

Bidder	Bid
Asheville Oil Company	$8,247.46
Sronce Automotive Supply	$5,467.63
AAA Parts of Asheville, Inc.	$5,160.93
Parts Service, Inc.	$5,851.50

RESOLUTION NO. 77-175 - RESOLUTION OF INTENT TO HOLD A PUBLIC HEARING ON AN ORDINANCE ESTABLISHING THE ASHEVILLE POLICE AND ASHEVILLE FIRE UNIFORMED PERSONNEL RETIREMENT PLAN AND TRUST

4. A public hearing was held relative to closing an unnamed alley way in West Asheville off of Parkman Avenue.

The City Manager read the advertised notice to the public setting the time and date of the public hearing and presented the affidavit of publication.

Mayor Ochsenreiter opened the public hearing at 4:07 o'clock p.m.

Mr. Gene Rice, owner of a business at 514 Haywood Road, explained that this alley way has never been opened or never been used. He said that this alley way benefits no one and all adjoining property owners are parties to the original petition.

Mayor Ochsenreiter closed the public hearing at 4:10 o'clock p.m.

The City Manager read the resolution.

Councilman Morris moved to amend the resolution to read as follows:

"WHEREAS, it appears to the satisfaction of the Council after aforesaid public hearing that the permanent closing to public use of aforesaid unnamed alley way no one would by virtue of such closing of said portion of such street be deprived a reasonable means of ingress and egress to his property."

This motion was seconded by Councilman Hoyle and carried unanimously.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 77-176 was unanimously adopted.

Complete text of Resolution No. 77-176 will be found in Resolution Book No. 10 at page 69.

PUBLIC HEARING - REZONING REQUEST BY MR. J. F. BRIDGES, JR. - EAST SIDE OF LEICESTER HIGHWAY

ORDINANCE NO. 996 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

5. A public hearing was held relative to a rezoning request by Mr. J. F. Bridges, Jr. to rezone property on the east side of Leicester Highway from R-3 Residential District to CS Commercial Service District.

The City Manager read the advertised notice to the public setting the time and date of the public hearing and presented the affidavit of publication.

Mayor Ochsenreiter opened the public hearing at 4:17 o'clock p.m.

Mr. Verl Emrick, Planning Director, advised Council that the Planning and Zoning Commission denied this rezoning request for the following reasons:

1. The proposed amendment to the City's extraterritorial zoning boundary, if approved by City Council, will eliminate the existing Commercial Service District along this portion of New Leicester Highway. Should this action occur prior to Council's public hearing on this request, any zoning change to a commercial classification would create a spot zone;

Thursday - October 27, 1977 - 4:00 o'clock p.m.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr.; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager William F. Wolcott, Jr.

Absent: None

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 20, 1977 meeting.

Upon motion of Councilman Michael, seconded by Councilwoman Swilling, the minutes of the October 20, 1977 meeting were approved as submitted.

ORDINANCE NO. 994 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

2. Consideration was given to the third and final reading of Ordinance No. 994, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended (rezoning request by Ms. Evelyn K. Ness to rezone property on Stoner Road from R-3 Residential District to HI Heavy Industrial District).

Mayor Ochsenreiter stated that the ordinance had been read previously on the first and second readings and members of Council had been furnished copies of the ordinance, so it would not be re-read unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 994 passed on its third and final reading.

Complete text of Ordinance No. 994 will be found in Ordinance Book No. 7 at page 343.

ORDINANCE NO. 995 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

3. Consideration was given to the third and final reading of Ordinance No. 995, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended (amend Section 30-5-10 to include the wording: "Truck rental to include incidential storage as a conditional use.")

Mayor Ochsenreiter stated that the ordinance had been read previously on the first and second readings and members of Council had been furnished copies of the ordinance, so it would not be re-read unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 995 passed on its third and final reading.

Complete text of Ordinance No. 995 will be found in Ordinance Book No. 7 at page 344.

PUBLIC HEARING - CLOSING AN UNNAMED ALLEY WAY IN WEST ASHEVILLE OFF OF PARKMAN AVENUE

RESOLUTION NO. 77-176 - RESOLUTION TO CLOSE AN UNNAMED ALLEY WAY BETWEEN CERTAIN LOTS IN THE CITY OF ASHEVILLE, BUNCOMBE COUNTY, NORTH CAROLINA

6. Consideration was given to an ordinance amending the City of Asheville Capital Projects Ordinance effective October 15, 1977, to include an Appalachian Regional Commission Grant in the amount of $246,000.

The City Manager read the ordinance. He explained that this is just a budget process to move federal funds into the Capital Projects Budget. He explained that the Capital Projects Budget is made up of funds other than Community Development funds.

Vice-Mayor Horton suggested that the ARC Grant funds be keep as a separate item from the standpoint of revenues and appropriations.

Mayor Ochsenreiter said the bookkeeping principles would be looked into as Vice-Mayor Horton suggested.

Councilwoman Swilling moved for the adoption of Ordinance No. 997. This motion was seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 997 passed on its first reading.

ORDINANCE NO. 998 - AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CAPITAL PROJECTS ORDINANCE IN EFFECT AS OF OCTOBER 15, 1977, AND THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

7. Consideration was given to an ordinance amending the City of Asheville Capital Projects Ordinance in effect as of October 15, 1977, and the Operating Budget of the City of Asheville for Fiscal Year 1977-78.

The City Manager read the ordinance.

Mr. Michalove explained that the City of Asheville, with some major effort on the part of the Water Engineering Department, the Planning Department and the Community Development Department, had received a federal grant in the amount of $855,000 at a City cost of $45,200 from the Water Fund and $5,000 from the General Fund. He said that this money had not been anticipated. He said the contract and bid documents are ready and the public works projects would have to be underway by December 1, 1977, therefore, he requested all three readings of the ordinance.

Vice-Mayor Horton and Councilwoman Swilling expressed appreciation to the staff for their efficiency in processing and filing the necessary applications to get these projects approved.

Councilwoman Swilling said that the residents of West Asheville are interested in knowing the following and suggested that a meeting in the community be set up to answer these and other questions:

1. What will the old Fire Station be used for? (The residents would like to use it for a community center.)

2. What fire protection will the residents have when the new station is built?

City Manager K. M. Michalove assured Councilwoman Swilling that a meeting would be held in the area to answer any questions the residents might have and to inform the residents of the area of the City's plans.

Vice-Mayor Horton suggested that a precinct police station be built in the area.

2. Within the past thirteen (13) months, two large tracts near this site were rezoned to accommodate proposed shopping center complexes:

   (1) George Stowe Property rezoned to CS on 8-19-76, and
   (2) Buncombe County Property rezoned to CS on 10-21-76.

   It is the staff's opinion that ample area has been provided to satisfy the shopping needs of area residents.

3. Rezoning would be in conflict with the Commission's policy of preventing further strip commercial development within its jurisdictional area.

Mr. Emrick read a letter from Jack M. and Linda P. Spivey, owners of the property immediately adjacent to the petitioners property, which stated that they no longer object to the rezoning request. He said the Spiveys had been the most adamant objectors to the request at the Planning and Zoning meeting, however, he said there are others in the area who are objecting to this request.

Mr. Larry McDevitt, Attorney representing the petitioner, explained that the whole area is surrounded by businesses and would not be suitable for a residential district. He said that Mr. Bridges is going to develop a small shopping center, which he believes to be the best possible use of the property. He asked Council to over-rule the Planning and Zoning's recommendation and approve the rezoning request.

Councilwoman Swilling said that it was here hope that if this request is approved, there could be some work through the Planning Division with the State Highway to upgrade the narrow entrance to Old County Home Road.

At the request of Vice-Mayor Horton, Mr. Emrick read the uses permitted in the CS Commercial Service District.

Councilman Morris commented that he had not seen the property and that he was reluctant to vote to overrule the Planning and Zoning Board's recommendation without seeing the property. However, he said he would vote "yes" on the first reading of the ordinance in order to keep the request alive, but suggested that members of Council visit the property prior to the second reading of the ordinance.

Mayor Ochsenreiter closed the public hearing at 4:33 o'clock p.m.

The City Manager read the ordinance.

Councilwoman Swilling moved for the adoption of Ordinance No. 996. This motion was seconded by Councilman Morris.

Upon inquiry of Councilman Rainey, Mr. Emrick said that even though Mr. Spivey changed his view to approved Mr. Bridge's request, he believed Planning and Zoning would still not change their recommendation.

On a roll call vote of 5-1, Ordinance No. 996 passed on its first reading, with Councilman Rainey voting "no."

ORDINANCE NO. 997 - AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CAPITAL PROJECTS ORDINANCE EFFECTIVE OCTOBER 15, 1977, TO INCLUDE AN APPALACHIAN REGIONAL COMMISSION GRANT IN THE AMOUNT OF $246,000

the structures' value relative to the City's history and prepare the necessary manuscripts and documentation for the City to qualify the buildings for the National Register. He said these services would be especially beneficial since the City is in the middle of the Downtown Project and the City needed to get some type of selected demolition and an idea of what structures are of significance to the City.

Mr. Emrick said that the contract would cost the City $5,000, which would be paid out of Community Development funds. He said the City would also provide an assistant for the Architect, office space, and other in-kind contributions.

Upon inquiry of Councilwoman Swilling, Mr. Emrick said that the field work would take approximately three (3) months and would have to completed no later than April 1, 1978. He said the work would begin around November 15, 1977.

Councilwoman Swilling reminded Council of the Historical Resource Workshop to be held at the Hilton on November 2, 1977 and urged other Councilmembers to participate.

Mr. Emrick told Council that Mr. Bob Orr, President of the Asheville/Buncombe Historical Preservation Society, had greatly assisted the Planning Department in obtaining this contract.

Mr. Emrick pointed out that just because a building has been designated as a historical structure does not mean that the building cannot be demolished. He said additional consideration would have to be given on an individual basis.

Mayor Ochsenreiter read a letter from Mr. Emrick inviting members of Council to attend a workshop in Greenville, South Carolina with the Revitalization Commission.

Upon inquiry of Councilman Rainey, Mr. Emrick said that the City was in the process of advertising and taking resumes for the assistant to the Architect.

Mr. Bob Orr, President of the Asheville/Buncombe Historical Preservation Society, said this was an excellent planning tool, especially beneficial from the historic and revitalization standpoint. He pointed out the private sector is also contributing toward this.

Mr. Orr said that the 3:30 p.m. session of the Workshop to be held at the Hilton on November 2, 1977, would deal directly with the question of setting up a District Office of Archives and History Museum in Asheville and urged at least two members of Council to attend this particular session. He expressed appreciation to Councilwoman Swilling and Councilman Hoyle for their efforts in historical preservation, as well as their other endeavors while serving on the City Council.

Upon motion of Councilwoman Swilling, seconded by Councilman Rainey, Resolution No. 77-178 was unanimously adopted.

Compete text of Resolution No. 77-178 will be found in Resolution Book No. 10 at page 76.

CONSENT AGENDA

10. Councilman Michael moved to schedule a public hearing relative to establishing procedures for use of a consent agenda for November 17, 1977. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Mr. Michalove explained that the consent agenda will cut down on the numbers of resolution that the Council will have to read specifically in the Council meeting and to put these types of items on a consent agenda which would be unanimously approved by the Council.

Vice-Mayor Horton moved for the adoption of Ordinance No. 998. This motion was seconded by Councilwoman Swilling.

On a roll call of 6-0, Ordinance No. 998 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 988. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 998 passed on its second reading.

Vice-Mayor Horton moved to suspend the rules and proceed to the third and final reading of Ordinance No. 988. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 998 passed on its third and final reading.

Complete text of Ordinance No. 998 will be found in Ordinance Book No. 7 at page 348.

RESOLUTION NO. 77-177 - RESOLUTION OF INTENT TO CLOSE PORTIONS OF ALLINE STREET, FAGG STREET, HORSE SHOE CURVE, JERE STREET, LYMAN STREET, TENIE STREET, AND TIERNAN STREET, AND ALL OF LINK STREET AND CALLING A PUBLIC HEARING ON THE QUESTION

8. Consideration was given to a resolution of intent to close portions of Alline Street, Fagg Street, Horse Shoe Curve, Jere Street, Lyman Street, Tenie Street, and Tiernan Street, and all of Link Street and calling a public hearing on the question.

The City Manager read the resolution inserting the date of December 8, 1977 as the public hearing date.

Councilman Michael requested that a representative of the Housing Authority bring a map of the area because a lot of those streets are already closed and the people in that area are wondering why the building projects are being built and then asking that the streets be closed.

Upon motion of Councilman Hoyle, seconded by Councilman Rainey, Resolution No. 77-177 was unanimously adopted.

Complete text of Resolution No. 77-177 will be found in Resolution Book No. 10 at page 71.

RESOLUTION NO. 77-178 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE DIVISION OF ARCHIVES AND HISTORY, NORTH CAROLINA DEPARTMENT OF CULTURAL RESOURCES

9. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with the Division of Archives and History, North Carolina Department of Cultural Resources.

The City Manager read the resolution.

Planning Director Verl Emrick explained that the City has been negotiating for some time back and forth with the Division of Archives and History in an effort to obtain this particular type of contract. He said this contract will provide an Architect/ Historian to evaluate buildings, make field surveys, write a description that will assess

"In reference to our property bordered by Michigan Avenue, State Street and Amboy Road in West Asheville which was recently re-zoned to Light Industrial, we wish to clarify the fact that our planned primary access will be from Amboy Road."

LEAF PICKUP

The City Manager said that the Leaf Pickup Program will begin Monday, October 31, 1977. He said the following pamphlets have been distributed house-to-house by Sanitation workers:

"Leaf pickup will begin Monday, October 31. Plastic leaf bags will be available free of charge at all Asheville Fire Stations, with a 10-bag limit for each property owner. Although the City Sanitation crews will also pick up unbagged leaves, residents are urged to bag their leaves in order to receive the fastest possible service. Up to five (5) bags of leaves, left on the curb, will be picked up along with the garbage on regular collection days.

Unbagged leaves should be raked to within eight (8) feet of the curb (but preferably not in the gutter, since this can clog storm drains) in order to be within reach of the vacuum hoses. Any brush or trash should be kept separate from the leaves to avoid clogging the hoses.

The leaf vacuum trucks will operate on the following schedule, which will be repeated every three (3) weeks until approximately January 1, depending on how soon the leaves finish falling. After that date, leaf pickup can be arranged on special call.

WEST - OCT. 31 through NOV. 4, NOV. 21 through NOV. 25, DEC. 12 through DEC. 16
The work area will be West of the French Broad River, bounded by Riverside Drive on the East and the City Limits on the West.

NORTH - NOV. 7 through NOV. 11, NOV. 28 through DEC. 2, DEC. 19 through DEC. 23
The work area will be North of the Expressway, bounded by Town Mountain Road on the East, Riverside Drive on the West, and the City Limits on the North.

EAST - NOV. 14 through NOV. 18, DEC. 5 through DEC. 9, DEC. 26 through DEC. 30
The work area will be East of Beaucatcher Mountain, extending to the City Limits.

SOUTH - NOV. 14 through NOV. 18, DEC. 5 through DEC. 9, DEC. 26 through DEC. 30
The work area will be South of the Expressway, extending to the City Limits.

If bad weather necessitates a change in the schedule, this will be announced in the newspapers and on the local radio stations. Any questions should be directed to the City's Service and Information operators at 255-5405."

CITY COUNCIL MEETINGS - NOVEMBER, 1977

The City Manager said that the City Council will meet on November 3, 10, and 17 at 3:00 o'clock p.m. and that there would be no meeting on November 24, 1977, Thanksgiving Day. If an additional meeting is needed, he said it would be tentatively set for November 29, 1977.

VICE-MAYOR HORTON - RESULTS OF MEETING ON OBSCENITY

Vice-Mayor Horton said that Mr. Moore, City Attorney, Councilman Hoyle and himself met with District Attorney Robert Fisher and one of his deputies. He said that it was agreed that there would be an investigation to try to determine the possible source

BIDS - FIRE HOSE FOR THE ASHEVILLE FIRE DEPARTMENT

11. Consideration was given to bids received October 24, 1977 for a fire hose for the Asheville Fire Department.

The City Manager read a memorandum from the Purchasing Agent which stated that six (6) responsive bids had been received and recommended the approval of the low bid submitted by Ureka Fire Hose Company in the amount of $3,881.70.

Councilman Michael moved to accept the recommendation of the Purchasing Agent and award the bid to Ureka Fire Hose Company in the amount of $3,881.70. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Bid Summary

Bidder	Bid
Ureka Fire Hose Company	$3,881.70
Supply Specialities, Inc.	$4,098.00
Burgess Fire Equipment Company	$4,356.00
Boyce L. Ford Company	$4,308.00
Greenville Rubber and Gasket Company	$4,191.00
Tidewater Supply	$4,257.00

PROCLAMATION - MEET 'N TREAT DAY

Mayor Ochsenreiter proclaimed October 31, 1977 as "Meet 'n Treat Day."

PROCLAMATION - EPILEPSY MONTH

Mayor Ochsenreiter proclaimed the month of November, 1977 as "Epilepsy Month."

PROCLAMATION - AMERICAN PRODUCTION AND INVENTORY CONTROL WEEK IN ASHEVILLE

Mayor Ochsenreiter proclaimed the week of October 31 - November 4, 1977 as "American Production and Inventory Control Week in Asheville."

CHANGES BY THE ASHEVILLE CIVIL SERVICE BOARD

The City Manager requested that Council schedule a public hearing on November 10, 1977, to review rule changes submitted by the Asheville Civil Service Board. He said the changes dealt with testing, leaves of absences, and limitations on employment of relatives by the City of Asheville.

Councilman Michael suggested that some members of the Civil Service Board attend the Council meeting on the date of the public hearing.

Vice-Mayor Horton moved to schedule a public hearing on the matter for November 10, 1977. This motion was seconded by Councilman Michael and carried unanimously.

C. C. BLOUNT ASSOCIATES, INC.

The City Manager read the following letter from C. C. Blount Associates, Inc. relative to the recently rezoned tract in West Asheville:

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr., Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Prior to the opening of the November 3, 1977 meeting of the City Council, Mayor Ochsenreiter requested Father Nicholas Vangelopoulos, Holy Trinity Greek Orthodox Church, to give the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 27, 1977 meeting.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, the minutes of the October 27, 1977 meeting were approved as submitted.

REPORT - OBSCENITY

Vice-Mayor Horton said that the City Attorney William C. Moore and himself have another meeting with District Attorney Robert Fisher on Friday, November 11, 1977, to hear Mr. Fisher's report from the conference he had attended this past weekend particularly concerning the actual implementation of our State Statute on obscenity and pornography.

ORDINANCE NO. 996 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

2. Consideration was given to the second reading of Ordinance No. 996, an ordinance amending Ordinance No. 996, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended (rezoning request by Mr. J. F. Bridges, Jr. to rezone property on the east side of Leicester Highway from R-3 Residential District to CS Commercial Service District).

Mayor Ochsenreiter stated that the ordinance had been read on the first reading and members of Council had been furnished copies of the ordinance, so it would not be re-read unless there was a specific request to do so.

Mr. Larry McDevitt, Attorney representing the petitioner, explained that the whole area is surrounded by business and is not suitable for a residential district. He said that if Council does not approve the rezoning request, it will absolutely destroy the value of the land.

Mr. McDevitt said that he had received a telephone call on October 31, 1977 from Mr. and Mrs. Clamer Miller, owners of property directly across the highway, and that they stated that they do not object to the rezoning requested by Mr. Bridges. Mr. McDevitt further stated that all the surrounding property owners, including the man who had objected at the meeting of the Planning and Zoning Commission Board, do not oppose the rezoning of the property to the Commercial Service District classification.

of the materials being distributed in the Riceville area. He said Mr. Fisher is going to Raleigh for a conference and one of the items on the agenda is the enforcement of the recently enacted State Statute on obscenity.

Vice-Mayor Horton said that Mr. Fisher is to give a report on his Raleigh meeting, and that he will continue to meet with Mr. Fisher as the situation may warrant it.

COUNCILMAN MICHAEL - URBAN REVITALIZATION GRANT

Councilman Michael said that President Carter had just recently signed a bill appropriating 2.5 million dollars for Urban Revitalization and that the City of Asheville should apply for these funds.

City Manager K. M. Michalove said that the City staff had been working on this particular application for the past four (4) months and that it is ready to be submitted.

COUNCILMAN MICHAEL - COMMENTS

Councilman Michael said it was his opinion that if the compensation for serving on City Council were greater, more people would run for office and requested the City Manager to make a comparable study of what other Councilmen receive across the State.

Mayor Ochsenreiter advised Councilman Michael that he had already requested this information from the Institute of Government.

Adjournment.

MAYOR

CITY CLERK

Mr. Veri Emrick advised Council that the Planning & Zoning Commission denied the rezoning request for the following reason:

> "There should be sufficient parking if complying with zoning ordinance and due to drainage problems already existing and additional impact on residential property."

Mr. Emrick said that on October 27, 1977, he received a petition from Clarence N. Gilbert, Attorney representing the property owners on Green Hill Avenue and Deaverview Road, requesting City Council and the Planning and Zoning Commission to deny the rezoning request. He said that based on the petition received from Mr. Gilbert, the 20% rule or 3/4 vote would be in effect, which would require six (6) positive votes to pass the ordinance on its first reading.

Mr. Clarence Gilbert reviewed the petition by stating the following reasons for requesting that the rezoning request be denied:

1. The proposed rezoning will have a depressing effect on residential property values in the area.

2. The proposed rezoning will increase the existing traffic problems on Haywood Road, Deaverview Road, Green Hill Avenue, and connecting streets and avenues.

3. The proposed rezoning with the resulting establishment of business places in the area will increase the noise for the area beyond the tolerance of residents.

4. The matter of drainage and the possible damage which may result to the property owners if any additional property in the area is paved. He said some of the property owners have had most of their entire property covered with water because the water can not be controlled due to the contour of the land in the area.

Dr. Waller explained that their plans call for a buffer line along Green Hill Avenue rather than an access road to Green Hill Avenue and that adequate catch basins will be built and installed in accordance with the specifications of the City Engineer.

Dr. Waller stressed the need for additional parking at the facility for sick patients.

Dr. Waller also explained that a portion of the proposed parking lot would be leased to Western Food Systems, Inc., but that the Mecical Center would be responsible for the project.

Mr. Gary Dodd, Attorney representing Mr. James Rickman, owner of the Sky Lanes Bowling Alley, spoke in opposition to the rezoning request. It was his opinion that this would constitute spot zoning.

Mr. Emrick said that this is not spot zoning because it is contingent to an existing Commercial Highway District zone. He said that a parking lot for a commercial facility cannot be located in an adjoining residential zone.

Councilwoman Swilling said it was her belief that Western Food Systems, Inc. have not caused the drainage problems, since the problem has existed for several years.

Mayor Ochsenreiter closed the public hearing at 3:52 o'clock p.m.

Upon inquiry of Vice-Mayor Horton, Mr. Emrick said that there is no opposition, but that he does not have the authority to change the Planning and Zoning Board's recommendation.

Mr. Verl Emrick, Planning Director, reviewed the following reasons for Planning & Zoning's denial of the rezoning request:

1. The proposed amendment to the City's extraterritorial zoning boundary, if approved by City Council, will eliminate the existing Commercial Service District along this portion of New Leicester Highway. Should this action accur prior to Council's public hearing on this request, any zoning change to a commercial classification would create a spot zone;

2. Within the past thirteen (13) months, two large tracts near this site were rezoned to accommodate proposed shopping center complexes:

   (1) George Stowe Property rezoned to CS on 8-19-76, and
   (2) Buncombe County Property rezoned to CS on 10-21-76.

   It is the staff's opinion that ample area has been provided to satisfy the shopping needs of area residents.

3. Rezoning would be in conflict with the Commission's policy of preventing further strip commercial development within its jurisdictional area.

Vice-Mayor Horton said that it was only a technicality that Council is facing about spot zoning.

On a roll call vote of 5-1, Ordinance No. 996 passed on its second reading, with Councilman Rainey voting "no."

ORDINANCE NO. 997 - AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CAPITAL PROJECTS ORDINANCE EFFECTIVE OCTOBER 15, 1977, TO INCLUDE AN APPALACHIAN REGIONAL COMMISSION GRANT IN THE AMOUNT OF $246,000

3. It was Council's consensus to postpone the second reading of Ordinance No. 997, an ordinance amending the City of Asheville Capital Projects Ordinance effective October 15, 1977, to include an Appalachian Regional Commission Grant in the amount of $246,000 (for water lines on Appalachian Way-Huffman Road and Chestnut Street).

PUBLIC HEARING - REZONING REQUEST - GREEN HILL AVENUE - WESTERN FOOD SYSTEMS, INC. AND WEST ASHEVILLE MEDICAL CENTER

4. A public hearing was held relative to a rezoning request by Western Food Systems, Inc. and West Asheville Medical Center to rezone property on Green Hill Avenue from R-3 Residential District to CH Commercial Highway District.

The City Manager read the advertised notice to the public setting the time and date of the public hearing and presented the affidavit of publication.

Mayor Ochsenreiter opened the public hearing at 3:21 o'clock p.m.

RESOLUTION NO. 77-179 - RESOLUTION AUTHORIZING DIRECTOR OF FINANCE TO SELL SURPLUS PROPERTY

6. Consideration was given to a resolution authorizing the Director of Finance to sell surplus property.

The City Manager read the resolution and explained that there is an old, aluminum boat at the Northfork Reservoir and that the boat has no value to operations at the reservoir and is in the way.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 77-179 was unanimously adopted.

Complete text of Resolution No. 77-179 will be found in Resolution Book No. 10 at page 77.

RESOLUTION NO. 77-180 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH PRICE-RAY CONSTRUCTORS FOR THE PROJECT KNOWN AS "MAIN FIRE HOUSE FLOOR BRACING"

7. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Price-Ray Constructors for the project known as "Main Fire House Floor Bracing."

The City Manager read the resolution.

Mr. Michalove read a memorandum from the Utilities Operations Coordinator which stated that four bids had been received and recommended the approval of the low bid submitted by Price-Ray Constructors in the amount of $12,300.

Upon inquiry of Councilwoman Swilling, Mr. Michalove said that with the additional weight of the trucks and equipment that have been purchased over the years, the bracing of the Main Fire House floor is a precautionary measure.

Councilwoman Swilling moved to accept the recommendation of the Utilities Operations Coordinator and award the bid to Price-Ray Constructors in the amount of $12,300 as set forth in Resolution No. 77-180. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

Bidder	Bid
Price-Ray Constructors	$12,300.00
Cooper Interprises	$12,885.00
Hutchison Construction Co.	$13,995.00
Bildon, Inc.	$15,640.00

Complete text of Resolution No. 77-180 will be found in Resolution Book No. 10 page page 78.

RESOLUTION NO. 77-181 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH W. & W. CONTRACTING COMPANY FOR THE PROJECT KNOWN AS "SAND HILL ROAD - GREENBRIAR ROAD 16-INCH WATER LINE"

The City Manager read the ordinance.

Councilman Morris moved to table the ordinance until November 10, 1977, to give members of Council an opportunity to view the property in question. This motion was seconded by Councilman Michael and carried unanimously.

Vice-Mayor Horton said that there is a conflict between the property owners and the desires of the business interest. He agreed that the property should be viewed again due to the information heard today and he would like to talk to some of the property owners.

Vice-Mayor Horton requested a staff member to view the property and review the proposed plans for the catch basins.

Councilwoman Swilling said that a speed limit sign had been down on the hill at Green Hill Avenue and also, there was a large amount of brush at the intersection of Haywood Road and Patton Avenue.

PROCLAMATION - UNITED STATES MARINE CORPS WEEK IN ASHEVILLE, NORTH CAROLINA

Mayor Ochsenreiter proclaimed November 6 - 12, 1977 as "United States Marine Corps Week in Asheville, North Carolina."

ORDINANCE NO. 999 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

5. Consideration was given to an ordinance amending the operating budget of the City of Asheville for Fiscal Year 1977-78.

The City Manager read the ordinance and explained that the appropriations and associated revenues of the Federal Programs Division would be combined with the appropriations and associated revenues of the Accounting Division, because the City of Asheville Federal Programs Officer had been promoted to the position of City Accountant.

Councilwoman Swilling moved for the adoption of Ordinance No. 999. This motion was seconded by Councilman Michael.

Councilwoman Swilling stated that Mrs. Charlotte Tell, City Accountant, is very qualified and that the City is very fortunate to have such a fine, qualified department head.

On a roll call vote of 6-0, Ordinance No. 999 passed on its first reading.

Councilwoman Swilling moved to suspend the rules and proceed to the second reading of Ordinance No. 999. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 999 passed on its second reading.

Councilwoman Swilling moved to suspend the rules and proceed to the third and final reading of Ordinance No. 999. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 999 passed on its third and final reading.

Complete text of Ordinance No. 999 will be found in Ordinance Book No. 8 at page 1.

Bid Summary

Bidder	Bid
Institutional Interiors, Inc.	$5,250.00
Talmans of Asheville	$4,476.38
Southern School Service, Inc.	$ -
Castt Office Furniture	$4,215.00
Morgan Brothers School Supply, Inc.	$4,327.38

BIDS - POWER PAPER CUTTER FOR THE PRINT SHOP DIVISION

11. Consideration was given to bids received October 31, 1977 for a power paper cutter for the Print Shop Division.

The City Manager read a memorandum from the Purchasing Agent which stated that three (3) bids had been received and recommended the approval of the low bid submitted by Young Phillips Sales in the amount of $3,700.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bid to Young Phillips Sales in the amount of $3,700. This motion was seconded by Councilwoman Swilling and carried on a 5-1 vote, with Councilman Michael voting "no."

Bid Summary

Bidder	Bid
Addressograph-Multigraph Corporation	$4,260.70
Walter Floyd Company	$3,895.00
Young Phillips Sales	$3,700.00

BIDS - UNIFORMS FOR THE ASHEVILLE FIRE DEPARTMENT

Consideration was given to bids received November 2, 1977 for uniforms for the Asheville Fire Department.

The City Manager read a memorandum from the Purchasing Agent which stated that two bids had been received and recommended the approval of the low bid submitted by Asheville Army Store in the amount of $6,136.68.

Councilman Hoyle moved to accept the recommendation of the Purchasing Agent and award the bid to Asheville Army Store in the amount of $6,136.68. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Bid Summary

Bidder	Bid
Asheville Army Store	$6,136.68
Stinnette Uniform Sales	$6,969.60

CLAIM - MR. AND MRS. JAMES E. McCARTY

The City Manager presented a claim for damages from Mr. and Mrs. James E. McCarty.

8. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with W. & W. Contracting Company for the project known as "Sand Hill Road - Greenbriar Road 16-Inch Water Line."

The City Manager read the resolution.

Mr. Michalove read a memorandum from the Utilities Operations Coordinator which stated that three (3) bids had been received and recommended the approval of the low bid submitted by W. & W. Contracting Company in the amount of $119,810.

Mr. Michalove said that the purpose of this project is to complete a 16-inch water line in the West Asheville area to increase the amount of water the City is putting in that area.

Councilman Hoyle moved to accept the recommendation of the Utilities Operations Coordinator and award the bid to W. & W. Contracting Company in the amount of $119,810 as set forth in Resolution No. 77-181. This motion was seconded by Councilman Rainey and carried unanimously.

Bid Summary

Bidder	Bid
W. & W. Contracting Company	$119,810.00
Taylor and Murphy Construction Company	$134,605.00
Hobson Construction Company	$161,660.00

Complete text of Resolution No. 77-181 will be found in Resolution Book No. 10 at page 79.

RESOLUTION NO. 77-182 - RESOLUTION RE-APPOINTING A MEMBER TO THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL

9. Consideration was given to a resolution re-appointing a member to the City of Asheville Board of Alcoholic Control.

The City Manager read the resolution re-appointing Mr. J. W. Byers to the Board of Alcoholic Control for a term of three (3) years, term expiring November 13, 1980.

Upon motion of Councilman Michael, seconded by Councilman Morris, Resolution No. 77-182 was unanimously adopted.

Complete text of Resolution No. 77-182 will be found in Resolution Book No. 10 at page 80.

BIDS - FOLDING TABLES AND CHAIRS FOR USE AT VARIOUS RECREATION CENTERS

10. Consideration was given to bids received October 26, 1977, for folding tables and chairs for use at the various Recreation Centers.

The City Manager read a memorandum from the Purchasing Agent which stated that five (5) responsive bids had been received and recommended the approval of the low bid submitted by Castt Office Furniture in the amount of $4,215.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to Castt Office Furniture in the amount of $4,215. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Mrs. William Munsen, 351 Lakeshore Drive, spoke in opposition to the poles being installed on her property.

Upon inquiry of Councilman Rainey relative to there being some environmental or aesthetic ordinance that would permit the City to request CP&L to decease their present program and re-examine it, Mr. J. E. Johnson, Chief Building Inspector, said that the Inspection Department and the City has no jurisdiction as to what CP&L does with their lines.

Mr. Paul Lominac, 656 Lakeshore Drive, spoke in opposition to the poles and suggested that the poles be routed up the Beaverdam Creek.

Councilman Rainey urged Council to use "moral suasion" at this point to attempt to get CP&L to reconsider the project, and, in the future, suggested an amendment to the Zoning Ordinance that would allow Council to have a role in the location of such poles and regulate the height of poles in residential areas. He also suggested that the property owners go back to any agreement that they or their predecessors made with CP&L or the development company in their area made with CP&L and seek legal advise as to whether or not that understanding at that time included only local lines rather than high tension transmission lines.

Upon inquiry of Councilman Hoyle, it was explained that 80 foot poles instead of 40 foot poles are being installed because of the amount of voltage needed for the force field.

Councilwoman Swilling moved that the Mayor meet with Mr. E. Charles Dyson, CP&L's Western Division General Manager, and communicate the concern of Council on behalf of the citizens of Asheville, to see what can be done on this problem. This motion was seconded by Councilman Rainey and carried unanimously.

In response to Councilman Rainey's question relative to who controls the air rights over City streets, Mayor Ochsenreiter said that the Utilities Commission has probably got ground rules established for lines crossing the City streets. Mr. Moore was requested to look into the matter.

Mayor Ochsenreiter said that he would have a report after the meeting and would call a representative of the area with the results of that meeting with Mr. Dyson.

VIRGIL R. McCONNELL - SHILOH COMMUNITY CENTER

Mr. Virgil McConnell read the following memorandum to Council relative to the evacuation of the Shiloh Community Center:

"We, the Shiloh residents, were told during Community Development Meetings that one section of the Shiloh Community Center would remain available for our use for some period of time during the construction period. We are now being told to completely evacuate the building as of November 15, 1977.

Since the new, lower section should have been completely renovated prior to construction of the new gymnasium; the Shiloh Community therefore request that we be granted continued use of the new, lower section including the gymnasium under proper supervision and with heating facilities after construction hours as the following needs arrive:

1. Basketball practice for the junior, senior and adult groups.
2. Community meetings.
3. Recreation of various kinds for all age groups.

Mayor Ochsenreiter referred the claim to Corporation Counsel for investigation and recommendation.

CLAIM - JAMES F. COLLINS, MANAGER OF FRAGGE SURGICAL SUPPLIES, INC.

The City Manager presented a claim for damages from Mr. James F. Collins, Manager of Fragge Surgical Supplies, Inc.

Mayor Ochsenreiter referred the claim to Corporation Counsel for investigation and recommendation.

Mayor Ochsenreiter called for a five (5) minute recess at 4:20 o'clock p.m. The meeting reconvened at 4:25 o'clock p.m.

Councilman Michael was excused from the meeting at 4:22 o'clock p.m.

PUBLIC HEARING SCHEDULED - RE-EMPLOYMENT AND RESIDENCY OF CITY EMPLOYEES

The City Manager requested that City Council schedule a public hearing relative to two amendments to the Asheville Civil Service Rules and Regulations passed by the Asheville Civil Service Board regarding Rule 9 "Re-Employment" and Rule 11 "Residency of City Employees".

Councilman Morris moved to schedule a public hearing on the matter for November 17, 1977. This motion was seconded by Vice-Mayor Horton and carried unanimously.

80 FOOT UTILITY POLES BEING INSTALLED IN NORTH ASHEVILLE

Mr. Bill Wilkins, Chairman of the Lakeview Park Commission, expressed concern about the 80 foot power lines that are being installed from Beaverdam Road out to the Elk Mountain Sub-Station.

City Attorney William C. Moore read the right-of-way agreement giving Carolina Power and Light permission to place power line poles in the area.

Mr. Emrick explained that the zoning ordinance does have some requirements about the installation of power lines, but as it relates specifically to the facility itself. He said the ordinance at this point, does not address nor regulate placement of sub-stations.

Councilman Rainey said that for the past few weeks, he has expressed concern for the 80 foot high utility poles carrying a high level of electricity transmission lines to the sub-station. He was specifically concerned about the high tension wires in a residential area. He said that there should not be poles over 40 feet in residential areas and that the City should amend the zoning ordinance to prohibit this type of development in the future. Also, that Council should assume a role in the aesthetic aspect of the sub-station. He also suggested that the Zoning Ordinance be amended to permit Council to oversee and examine future sub-station development. He said that more notice should be given to area residents by CP&L.

Mr. Charles Phillips, 45 Edgewater Lane, spoke in opposition to the utility poles being installed saying that some of the property owners land will be depreciated by $5,000 - $10,000. He said that people will not buy homes with these huge poles in front of them.

Mr. W. C. Moore said that the City has no jurisdiction in the matter and told the property owners that the CP&L right-of-way was between the company and the property owners themselves.

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr.; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Prior to the opening of the November 10, 1977 meeting of the City Council, Mayor Ochsenreiter requested Reverend Cecil Sherman, First Baptist Church, to give the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the November 3, 1977 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Swilling, the minutes of the November 3, 1977 meeting were approved as submitted.

ORDINANCE NO. 997 - AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CAPITAL PROJECTS ORDINANCE EFFECTIVE OCTOBER 15, 1977, TO INCLUDE AN APPALACHIAN REGIONAL COMMISSION GRANT IN THE AMOUNT OF $246,000

2. Consideration was given to the second reading of Ordinance No. 997, an ordinance amending the City of Asheville Capital Projects Ordinance effective October 15, 1977, to include an Appalachian Regional Commission Grant in the amount of $246,000.

The City Manager asked Council to table Ordinance No. 977 in lieu of passing a new ordinance. He explained that there was so much rewriting done to Ordinance No. 977, he thought it would be best to table it and present a new ordinance for Council's consideration.

Councilman Hoyle moved to table Ordinance No. 977. This motion was seconded by Councilman Rainey and carried unanimously.

ORDINANCE NO. 1000 - AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CAPITAL PROJECTS ORDINANCE EFFECTIVE OCTOBER 15, 1977 TO INCLUDE AN APPALACHIAN REGIONAL COMMISSION GRANT IN THE AMOUNT OF $246,000

Consideration was given to an ordinance amending the City of Asheville Capital Projects Ordinance effective October 15, 1977 to include an Appalachian Regional Commission Grant in the amount of $246,000.

The City Manager read the ordinance and explained that this was for water lines on Appalachian Way-Huffman Road and Chestnut Street.

Vice-Mayor Horton moved for the adoption of Ordinance No. 1000. This motion was seconded by Councilman Morris.

Upon inquiry of Councilwoman Swilling, Mr. Michalove explained that the contracts and cooperation agreements are mainly those contracts between the City and the Federal government.

On a roll call vote of 6-0, Ordinance No. 1000 passed on its first reading.

We would certainly appreciate it if you, the City Council of Asheville, North Carolina, would give your approval to this memorandum.

Virgil R. McConnell, President
Advisory Group to the
Shiloh Community Center and the
Community Residents Committee"

He said that the project bids have not been let and it would probably be months before a bid is received and he said that there is no reason why the residents should evacuate the Shiloh Community Center at this time.

Councilwoman Swilling requested the City Manager to prepare a report on the situation for the Council meeting on November 10, 1977.

COUNCILMAN RAINEY - STATUS OF THE SENIOR OPPORTUNITY CENTER VAN

Upon inquiry of Councilman Rainey, Mr. Michalove said that the specifications were being prepared by Mr. Ray Kisiah and Mr. James Parris for the van at the Senior Opportunity Center.

COUNCILMAN RAINEY - STATUS OF THE BOHANNAN PROPERTY

City Manager K. M. Michalove said that the City plans to make the improvements in the alley recommended by Mr. Clark Brown, Street Superintendent, and that the City is now obtaining releases from the adjoining property owners. He said that the City does not feel it can do the construction as recommended by Mr. Bohannan nor can the City sign the agreement as he requested.

Adjournment.

MAYOR

CITY CLERK

PUBLIC HEARING - THE MANOR INN - REZONING REQUEST

5. Mayor Ochsenreiter said that the peitioner requested that the public hearing on The Manor Inn rezoning request be removed from the agenda.

PUBLIC HEARING - REZONING REQUEST - MR. G. N. KOON - TUNNEL ROAD

ORDINANCE NO. 1001 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

6. A public hearing was held relative to a rezoning request by Mr. G. N. Koon to rezone property on Tunnel Road from R-3 Residential District to CH Commercial Highway District and from CH Commercial Highway District to R-3 Residential District.

The City Manager read the advertised notice to the public setting the time and date of the public hearing and presented the affidavit of publication.

Mayor Ochsenreiter opened the public hearing at 3:30 o'clock p.m.

Mr. Emrick advised Council that the Planning and Zoning Commission recommended approval of the rezoning request for the following reasons:

1. That portions of property in immediate proximity to G. N. Koon property are already zoned CH Commercial Highway. Extending this zoning to include subject property would not be spot zoning.

2. The erection of a shopping center complex in the area would be beneficial to the general area and not out of line with present usage in the general area.

3. This rezoning would remedy the disparate zoning already in the area by extending the R-3 Residential zoning to include more land and bring other property in line with commercial development by rezoning it CH Commercial Highway as is other property around it.

Mr. Lombard Williams, 32 Grandview Place, said that the residents on Grandview Place want to keep the street as a dead-end. Mr. Williams said that the residents do not want an apartment complex put in there, because Grandview Place is a very narrow street and cannot accommodate extra traffic. He also requested that an 8' chain link fence with slats be provided on the eastern and western property lines abutting residential areas and that traffic breakers be installed in the parking lot.

Mr. G. N. Koon said that the fence around his property now has been cut several times and the fence has not stopped people or cars going through his property. Mr. Koon said that the speed breakers could easily be installed. He said that it is not his intention to put any additional traffic on Grandview Place. He said that his development will not cause any water run-off problems.

Mr. Cecil Moss, 25 Grandview Place, spoke in favor of the 8' chain link fence around the petitioner's property.

Mayor Ochsenreiter closed the public hearing at 3:50 o'clock p.m.

The City Manager read the ordinance.

Councilwoman Swilling moved to suspend the rules and proceed to the second reading of Ordinance No. 1000. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1000 passed on its second reading.

Councilman Hoyle moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1000. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1000 passed on its third and final reading.

Complete text of Ordinance No. 1000 will be found in Ordinance Book No. 8 at page 2 .

ORDINANCE NO. 996 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

3. Consideration was given to the third and final reading of Ordinance No. 996, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended (rezoning request by Mr. J. F. Bridges, Jr., to rezone property on the east side of Leicester Highway from R-3 Residential District to CS Commercial Service District).

Mayor Ochsenreiter stated that the ordinance had been previously read on the first reading and members of Council had been furnished copies of the ordinance, so it would not be reread unless there was a specific request to do so.

Mr. Larry McDevitt, Attorney representing the petitioner, reviewed the reason for the rezoning request, that being that the whole area is surrounded by business and is not suitable for a residential district.

On a roll call vote of 5-1, Ordinance No. 996 passed on its third and final reading, with Councilman Rainey voting "no."

Complete text of Ordinance No. 996 will be found in Ordinance Book No. 7 at page 345.

ORDINANCE NO. ____ - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

4. Consideration was given to an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended (rezoning request by Western Food Systems, Inc. and West Asheville Medical Center to rezone property on Green Hill Avenue from R-3 Residential District to CH Commercial Highway District.)

Mr. Verl Emrick, Planning Director, said that the petitioner had notified him and requested that Council delay action on this request until some of the problems experienced could be worked out.

Vice-Mayor Horton moved to postpone action on this request until the petitioner requests that it be brought back to Council. This motion was seconded by Councilman Michael and carried unanimously.

PUBLIC HEARING - ASHEVILLE UNIFORMED POLICEMEN'S RETIREMENT PLAN AND TRUST AND ASHEVILLE UNIFORMED FIREMEN'S RETIREMENT PLAN AND TRUST

ORDINANCE NO. 1002 - ASHEVILLE UNIFORMED POLICEMEN'S RETIREMENT PLAN AND TRUST

ORDINANCE NO. 1003 - ASHEVILLE UNIFORMED FIREMEN'S RETIREMENT PLAN AND TRUST

8. A public hearing was held relative to establishing the Asheville Uniformed Policemen's Retirement Plan and Trust and the Asheville Uniformed Firemen's Retirement Plan and Trust.

The City Manager read the advertised notice to the public setting the time and date of the public hearing and presented the affidavit of publication.

Mayor Ochsenreiter opened the public hearing at 3:56 o'clock p.m.

Upon inquiry of Mayor Ochsenreiter, Corporation Council William C. Moore read Section 14 of the Charter as follows:

> "Ordinances must be read on three (3) separate occasions, but this requirement may be dispensed with a vote of not less than 2/3 vote of the members of the Council. The final reading of the ordinance shall be in full unless a copy thereof shall have been furnished to the members of Council present prior to the reading."

The City Manager explained that in June, 1977, the City Council had passed two readings of an ordinance that would have established a new retirement plan for new police and fire uniformed personnel. The purpose of the new plan was to take the place of The Asheville Policemen's Pension and Disability Fund and The Asheville Firemen's Pension and Disability Fund which were frozen by the 1977 General Assembly. However, after some investigation, it turns out that it is possible for the new police and fire uniformed personnel to go into the State Local Government Employees Retirement Plan. In order to accomplish this according to State regulations, Mr. Michalove suggested that the City Council approve the new City designed retirement plan for new police and fire uniformed employees and begin immediately to transfer the members of that plan to the Local Government Employees Retirement Plan. Mr. Michalove emphasized that all uniformed policemen and firemen employed by the City on or after December 1, 1977 will, as a condition of their employment, be members of one of the new plans (The Asheville Uniformed Policemen's Retirement Plan and Trust or The Asheville Uniformed Firemen's Retirement Plan and Trust). He said the process of transferring those who will go under the new plan to the State Local Government Employees Retirement Plan will probably take from six to twelve months.

Mr. John Parris expressed appreciation to the City Manager, Mayor Ochsenreiter and Council members for all their interest and work that had been shown in the present police and fire plan. He requested that the following letter from the International Association of Fire Fighters be inserted into the minutes:

"Carl C. Messer, Secretary-Treasurer
Local 865-Asheville
34 Salem Avenue
Asheville, NC 28804

Dear Brother Messer:

Councilwoman Swilling moved for the adoption of Ordinance No. 1001. This motion was seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 1001 passed on its first reading.

Vice-Mayor Horton requested Planning Director Verl Emrick to contact the adjoining property owners at the time the site plan is up for Council's consideration.

Councilwoman Swilling moved to suspend the rules and proceed to the second reading of Ordinance No. 1001. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1001 passed on its second reading.

Councilman Morris introduced Mrs. Corbett, who has worked 28,000 hours at the Veterans Administration Hospital on a volunteer basis. He commended Mrs. Corbett for her dedication and her efforts in helping people.

PUBLIC HEARING - REZONING REQUEST - HAZEL MILL ROAD - WACHOVIA BANK AND TRUST COMPANY

7. Mayor Ochsenreiter said that the petitioner requested that this public hearing be taken off the agenda. Mr. Michalove suggested that the public hearing be postponed until November 17, 1977 so that the City can clarify the petitioner's request.

Councilman Hoyle moved that the public hearing be postponed until November 17, 1977. This motion was seconded by Councilman Michael and carried unanimously.

ORDINANCE NO. 957 - AN ORDINANCE ESTABLISHING THE ASHEVILLE UNIFORMED PERSONNEL RETIREMENT PLAN AND TRUST

City Manager K. M. Michalove requested Council to table Ordinance No. 957 so a new ordinance could be presented for Council's consideration.

Councilwoman Swilling moved to table Ordinance No. 957. This motion was seconded by Councilman Rainey.

Councilman Morris suggested that Council defeat this ordinance instead of tabling it, because if it was tabled, it could be brought up again and voted on.

Councilwoman Swilling withdrew her motion to table Ordinance No. 957. Councilman Rainey withdrew his second.

Mr. Wolcott read the following paragraph from the minutes of the May 31, 1977 Council meeting relative to Ordinance No. 957:

> "Councilman Morris moved to continue the third reading of Ordinance No. 957 until June 9, 1977. This motion was seconded by Councilman Rainey and carried unanimously."

It was decided that Ordinance No. 957 was an ordinance to be continued for the third reading.

Councilman Michael moved for the third and final reading of Ordinance No. 957. This motion was seconded by Councilman Rainey and carried unanimously.

On a roll call vote of 1-5, Ordinance No. 957 was defeated on its third and final reading, with Councilman Michael voting "yes."

Vice-Mayor Horton moved to suspend the rules and proceed to the second reading of Ordinance No. 1002. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1002 passed on its second reading.

It was noted that each member of Council had received and been provided a copy of this ordinance and plan prior to the third reading.

Councilman Michael moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1002. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1002 passed on its third and final reading.

Complete text of Ordinance No. 1002 will be found in Ordinance Book No. 8 at page 5.

The City Manager read the ordinance establishing The Asheville Uniformed Firemen's Retirement Plan and Trust.

Councilman Rainey moved for the adoption of Ordinance No. 1003. This motion was seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 1003 passed on its first reading.

Councilwoman Swilling moved to suspend the rules and proceed to the second reading of Ordinance No. 1003. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1003 passed on its second reading.

It was noted that each member of Council had received and been provided a copy of this ordinance and plan prior to the third reading.

Councilman Rainey moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1003. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1003 passed on its third and final reading.

Complete text of Ordinance No. 1003 will be found in Ordinance Book No. 8 at page 37.

RESOLUTION NO. 77-183 - RESOLUTION DIRECTING THE CITY MANAGER TO PROCEED WITH A REQUEST TO THE STATE OF NORTH CAROLINA TO ENROLL POLICEMEN AND FIREMEN OF THE CITY OF ASHEVILLE EMPLOYED AFTER DECEMBER 1, 1977 INTO THE LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM

Consideration was given to a resolution directing the City Manager to proceed with a request to the State of North Carolina to enroll policemen and firemen of the City of Asheville employed after December 1, 1977 into the Local Government Employees' Retirement System.

Received your so-called "proposed pension plan" and my analysis indicate the following:

Under no consideration should this plan be termed the Pension and Retirement Benefits Act. It is basically a "retirement savings program," i.e., at termination you can secure your contribution plus all earned interest. We know that the contribution rate of 5 percent by the employer and employee is unreasonable to set up an actuarial, sound and meaningful pension system for public employees. You are well aware the new plan affects all employees hired after June 10, 1977.

With regard to a widow or beneficiary, no payments would be made except those in the 'unused separate account money with interest.' You should also be aware the employer has the right, at any time, to modify, alter, or amend the plan. Also, the employer reserves the right to terminate the plan, at any time, including the right to terminate his contribution at any time. Such termination shall be made without the consent of the trustee, participant, beneficiary, or even the citizens of your city.

I have enclosed for your evaluation a digest of the 'Federal Pension Reform Act' prepared by Martin Segal and Company.

This particular Act does not apply to city employees at this time, however, we anticipate that coverage can be expected within five years. You will note in this digest many items of concern in your retirement savings plan would be illegal under the new Pension Reform Act. For all practical purposes, disability coverage and survivors benefits, which are the backbone of firefighters' pension systems, are woefully neglected in your ordinance.

Retirement savings plans are very similar to 'profit sharing' used by many companies as an added inducement to the social security system. However, under these plans, it would be unthinkable that the employer could unilaterally terminate his part of the agreement. The question of termination unilateral by the employer was the number one priority for passage of the Pension Reform Act.

I am returning your copy of the ordinance.

If we can be of assistance to you in the future, please feel free to call upon us.

Fraternally,

Walt Lambert, Director
Department of Research"

Mr. Cecil Burnette also expressed many thanks to the people who worked on improving these plans.

Mayor Ochsenreiter closed the public hearing at 4:06 o'clock p.m.

The City Manager read the ordinance establishing The Asheville Uniformed Policemen's Retirement Plan and Trust.

Councilwoman Swilling moved for the adoption of Ordinance No. 1002. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 6-0, Ordinance No. 1002 passed on its first reading.

The City Manager read the ordinance and explained that the funding for the operation of the Police/Fire Cadet Program was not included in the City's Operating Budget for Fiscal Year 1977-78. Mr. Michalove said that the Operating Budget for the City of Asheville Fiscal Year 1977-78 would be amended by appropriating $122,475 in the Federal Programs Fund for the Police/Fire Cadet Program. He pointed out that the remaining $40,825 of the $163,300 total grant would be included in the Operating Budget for Fiscal Year 1978-79 Budget for the operation of the project.

Councilman Michael moved for the adoption of Ordinance No. 1005. This motion was seconded by Councilwoman Swilling.

On a roll call vote of 6-0, Ordinance No. 1005 passed on its first reading.

Vice-Mayor Horton moved to suspend the rules and proceed to the second reading of Ordinance No. 1005. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1005 passed on its second reading.

Councilman Hoyle moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1005. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1005 passed on its third and final reading.

Complete text of Ordinance No. 1005 will be found in Ordinance Book No. 8 at page 70.

RESOLUTION NO. 77-184 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A WATER LINE CROSSING US 19-23 (CANTON HIGHWAY) IN BUNCOMBE COUNTY

11. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for a water line crossing US 19-23 (Canton Highway) in Buncombe County.

The City Manager read the resolution and explained that the resolution authorizes the Mayor to execute a right-of-way agreement with the North Carolina Department of Transporation for the installation of a 2-inch water line, which will cross under US 19-23 (Canton Highway).

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 77-184 was unanimously adopted.

Complete text of Resolution No. 77-184 will be found in Resolution Book No. 10 at page 82.

RESOLUTION NO. 77-185 - RESOLUTION AUTHORIZING THE ESTABLISHMENT OF THE ASHEVILLE-BUNCOMBE COMMISSION ON THE STATUS OF WOMEN

12. Consideration was given to a resolution authorizing the establishment of the Asheville-Buncombe Commission on the status of women.

The City Manager read the resolution and explained that the Study Commission on the Status of Women recommended an ongoing Commission. He said that the purpose of

Upon motion of Councilman Morris, seconded by Councilman Michael, Resolution No. 77-183 was unanimously adopted.

Upon inquiry of Vice-Mayor Horton relative to the difference in the cost on this employee retirement plan as opposed to the other one we had, Mr. W. Michael Smith, Director of Central Services, said that there would be some extra cost to both the City and the employees.

Mayor Ochsenreiter explained that those who are in the current plan of the police and fire which is frozen, will have the option to join the State Plan.

Complete text of Resolution No. 77-183 will be found in Resolution Book No. 10 at page 81.

ORDINANCE NO. 1004 - AN ORDINANCE AMENDING THE CITY OF ASHEVILLE FISCAL 1977-78 ANNUAL OPERATING BUDGET

9. Consideration was given to an ordinance amending the City of Asheville Fiscal 1977-78 annual Operating Budget.

The City Manager read the ordinance and explained that this grant was not anticipated. He said it was received by the Pack Memorial Library on September 23, 1977 under Title I of the Library Services and Construction Act in the amount of $9,002. He said the purpose of the program was to establish outreach activities through the Library system and this was 100% federally funded. Mr. Michalove said that the 1977-78 Operating Budget for the City of Asheville would be amended by increasing the estimated revenues and appropriations in the Library Trust Fund to reflect the grant.

Vice-Mayor Horton moved for the adoption of Ordinance No. 1004. This motion was seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 1004 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1004. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1004 passed on its second reading.

Councilman Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1004. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1004 passed on its third and final reading.

Complete text of Ordinance No. 1004 will be found in Ordinance Book No. 8 at page 69.

ORDINANCE NO. 1005 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

10. Consideration was given to an ordinance amending the Operating Budget of the City of Asheville for Fiscal Year 1977-78.

First of all, we cannot define the portion of your motor grader specification which refers to a 'full powershift transmission' as this can be interpreted in two ways:

1) Ability to shift under full engine power: both our 4 and 6 speed 28000 series transmissions have this ability.

2) Powershift in all gears: our 4-speed transmission has the ability to powershift in all gears, both forward and reverse and through the range gears. Our 6-speed transmission can be powershifted from forward to reverse and from 1st to 2nd, 2nd to 3rd, 4th to 5th and 5th to 6th. The shift from 3rd to 4th is a mechanical range shift and the vehicle must be stopped to perform this shift.

As you can see, the above two interpretations are quite different. If your selection of the motor grader is going to be in part based on the portion of the specification calling for a 'full powershift transmission', you should determine the intent of the specification. At that point you should be able to determine which transmission best meets this intent.

Both the 4-speed and 6-speed 28000 series transmission designs are based on the same criteria. Input ratings are the same. Our Engineering Department has approved the transmissions for both the Galion and Champion motor graders.

We would like to suggest that you evaluate the transmission in the two graders under consideration based on the overall performance the transmission offers. Speeds and tractive effort should be considered as well as the ease of operation.

Very truly yours,

J. M. Robertson
Project Manager
Industrial Transmissions"

Mr. Michalove also read the following letter addressed to Mr. Jim Terrell, Galion Manufacturing Division, Dresser Industries, Inc. from J. L. Monroe, Clark Equipment Company:

"21 October 1977

Mr. Jim Terrell
Galion Manufacturing Division
Dresser Industries, Inc.
Post Office Box 647
Galion, Ohio 44833

Dear Jim:

Per our conversation today, please note on page 8 of the enclosed brochure where I marked in red. This entire page describes the operation of the 2 through 6 speed transmissions.

The 6 speed version uses a mechanical range shift and the 3 speed clutches and gearing.

Very truly yours,

J. L. Monroe
Product Manager
Industrial Transmissions"

the Commission is to deal with women's concerns and issues, especially as related to sex discrimination in education, employment, community services and other areas. He said the Buncombe County Board of Commissioners also passed a similar resolution.

Upon motion of Councilwoman Swilling, seconded by Councilman Rainey, Resolution No. 77-185 was unanimously adopted.

Mrs. April Sauer, Community Relations Council, expressed appreciation to Councilman Rainey and Mr. Michalove for all the time and effort spent in establishing the Commission. She gave special thanks to Councilwoman Swilling, who she said had supported, encouraged and worked with the Commission for womens' rights as well as human rights.

Councilwoman Swilling thanked Mrs. Sauer for her help in the Commission and her dedication.

Complete text of Resolution No. 77-185 will be found in Resolution Book No. 10 at page 83.

BIDS - ONE DIESEL POWERED TANDEM DRIVE MOTOR GRADER FOR THE STREET DEPARTMENT

13. Consideration was given to bids received October 10, 1977 for one (1) diesel powered tandem drive motor grader for the Street Department.

Mayor Ochsenreiter explained that on October 20, 1977, the City Manager had read a memorandum from the Purchasing Agent which stated that five (5) bids were submitted; however only three (3) were responsive (the other two did not meet specifications). The Purchasing Agent recommended approval of the bid submitted by Western Carolina Tractor Company in the amount of $45,000. He said that based on some concern about the specifications and how they were being read, Council had requested research on the transmission for the motor grader.

Mr. Michalove explained that Mitchell Distributing Company had submitted a bid of $42,000, but was not awarded the bid because it was staff's opinion that the transmission did not meet the specifications. It was decided that since Western Carolina Tractor Company's Model T-500C Galion equipped with a 28000 Series 4-speed Clark Transmission and the Mitchell Distributing Company's Champion Model 715 equipped with a 28000 Series 6-speed transmission were both manufactured by the same Company, he would write the company and ask for a statement as to which of the two transmissions more fully complied with the industry's standards for full power shift transmissions. He read the following letter from Clark Transmission Division of the Clark Equipment Company:

"4 November 1977

Mr. K. M. Michalove
City Manager
City of Asheville
Asheville, North Carolina

Subject: Clark 4-speed and 6-speed 28000 Series Transmission

Dear Mr. Michalove:

This letter is to confirm our telephone conversation of 3 November 1977.

Would you accept a 6-speed forward, six-speed reverse transmission with a dual range shift (3-speeds forward and reverse on one range, then stop machine, shift ranges, then get other 3 speeds) as a FULL POWER SHIFT TRANSMISSION? This Transmission is fully described on page 8 of attached "Clark 2800 Series Transmission" Brochure.

YES	NO	NAME	COMPANY
	X		Warren Bros. Company
	X		Perry M. Alexander Construction Company
	X		Taylor & Murphy Construction Co.
	X		Asheville Contracting
	X		Browning Construction Company Canton, NC
	X		Brummett & Waddell Const. Co. Hendersonville, NC

On November 7, 1977, Mr. George Phipps, Purchasing Agent, received the following letter:

"Champion Road Machinery has notified Mitchell Distributing Co. of Asheville that we have the capability of installing the four (4) speed Clark Power Shift Transmission in the Champion Motor Grader in lieu of the six (6) speed Clark Power Shift Transmission. This will be the customers' option.

This information will enable your city officials to select the power train best suited for your local needs.

Sincerely,

C. E. Beckman
General Sales Manager
Champion Road Machinery International Corporation"

MULTIPLE SPEEDS COMPACT CONFIGURATION

The 2-speed integral torque converter/transmission package (fig. 1) is the basic configuration from which all other models in the series are adapted through the addition of clutch groups, gearing and appropriate transmission case.

The 3-speed short drop version (fig. 2) is achieved by adding one clutch pack, related gearing, front clutch assembly shafts and case.

Basic changes in the 3-speed long drop version (fig. 3) are change of transmission case and additional gearing to create proper drop for 4-wheel-drive adaption. (The three, four, five and six-speed long drop versions all utilize the same transmission case configurations.)

The 4-speed long drop model (fig. 4) is created by adding an additional clutch pack and related gearing.

For the 5-speed long drop version (fig. 5), add another clutch pack and its related gearing.

The two, three, four and five-speed versions of the 28000 Series are fully power-shifted in all speeds forward and reverse.

To obtain the 6-speed long drop version (fig. 6), we utilize a mechanical range shift. This version, while not fully power-shifted, utilizes the basic 3-speed clutches and gearing plus the addition of two gears and output shaft modification.

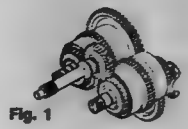


Fig. 1

Fig. 2

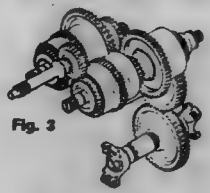


Fig. 3

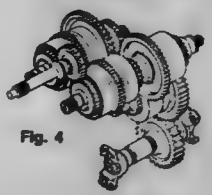


Fig. 4

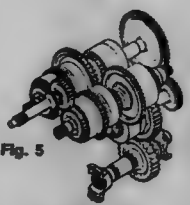


Fig. 5

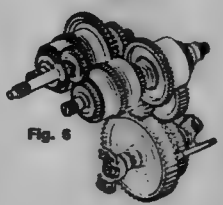


Fig. 6

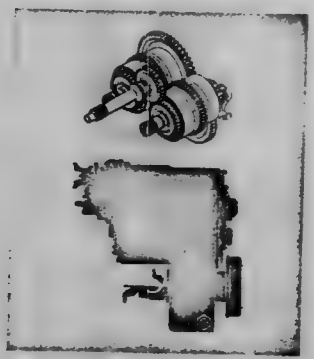
PARTS INTERCHANGEABILITY CUTS INVENTORY

This new family of power shift transmissions continues Clark's philosophy on parts interchangeability.

Clark power shift transmissions are designed for maximum use of a few basic parts. Clutches, gears and bearings interchange among most models and even transmission cases are common on long drop versions.

Design simplicity is such that parts inventory can be minimized. For example, there are only 25% more parts required in a 4-speed as compared to the basic 2-speed. Torque converter, charging pump, pump drives and filter are interchangeable on all models. This commonality of parts allows a user to stock fewer parts to service many vehicles.

Common parts usage assures a ready supply of on-hand parts in the field with minimum parts inventory.



it is a 100% reimbursable program through the Governor's Highway Safety Program. He said the additional appropriation is to allow the program to lodge all thirty (30) students for the full six (6) weeks period.

Councilman Michael moved for the adoption of Ordinance No. 1006. This motion was seconded by Councilwoman Swilling.

On a roll call vote of 6-0, Ordinance No. 1006 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1006. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1006 passed on its second reading.

Vice-Mayor Horton moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1006. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1006 passed on its third and final reading.

Complete text of Ordinance No. 1006 will be found in Ordinance Book No. 8 at page 71.

RESOLUTION NO. 77-186 - RESOLUTION ESTABLISHING CITY GOVERNMENT WEEK

15. Consideration was given to a resolution establishing City Government Week.

The City Manager read the resolution and explained that the quality and quantity of City services are often taken for granted by our City residents without special acknowledgement of the time and effort expended on the part of City employees. In order to give special acknowledgement to the City employees' efforts, the City of Asheville has designated the third week of November annually as "City Government Week" to honor City employees and to say thank you for the many tireless hours of work given in behalf of the City of Asheville.

Mayor Ochsenreiter said that he had visited numerous City departments and offices and had even been out with employees providing City services. From these experiences, he said it was evident that City employees do deserve special recognition. The Mayor said he had requested that the City Manager establish a Speakers Bureau next fall, which would consist of City Department Heads who would explain various City operations. The Bureau would be available to the Civic Clubs in Asheville. He said he hoped the Civic Clubs would cooperate in the recognition of City employees by giving meritorious awards to outstanding employees for their efforts over the past year.

Councilwoman Swilling said that being a former City employee, she knows what this type of appreciation from the Council means to the present City employees. It was her opinion that this Council would go down in history as being a Council that was aware, respected and admired the dedication of City employees of Asheville. She said she considered it an honor to be a servant of the citizens of Asheville, but to have worked with a group and staff under the leadership of Mr. Michalove and Mr. Wolcott to accomplish difficult and hard situations, is a greater honor.

Upon motion of Vice-Mayor Horton, seconded by Councilman Michael, Resolution No. 77-186 was unanimously adopted.

Complete text of Resolution No. 77-186 will be found in Resolution Book No. 10 at page 84.

Mr. Michalove explained that after two weeks of research, Mitchell Distributing Company (2nd low bidder) now reply that they can obtain the 4-speed transmission and therefore meet the specifications.

Mr. Michalove recommended the acceptance of the third lowest bid submitted by Western Carolina Tractor Company in the amount of $45,000, because he felt that when the City puts out bid specifications, the City should stick by the specifications and the bidders on products for the City need to know that the City will stick by what they put out in specifications.

Mayor Ochsenreiter explained that a full power shift transmission can be shifted into any gear while the machine is moving and that Mitchell Distributing Company's Champion machine has six (6) forward and six (6) reverse gears, but to shift from low to high, the machine must be brought to a complete stop before shifting from one to the other range.

Mr. Rick Dillingham, Mitchell Distributing Company, said that he understood the reason for the City wanting to stick by the specifications, but he said that they were not clearly written. It was his belief that his company had met all of the sixteen (16) specifications. He said that the specifications read that the transmission shall have a 4-speed forward and 4-speed reverse and be a full power shift and have a capability of going 20 mph. He said that the specifications said nothing about the transmission should be able to shift from 1, 2, 3, and 4. He was his opinion that Mitchell Distributing Company could, even sticking to what they had bid with a 6-speed transmission, do the City a better job, save the City $3,000 or meet the bids exactly and still save the City $3,000.

Councilman Michael said that Mitchell Distributing Company was not at fault for not meeting specifications, because they thought they had. He pointed out that Mitchell Distributing Company can meet all the specifications and still save the $3,000. He said that the City should re-submit the bids or accept Mitchell Distributing Company's bid.

Mr. Rick Dillingham said that Mitchell Distributing Company can offer the 4-speed full power shift transmission, exactly like the Galion motor grader, but he would still recommend their 6-speed transmission.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bid to Western Carolina Tractor Company in the amount of $45,000. This motion was seconded by Councilman Hoyle and carried on a 5-1 vote, with Councilman Michael voting "no."

Bid Summary

Bidder	Bid
Carolina Tractor & Equipment Company	$56,712.00
Western Carolina Tractor Company	$45,000.00
E. F. Craven Company	$45,099.00

ORDINANCE NO. 1006 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

14. Consideration was given to an ordinance amending the Operating Budget of the City of Asheville for Fiscal Year 1977-78.

The City Manager read the ordinance and explained that Council appropriated $39,900 to sponsor a training program entitled "Principles of Police Management." He said that an additional appropriation of $3,720 is needed to operate this program and

(f) Temporary Appointments. The appointing authority may make temporary appointments without test, to positions in the classified service, in the absence of an eligible list for that position. No such temporary appointment shall continue after the establishment of a suitable list or for more than sixty (60) days from the date of appointment, whichever comes first.

(g) Temporary Appointments, Transitory Work. Appointing authorities may make temporary appointments for transitory work without test, but such appointment shall require the consent of the Civil Service Board in each case and no such temporary appointment for transitory work shall continue for more than sixty (60) days nor be renewed.

(h) Non-Competitive Tests. The Civil Service Board may approve the appointment to any position in the classified service requiring qualifications of a scientific, managerial, professional or educational nature based on non-competitive tests. Such tests shall be based on evaluation of training, experience, character, physical condition and any other qualifications as are deemed appropriate by the Civil Service Board, the City Manager or the appointing authority.

(i) Re-Test. No applicant for entrance or promotional appointment may take the same competitive test for a position again for one (1) year following the last date that the applicant took the test.

(j) Test Administration.

(1) Whenever it is necessary to establish a test for a new position or to revise an existing test, the Executive Secretary and the head of the respective department or division, under the supervision of the Personnel Director, shall prepare the test including the criteria for evaluation of experience, training, character, and physical condition.

(2) The Executive Secretary shall be responsible for the duplication and storage of tests in a secure manner and for the administration and proctoring of tests at the time and place designated by the Civil Service Board.

(3) After the tests have been completed, the Secretary shall submit them to one (1) or more members of the Civil Service Board who have been designated by the Director of the Board to examine and review the questions and answers and other materials submitted and grade the papers and report their findings at the next regular or special meeting of the Board.

(4) No test grades shall be made available to the general public or to applicants until after they have been reported and approved at a regular or special meeting of the Civil Service Board. After such time as the grades have been reported and approved by the Board, applicants may review the results of his/her test paper in the presence of the Executive Secretary, but shall not remove the test or its answers from the office of the Executive Secretary."

Councilman Michael said that the rules should be made public as much as possible among the employees advising them that the rules are being changed to make more fair and equitable testing and promotions.

Upon inquiry of Councilman Rainey, Mr. Smith said that perhaps only fifty out of nine hundred and fifty employees would be in the category of non-competitive testing.

The following amendment to Rule 17 "Leaves of Absence" was reviewed by Mr. Smith:

PUBLIC HEARING - CIVIL SERVICE PERSONNEL RULES RECOMMENDED BY THE CIVIL SERVICE BOARD REGARDING TESTING, LEAVES OF ABSENCE AND EMPLOYMENT OF RELATIVES

16. A public hearing was held relative to Civil Service Personnel Rules recommended by the Civil Service Board regarding testing, leaves of absence and employment of relatives.

The City Manager read the advertised notice to the public setting the time and date of the public hearing and presented the affidavit of publication. He said that a memorandum was sent out the department and division heads and City employees advising them that this was going to be considered by the City Council today and in order for City employees to be heard on the matter.

Mayor Ochsenreiter opened the public hearing at 5:40 o'clock p.m.

Mr. Mike Smith asked Council's approval on the following three (3) amendments to the Asheville Civil Service Rules and Regulations passed by the Asheville Civil Service Board on October 5, 1977. The following amendment to Rule 3 "Testing" was reviewed by Mr. Smith:

"3. TESTING:

(a) Definition. For the purposes of this rule, a test shall be any method of fairly measuring the relative fitness of applicants to discharge duties of the position which they seek, and shall take account of character, training, experience and physical condition.

(b) Notice. Public notice of the time and place of all open, competitive tests shall be published in the employment notices of the classified section of the newspaper in the city having the largest and the second largest circulation and shall be posted in a conspicuous place in the City Building at least ten (10) days in advance of the designated test date.

Notice of the time and place of all promotional exams shall be posted in a conspicuous place in the City Building and in each department and division of the City at least ten (10) days in advance of the designated test date.

(c) Entrance Appointment, Skilled. All entrance appointments to positions designated by the Civil Service Board as skilled shall be based on the results of open competitive tests, except as provided in this rule.

(d) Entrance Appointments, Unskilled. All entrance appointments to positions designated by the Civil Service Board as unskilled shall be based on the successful completion of a work performance evaluation conducted within the first sixty (60) days of employment by the appointing authority. During the period of this evaluation, the employee shall be subject to rules and regulations covering temporary appointment.

(e) Promotional Appointments. All promotions in the classified service, except as provided in this rule, shall be based on competitive tests which shall include an evaluation of job performance records, training, character, seniority and physical condition. Promotional appointments shall be open only to members of the classified service at the time the appointment is available. If no such member of the classified service is qualified for the promotional appointment, as shown by the results of a competitive test, the appointment may be opened to persons not currently members of the classified service.

17. LEAVES OF ABSENCE: (Con't)

continuous service with the City of Asheville. Upon the death of a full-time active employee, the City will make payment for all unused accrued annual vacation leave to his or her beneficiary or estate.

(b) Sick Leave. Each member of the administrative and/or classified service of the City of Asheville may be granted sick leave with pay in case of personal illness or disability. It shall be the responsibility of the employee to notify his or her supervisor of the desire to take sick leave not later than two (2) hours after the beginning of the scheduled work day on which the sick leave is taken, or as required by departmental or divisional rules. Failure to provide such notification may result in the denial of sick leave with pay. The following conditions shall apply to sick leave:

(1) Each member of the administrative and/or classified service shall accrue sick leave at the rate of one (1) work day per calendar month for the first five (5) years of service. After five (5) years of service, they shall accrue sick leave at the rate of one and one-quarter (1-1/4) work days per calendar month. Sick leave increments shall accrue on the fifteenth (15th) day of each calendar month.

(2) Sick leave shall accrue indefinitely.

(3) Sick leave credits accumulated by each employee as of the effective date of this rule shall be retained by the employee until used in accordance with the provisions of this rule.

(4) Department and division heads may require a physician's certificate or statement as to the nature of the illness and as to the employee's physical capacity to resume his or her duties as a condition for granting sick leave with pay.

(5) Employees will be granted time off from work to visit the City Infirmary and will be granted sick leave if the Registered Nurse in the City Infirmary certifies to the department or division head that the employee is not able to work. However, no sick leave will be granted to employees who visit the Infirmary and who are not given such a certificate.

(6) No employee shall be paid for accumulated sick leave upon termination for any reason.

(7) No sick leave will be credited to any City employee who is in an unpaid employment status such as maternity leave, unpaid military leave, unpaid educational leave or any other unpaid leave of absence approved by the Asheville Civil Service Board.

"17. LEAVES OF ABSENCE:

(a) Annual Vacation Leave. Each member of the administrative and/or classified service of the City of Asheville shall be entitled to annual vacation leave with pay. The following conditions shall apply to annual vacation leave:

(1) Each member of the administrative and/or classified service shall earn annual vacation leave at the rate of one (1) work day per calendar month for the first five (5) years of service. After five (5) years, they shall earn annual vacation leave at the rate of one and one-fourth (1-1/4) work days per calendar month. Annual vacation leave increments shall accrue on the fifteenth (15th) day of each calendar month.

(2) During the first five (5) years of employment, the maximum limit for accrued annual vacation leave that may be carried into a subsequent calendar year will be twenty-four (24) work days.

After five (5) years of employment, the maximum limit for accrued annual vacation leave that may be carried into a subsequent calendar year will be thirty (30) work days.

(3) No annual vacation leave shall be accrued by any City employee who is not in an active pay status with the City. For example, no annual vacation leave credit will be earned by employees on unpaid maternity leaves, educational leaves, or other leaves without pay exceeding two (2) calendar weeks.

(4) Annual vacation leave credits accumulated by each employee as of the effective date of this rule shall be retained by the employee until used in accordance with the provisions of this rule.

(5) Annual vacation leave may be taken as earned subject to the approval of the department or division head and in accordance with guidelines established in the Rules and Regulations of the department or division in which the employee works.

(6) No annual vacation leave will be granted to any employee until after six (6) calendar months of service unless the denial of such leave would create an extreme hardship.

(7) Upon termination of employment for any reason, a City employee will be paid for all unused accrued annual vacation leave up to a maximum of thirty (30) work days provided that the employee has completed six (6) or more months of

17. LEAVES OF ABSENCE: (Con't)

(h) Educational Leave. A leave of absence at full or part pay not to exceed nine (9) calendar months may be granted to an employee upon the recommendation of the supervising department head and the Personnel Director with the approval of the City Manager to permit an employee to take courses of study which will better equip the employee to perform his or her duties.

An employee granted educational leave with pay shall agree to return to the service of the City of Asheville upon the completion of his or her training and remain in the employ of the City of Asheville for a period equal to twice the educational leave he or she received or reimburse the City for all compensation he or she received while on educational leave.

(i) Leave Without Pay. An employee may be granted leave of absence without pay by the Board for good and sufficient reasons. Such leave shall not exceed one (1) calendar year and must have prior approval of the supervising department head and the City Manager.

(j) Holidays. All full-time City employees will receive full pay for the following holidays:

(1) New Years Day
(2) Easter Monday
(3) July 4th
(4) Labor Day
(5) Thanksgiving Day
(6) Christmas (see schedule below)

When Christmas Falls On:	The Following Days Shall Be Observed As Holidays:
Sunday	December 23, 26, 27 Friday, Monday, Tuesday
Monday	December 22, 25, 26 Friday, Monday, Tuesday
Tuesday	December 24, 25, 26 Monday, Tuesday, Wednesday
Wednesday	December 24, 25, 26 Tuesday, Wednesday, Thursday
Thursday	December 24, 25, 26 Wednesday, Thursday, Friday
Friday	December 24, 25, 28 Thursday, Friday, Monday
Saturday	December 24, 27 Friday, Monday

17. LEAVES OF ABSENCE: (Con't)

(c) Sickness or Disability Covered by Workmen's Compensation. An employee absent from duty because of sickness or disability covered by the North Carolina Workmen's Compensation Act may, with prior approval of his department or division head:

(1) Elect to receive only those payments made under the North Carolina Workmen's Compensation Act without using accumulated vacation or sick leave.

(2) Elect to receive a supplemental payment to make up the difference between his regular salary and the payments received under the North Carolina Workmen's Compensation by using accumulated vacation or sick leave. Such an employee shall have deducted from his accumulated vacation or sick leave that fraction of a day which is the same as the fraction that the supplemental payment for one (1) day is of a regular day's pay.

(d) Maternity Leave of Absence. A maternity leave of absence without pay may be granted for a period not to exceed six (6) calendar months upon the recommendation of the employee's department head and the City Manager. Accrued sick and annual leave may be taken for reasons of maternity, however, the leave of absence must be approved by the Civil Service Board and the period of absence, whether covered by sick leave or unpaid maternity leave of absence, may not exceed six (6) calendar months.

(e) Death in Family. All members of the classified service who have a death in the immediate family may be granted up to three (3) work days excused absence with pay and such leave shall not be charged against the employee's annual or sick leave. For the purposes of this rule, the term "immediate family" shall mean father and mother, brother and sister, spouse, children and anyone acting in that capacity.

(f) Military Leave. An employee who is a member of an Armed Forces Reserve organization or the National Guard shall be granted two (2) calendar weeks of leave for required annual training in a calendar year. Such leave shall be with pay for the first (1st) week and the remaining period may, at the employee's option, be charged to accrued annual leave or leave without pay.

(g) Civil Leave. An employee called for jury duty, or as a witness for Federal or State governments or subdivisions thereof, shall be entitled to civil leave with pay for this absence provided the employee deposits the money received for such duty with the City Accountant.

New Years Day*
July 4th*

*If either falls on a Saturday, Friday will be observed as a holiday. If either falls on a Sunday, Monday will be observed as a holiday.

When Christmas falls on a Saturday, December 24, 27 and 28 will be observed as holidays.

Vice-Mayor Horton moved to amend Rule 17 "Leaves of Absence" as recommended by the Civil Service Board and the City Manager. This motion was seconded by Councilman Hoyle and carried unanimously.

Councilman Hoyle moved to amend Rule 31 "Limitations on the Employment of Relatives by the City of Asheville" as recommended by the Civil Service Board. This motion was seconded by Councilman Michael and carried unanimously.

CITY MANAGER REPORT - SHILOH SCHOOL CONSTRUCTION PROJECT

17. The City Manager read a memorandum from Ray Kisiah, Director of Parks and Recreation, relative to the evacuation of the Shiloh Community Center during construction:

"In response to your request, we can make arrangements for a very limited use of the Shiloh School facilities which will not be demolished but will be renovated for use as a recreation center. However, this use will be extremely limited because there will be no heat available in the building nor will there be any water for toilet facilities and other essential needs, and when the contract is let for the construction of the new gymnasium portion, then use of the building must be abandoned in order to permit time for renovation of this portion of the Shiloh Recreation Center facility.

We are anticipating that the Opportunity Corporation and other programs currently using the physical facilities at Shiloh School will be completely out of the building on or before November 15, 1977. It is then our plan to concentrate upon demolition of the oldest portion of the existing building between November 15 and January 1, 1978. The building should remain virtually unused from January 1 through February 1, 1978, so that basic grading and soil tests may be made and the architects may complete their detailed specifications for the construction for the new building.

It is anticipated that detailed construction bids and specifications will be available to go to bid on February 1, 1978, with bid openings scheduled for approximately March 1, 1978. It is further anticipated that actual construction will then begin on the new building on or about March 15, 1978.

With this construction schedule in mind, it is entirely possible that the gymnasium portion of this building could be used under supervision on a very limited basis, again without heat or water. I do not believe it is feasible for this building to be opened at all after February 15 since the contractors will be moving into the building and renovations will need to be started in the remaining portion of the building.

I would also remind you that we attempted to run a limited type of program during the construction and renovation of the new facilities at the Livingston Street Recreation Center and after several attempts, finally abandoned any effort to operate any type of program during the construction and renovation of these facilities.

Upon inquiry of Councilman Rainey, Mr. Smith said that fire and police personnel have a system where holidays are taken at another period of time if they are scheduled to work on a holiday. He said that it's added to the total vacation and then they take all their vacation at one time including all the holidays that they have accured to date.

In reply to Councilman Rainey's question about operating departments working on holidays, Mr. Smith said that they would receive straight pay for that holiday, in addition to the pay that they earn for working that day. He explained that the employee would receive straight time pay (time not worked) for the holiday and the other pay he would receive would be dependent upon how many hours he worked the rest of the week.

Mr. Smith explained that several questions about maternity leave are before the Supreme Court, one being that if a person coming back from maternity leave will have the same job as they had before they left.

The following amendment to Rule 31 "Limitations on the Employment of Relatives by the City of Asheville" was reviewed by Mr. Smith:

"31. LIMITATIONS ON THE EMPLOYMENT OF RELATIVES BY THE CITY OF ASHEVILLE:

The following limitations are placed on the employment of members of the same immediate family by the City of Asheville:

(a) Employment of members of an immediate family in the same City department or division is prohibited where one member has supervisory authority over any other member. Supervisory authority is defined as the authority to direct the actions while at work of another employee and/or the authority to hire, dismiss, promote or demote any other employee.

(b) No appointing authority, as defined in the Civil Service Law, may select or promote a member of his/her immediate family from an eligible list established by the Asheville Civil Service Board. Persons who are members of an appointing authority's immediate family shall be passed over for consideration whenever the appointing authority is a member of his/her immediate family. Eligibles so passed over will receive consideration in order of their standing on the eligible list when the appointing authority is not a member of the immediate family.

For the purposes of this rule, immediate family shall be defined as wife, husband, mother, father, daughter, son, sister, brother, half-sister, half-brother, step-mother, step-father, step-daughter, step-son, step-sister, step-brother, grandmother, grandfather, granddaughter, grandson, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law and brother-in-law.

The provisions of this rule shall not be retroactive and no personnel action or employment situation taken prior to its effective date shall be subject to the limitations herein stated."

Mayor Ochsenreiter closed the public hearing at 6:08 o'clock p.m.

Councilwoman Swilling moved to amend Rule 3 "Testing" as recommended by the Civil Service Board. This motion was seconded by Councilman Rainey and carried unanimously.

The City Manager asked that a correction be made on the holidays as follows:

Mr. Delany pointed out the other changes as follows:

1. Greater emphasis on the direct benefit to low and moderate income people.

2. Greater emphasis on the job and job development type of program for low and moderate income people.

3. More emphasis on timely execution of projects in order to qualify for Urban Development Action Grants.

4. Greater emphasis must be placed on housing goals and the Housing Assistance Plan.

5. There must be encouragement in concentrated neighborhood revitalization projects.

Mr. Delany said that the Mayors Committee will be provided with the recommendations gathered from citizens in this years series of public hearings and a profile of each neighborhood.

Mr. Delany said that the City must continue to show their ability to spend the funds within the time HUD considers reasonable.

Vice-Mayor Horton was excused from the meeting at 6:37 o'clock p.m.

The City Manager read the resolution.

Upon motion of Councilman Michael, seconded by Councilwoman Swilling, Resolution No. 77-187 was unanimously adopted.

Complete text of Resolution No. 77-187 will be found in Resolution Book No. 10 at page 85.

PROCLAMATION - VETERANS DAY

Mayor Ochsenreiter proclaimed November 11, 1977 as "Veterans Day."

COUNCILMAN MICHAEL - COUNCIL COMPENSATION

Councilman Michael asked the Mayor to appoint a committee of capable citizens to investigate and work with the City Manager relative to the standing of the pay scale of City Council members and the term of offices, as it relates to the term of office in other cities and report back to Council as soon as possible.

Adjournment.

Eugene C. Ochsenreiter
MAYOR

Doreen F. Nocetti
CITY CLERK

Since this new building is designed to be completely intergrated into the old structure as one complete building, I do not believe it is feasible to attempt to operate any kind of program other than a very limited use activity, perhaps, during the months of November, December, and January."

Mr. Logan Delany, Community Development Coordinator, said that he had been in contact with Mr. Johnson, Mr. McConnell and Mr. Lonnie Burton and they all agreed that any extended activity in the building which the construction is going on would be prohibited.

Mr. Delany said that residents were not promised that they would be able to use the cneter while construction was going on, but that perhaps some limited use could be provided.

Mr. Virgil McConnell explained that the residents are only asking that they be granted continued use of the lower section for some period of time after construction hours.

Councilwoman Swilling said that she would like to visit the Shiloh Community Center and see the project.

Mayor Ochsenreiter explained that the insurance carrier would not permit this.

Upon inquiry of Councilman Hoyle, Mr. Delany said that the project would take approximately one (1) year.

Mr. Michalove said that he would talk to Mr. Kisiah to see if arrangements could be made for basketball activities somewhere else in the nearby area.

Mayor Ochsenreiter said that every effort would be made to use the building with the proper precautions.

RESOLUTION NO. 77-187 - RESOLUTION ESTABLISHING ADMINISTRATIVE REQUIREMENTS TO FURTHER IMPROVE THE GENERAL SPEND RATE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

Consideration was given to a resolution establishing administrative requirements to further improve the general spend rate of Community Development Block Grant funds.

Mr. Michalove explained that public hearings have been held for the Community Development Program. He said that the public hearings had been started approximately six (6) months in advance this year in order to carry out a recommendation of HUD representatives. He said that in the course of time, the federal government had changed the rules on the Community Development Program. He asked Council to consider some administrative changes which would speed up the spend rate of the Community Development Program.

Mr. Delany distributed to Council some information which summarized in detail the Department of Housing and Urban Development's new rules on the new Community Development Block Grant Program for 1977. He said that the funds over the next three years must be concentrated in those areas which have the greatest blight, and that a three year plan must be developed in order to deal with those particular areas. He said that in the past, Community Development funds have been used in a fragmented way spread out all over the Community Development area. He said that 75% of the funds must provide direct benefits to low and moderate income people and to those areas.

On a roll call vote of 6-0, Ordinance No. 1001 passed on its third and final reading.

Complete text of Ordinance No. 1001 will be found in Ordinance Book No. 8 at page 4.

ORDINANCE NO. ____ - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINACE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

3. It was Council's consensus to delete this item because the petitioner had not requested that it be brought back for Council's consideration at this time (rezoning request by Western Food Systems and West Asheville Medical Center to rezone property on Green Hill Avenue).

ORDINANCE NO. 1007 - AN ORDINANCE RENUMBERING SECTIONS 28-81.1 THROUGH 28-84 OF ARTICLE IV (SPEED REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, AMENDING NEWLY RENUMBERED SECTIONS 28-81.2, 28-81.3 AND 28-81.4, AND ADDING A NEW SECTION 28-81.1

4. Consideration was given to an ordinance renumbering Sections 28-81.1 through 28-84 of Article IV (Speed Regulations) of the Code of Ordinances of the City of Asheville, amending newly renumbered Sections 28-81.2, 28-81.3 and 28-81.4, and adding a new Section 28-81.1.

Councilman Michael moved that each member of Council had received and been provided a copy of this ordinance so the ordinance would not have to be read and he also moved for the adoption of Ordinance No. 1007. These motions were seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1007 passed on its first reading.

Mayor Ochsenreiter moved to suspend the rules and proceed to the second reading of Ordinance No. 1007. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1007 passed on its second reading.

It was Council's consensus to postpone the third and final reading of Ordinance No. 1007 until the next Council meeting.

At the request of Mayor Ochsenreiter, Councilman Hoyle presided over the meeting at 3:20 o'clock p.m.

ORDINANCE NO. 1008 - ORDINANCE ESTABLISHING PROCEDURES FOR USE OF A CONSENT AGENDA

5. Consideration was given to an ordinance establishing procedures for use of a consent agenda.

The City Manager read the ordinance and explained that the consent agenda allows Council to handle agenda items that are routine and of a non-controversial nature at one time. The consent agenda would provide Council more time for major agenda items. He explained the following procedures and rules which shall govern the use by the City Council of the consent agenda:

1. The consent agenda shall be placed on the City Council agenda as an item of general business;

2. A motion to approve the consent agenda shall not be debated;

Regular Meeting

Present: Mayor Eugene C. Ochsenreiter, Jr; Vice-Mayor Bill B. Horton, Councilwoman JoAnn M. Swilling, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Gene E. Rainey, Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

At the request of Mayor Ochsenreiter, Councilwoman Swilling presided over the meeting at 3:02 o'clock p.m.

INVOCATION

Councilwoman Swilling requested Father Ronald McLaughlin, Pastor of the St. Eugene's Catholic Church, to give the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the November 10, 1977 meeting.

Upon motion of Councilman Hoyle, seconded by Councilman Michael, the minutes of the November 10, 1977 meeting were approved as submitted.

BOXING AND WRESTLING COMMISSION

Councilwoman Swilling introduced Dr. Leon H. Feldman and Mr. Thomas E. Saunooke, members of the Boxing and Wrestling Commission.

Dr. Feldman, Chairman of the Boxing and Wrestling Commission, presented to Council a check for $10,000.00 which represents receipts of 5% tax collected on wrestling matches that were held at the Asheville Civic Center. He said that this brings the total up to $18,500.00 that the Boxing and Wrestling Commission has given to the City. Dr. Feldman expressed his sentiments and regret to see Mayor Ochsenreiter, Councilwoman Swilling and Councilman Hoyle retire from City Council. He said that the new Council, working with Mr. Michalove and Mr. Wolcott, will put the City of Asheville in good hands.

ORDINANCE NO. 1001 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

2. Consideration was given to the third and final reading of Ordinance No. 1001, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended (rezoning request of Mr. G. N. Koon to rezone property on Tunnel Road from R-3 Residential District to CH Commercial Highway District and from CH Commercial Highway District to R-3 Residential District).

Mayor Ochsenreiter stated that the ordinance had been previously read on the first reading and members of Council had been furnished copies of the ordinance, so it would not be reread unless there was a specific request to do so.

It was Councilman Morris' understanding that there would be a request made at the public hearing on the approval of the site plan for Mr. Koon's shopping center that a fence be provided on the eastern and western property lines abutting residential areas.

Mr. Koon said that he was aware of the fence request.

PUBLIC HEARING SCHEDULED - REZONING REQUEST - REQUESTED BY OSBORNE HART, WILKINS-HART MORTUARY - PHIFER STREET AND ASHELAND AVENUE

9. Councilman Michael moved to schedule a public hearing on a rezoning request of Mr. Osborne Hart to rezone property at Phifer Street and Asheland Avenue for December 8, 1977. This motion was seconded by Councilman Rainey and carried unanimously.

Councilman Hoyle said that he had enjoyed being on Council and has learned a lot. He expressed thanks to the citizens of Asheville for letting him have the opportunity to serve the City.

Mayor Ochsenreiter presided over the meeting at 3:38 o'clock p.m.

RESOLUTION NO. 77-188 - RESOLUTION APPOINTING A MEMBER TO THE BOARD OF TRUSTEES OF THE FIREMEN'S RELIEF FUND

10. Consideration was given to a resolution appointing a member to the Board of Trustees of the Firemen's Relief Fund.

The City Manager read the resolution appointing Mr. Webb E. Ellis, 356 Lakeshore Drive, Asheville, NC, 28804, to the Board of Trustees of the Firemen's Relief Fund, to fill the unexpired term of Mr. Floyd W. Hancock, term expiring January 1, 1979.

Upon motion of Councilman Morris, seconded by Councilman Michael, Resolution No. 77-188 was unanimously adopted.

Complete text of Resolution No. 77-188 will be found in Resolution Book No. 10 at page 87.

RESOLUTION NO. _____ - RESOLUTION ESTABLISHING A POLICY OF PROCEDURES TO CONTROL UNAUTHORIZED ITEMS BROUGHT INTO THE CIVIC CENTER DURING PUBLIC EVENTS

11. It was Council's consensus to delete this item until further information could be obtained.

ORDINANCE NO. 1009 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

12. Consideration was given to an ordinance amending the Operating Budget of the City of Asheville for Fiscal Year 1977-78.

The City Manager read the ordinance and explained that antirecession funds would be used for Longevity Pay. Mr. Michalove said that the 1977-78 Operating Budget of the City of Asheville would be amended by increasing the General Longevity Pay estimated revenue by the amount of $117,555 deleting a transfer from General Revenue Sharing for General Longevity Pay.

Councilman Rainey moved for the adoption of Ordinance No. 1009. This motion was seconded by Councilwoman Swilling.

Upon inquiry of Councilwoman Swilling, Mr. Michalove said that the first week in December the longevity checks would be going out to the employees.

On a roll call vote of 6-0, Ordinance No. 1009 passed on its first reading.

3. At the request of any individual member of the City Council, an item shall be removed from the consent agenda and placed upon the regular agenda for discussion; and

4. The consent agenda shall only be adopted by a unanimous vote of those City Council members present at the meeting.

In reply to Councilman Rainey's question about other items being placed on the consent agenda, Mr. Michalove said that other items can be included in the consent agenda if Council desires and there is nothing controversial about them.

Councilman Morris moved for the adoption of Ordinance No. 1008. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1008 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1008. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1008 passed on its second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1008. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1008 passed on its third and final reading.

Complete text of Ordinance No. 1008 will be found in Ordinance Book No. 8 at page 75.

PUBLIC HEARING SCHEDULED - GROUP DEVELOPMENT - PROPOSED ARROWHEAD APARTMENTS TO BE LOCATED ON WOOD AVENUE

6. Councilman Morris moved to schedule a public hearing on the approval of a site plan of the proposed Arrowhead Apartments to be located on Wood Avenue for December 15, 1977. This motion was seconded by Councilman Michael and carried unanimously.

PUBLIC HEARING SCHEDULED - GROUP DEVELOPMENT - PROPOSED OTEEN SHOPPING CENTER TO BE LOCATED ON U.S. HIGHWAY 70 AT OTEEN

7. Councilman Michael moved to schedule a public hearing on the approval of a site plan of the proposed Oteen Shopping Center to be located on U.S. Highway 70 at Oteen for December 8, 1977. This motion was seconded by Vice-Mayor Horton and carried unanimously.

PUBLIC HEARING SCHEDULED - REZONING REQUEST - OLD VA HOSPITAL - REQUESTED BY PERRY ALEXANDER, JR.

8. Councilman Michael moved to schedule a public hearing on a rezoning request of Mr. Perry Alexander, Jr. to rezone property at the Old VA Hospital from LI Light Industrial District to OI Office Institutional District for December 8, 1977. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1010 passed on its first reading.

Vice-Mayor Horton moved to suspend the rules and proceed to the second reading of Ordinance No. 1010. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1010 passed on its second reading.

Councilman Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1010. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1010 passed on its third and final reading.

Complete text of Ordinance No. 1010 will be found in Ordinance Book No. 8 at page 78.

BIDS - THREE (3) PADDY WAGONS AND ONE (1) STATION WAGON FOR POLICE DEPARTMENT, AND ONE (1) CAR AND ONE (1) STATION WAGON FOR FIRE DEPARTMENT

14. Consideration was given to bids received October 31, 1977 for three (3) paddy wagons and one (1) station wagon for the Police Department, and one (1) car and one (1) station wagon for the Fire Department.

The City Manager read a memorandum from the Purchasing Agent which stated that three bids were received and recommended the approval of the low bidder for all items as follows:

Apple Tree Chevrolet - (Items 1 and 2 for Police Department)

Item #1 - Net Amount after trade-in units	$26,591.22
Item #2 - Net Amount after trade-in unit	$ 4,762.56

Dorato Dodge, Inc. - (Items 3 and 4 for Fire Department)

Item #3 - Net amount after trade-in unit	$ 5,196.00
Item #4 - Net amount after trade-in unit	$ 5,275.00

Upon inquiry of Councilman Michael, Mr. Michalove explained that the paddy wagons would be used in lieu of patrol cars, therefore, no additional personnel would be needed.

Mr. Michalove pointed out that one consideration in the specifications is a fuel economy vehicle.

Upon inquiry of Councilwoman Swilling, Mr. Michalove explained that the station wagon for the Fire Department would be used as an additional fire-fighting vehicle to carry approximately 600 lbs. of equipment.

Vice-Mayor Horton said that he was pleased to see that the City is going into the expansion of the City's capacity to handle our problems of law enforcement. He said that he was glad that the City found a means to provide these additional aids to the Police and Fire Departments.

Vice-Mayor Horton moved to suspend the rules and proceed to the second reading of Ordinance No. 1009. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1009 passed on its second reading.

Vice-Mayor Horton again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1009. This motion was seconded by Councilwoman Swilling and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1009 passed on its third and final reading.

Complete text of Ordinance No. 1009 will be found in Ordinance Book No. 8 at page 77.

Vice-Mayor Horton requested that the City Manager obtain a new itemization of the revenue sharing portion of the budget for Council's information.

ORDINANCE NO. 1010 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

13. Consideration was given to an ordinance amending the Operating Budget of the City of Asheville for Fiscal Year 1977-78.

The City Manager read the ordinance and explained that there is more than enough money in the Revenue Sharing Trust Fund to take care of the over-run on certain items requested by the Police Department, Traffic Engineering Division and the Collection Division, but because the City wants to keep track of the trust fund by items specifically, he is requesting the following changes in the 1977-78 Operating Budget of the City of Asheville:

> "Increasing the appropriation in the Revenue Sharing Trust Fund for Capital Outlay - Other Improvements in the Collection Division by $2,340, increasing the appropriation for Capital Outlay - Equipment in the Traffic Engineering Activity by $3,940, increasing the appropriation for Capital Outlay - Equipment in the Police Activity by $11,544 and by decreasing the Contribution to the General Fund - Longevity Pay in the amount of $17,824."

Mr. Bob Wurst, Director of Audit and Evaluation, explained that in Ordinance No. 1009, the City deleted a revenue in the General Fund, which was a contribution from Revenue Sharing and replaced that revenue with the fiscal antirecession funds. He said that in this ordinance now under consideration, is just taking the contribution in Revenue Sharing, which would have been an appropriation to the General Fund, and reusing it for these items that are the Capital Outlay items.

Vice-Mayor Horton moved to amend the ordinance to insert the following sentence in the last paragraph following the figure $17,824:

> "With the balance in this Revenue Sharing allocation to Longevity Pay remaining as a Contingency item."

This motion was seconded by Councilman Morris and carried unanimously.

Councilman Morris moved for the adoption of Ordinance No. 1010 as amended. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Councilman Michael moved to accept the recommendations of the Purchasing Agent and award the bid to Talman Office Supplies, Inc., in accordance with terms cited above utilizing the 3% terms discount. This motion was seconded by Councilman Morris and carried unanimously.

Bid Summary

Bidder	Bid
Talman's of Asheville	$20,557.16
Mitchell Dixon Office Supply	$21,986.20

BIDS - ONE (1) 1000 G.P.M. CUSTOM BUILT TRIPLE COMBINATION PUMPER FOR FIRE DEPARTMENT

16. Consideration was given to bids received November 7, 1977 for one (1) 1000 G.P.M. custom built triple combination pumper for the Fire Department.

The City Manager read a memorandum from the Purchasing Agent which stated that one (1) bid, fully responsive to specifications, was received and recommended the bid submitted by American LaFrance, Inc. in the amount of $64,800.

Mayor Ochsenreiter requested that the following letter be a part of the minutes:

"November 14, 1977

City of Asheville
P. O. Box 7148
Asheville, N. C. 28807

Attention: Mr. George Phipps, Purchasing Agnet

Dear Mr. Phipps:

This letter is to advise you that the 1000 GPM Custom Pioneer pumping engine that I have proposed to you has been on order with American LaFrance since August 1976.

American LaFrance has had two price increases since that time; however, the price I am quoting is that which they gave me in August 1976, which is allowing the City of Asheville a savings of over $7,400.00

This unit is near completion and can be delivered within 30-60 days. I would like to thank you for the opportunity of submitting our proposal and hope we are favored with your contract.

Very truly yours,

MARK VI, INCORPORATED

Boyce L. Ford, President, Mark VI, Inc.
American LaFrance Southeastern Regional Manager
P. O. Box 2578
Asheville, N. C. 28802"

Councilman Rainey moved to accept the recommendations of the Purchasing Agent and award the bid as stated above. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary - Three (3) Paddy Wagons for the Police Department

Bidder	Bid
Apple Tree Chevrolet	$26,591.22*
Matthews Motors, Inc.	$27,309.04*
Dorato Motors, Inc.	$31,854.00*

Bid Summary - One (1) Station Wagon for the Police Department

Bidder	Bid
Apple Tree Chevrolet	$ 4,762.56*
Matthews Motors, Inc.	$ 6,075.55*
Dorato Motors, Inc.	$ 5,342.00*

Bid Summary - One (1) Car for the Fire Department

Bidder	Bid
Apple Tree Chevrolet	$ 5,297.89*
Matthews Motors, Inc.	$ 5,715.76*
Dorato Motors, Inc.	$ 5,196.00*

Bid Summary - One (1) Station Wagon for the Fire Department

Bidder	Bid
Apple Tree Chevrolet	$ 5,420.17*
Matthews Motors, Inc.	$ 6,138.55*
Dorato Motors, Inc.	$ 5,275.00*

*All the above figures are after trade-in allowance.

BIDS - OFFICE FURNITURE AND PANEL SYSTEM FOR COLLECTION DIVISION

15. Consideration was given to bids received October 17, 1977 for office equipment and panel system for the Collection Division.

The City Manager read a memorandum from the Purchasing Agent which stated that two (2) bids were received and recommended the low bid submitted by Talman Office Supplies, Inc. in accordance with the following terms:

> "Appropriation for renovation of Collection Division as provided in subject bid is $20,000. The lowest bid, $20,557.16, submitted by Talman Office Supplies, Inc. exceeds appropriation. In light of this situation, Talman Office Supplies, Inc. has offered a three percent (3%) discount payable 10th of the month following completion of entire contract. This offer, subject to acceptance of City Council, will reduce net contract price to $19,940.45; which amount is within funds available and represents a savings of $616.71 under bid price."

The City Manager read the ordinance and explained that this ordinance addresses the major weaknesses in the current ordinance.

Councilman Michael said that there should be some provision in the ordinance for dogs that are vicious, even though they are on the property of the owner. This would be to protect garbage men and postmen.

Corporation Counsel William C. Moore said that the District Attorney has the right under the State Statute to enforce the vicious animal statute.

Councilwoman Swilling said that this ordinance is just a beginning to open an awareness of animals. She hoped that within the next year, the City would look into the establishment of an Animal Control Division within the City which would relate to various animal problems. She said that in the spring, she hoped that the City could have a Dog Awareness Week. She hoped that the people in that area would become aware of the need to be responsible pet owners. Councilwoman Swilling said it was her feeling that this ordinance was not strictly enforced before and she hoped that the City Manager would strictly enforce this new ordinance.

Councilwoman Swilling moved for the adoption of Ordinance No. 1011. This motion was seconded by Councilman Rainey and carried unanimously.

Upon request of Councilman Morris, Mr. Moore read Section 1-5 of the Code of Ordinances relating to general penalties and continuing violations as follows:

> "Whenever in this Code or in any ordinance of the city, or rule or regulation promulgated by any officer or agent thereof, under authority invested by law or ordinance, any act is prohibited or is declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or misdemeanor, and no specific penalty is provided therefore, the violation of any such provision of this Code, ordinance, rule or regulation shall be punished by a fine of not more than fifty dollars ($50.00) or by imprisonment for not exceeding thirty (30) days. Each day any violation of this Code, ordinance, rule or regulation continues shall constitute a separate offense."

Councilman Rainey suggested that they look at the Charlotte ordinance and try to control the noise that the City is running into because of the large number of dog kennels and chicken farms. Councilman Rainey asked if there is any way to get rid of these type kennels in the City.

Mr. Michalove said that the City took an animal control ordinance to the District Attorney and there was so much in there, that there was concern that the City was dealing too much with the standards and not enough with something that could be dealt with specifically in terms of law enforcement. He said that the City will be doing what they can to control other animals.

Vice-Mayor Horton questioned the statement about sufficient physical restraint and whether it encompasses a well-trained and well-behaved dog that might be walking at its master's heels under command control. He said that this should perhaps be considered as an amendment.

Vice-Mayor Horton suggested that the five day time in which the owner may redeem the dog or it may be put to death should be extended.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to American LaFrance, Inc. in the amount of $64,800. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Bid Summary

Bidder	Bid
American LaFrance	$64,800.00
Burgess Fire Equipment, Inc.	NO BID
Triad Fire & Safety Equipment Co., Inc.	NO BID

BIDS - ONE (1) HYDRAULIC POWERED AERIAL LADDER FOR TRAFFIC ENGINEERING DIVISION

17. Consideration was given to bids received October 31, 1977 for one (1) hydraulic powered aerial ladder for the Traffic Engineering Division.

The City Manager read a memorandum from the Purchasing Agent which stated that one bid was received and recommended the bid submitted by Murphy Body Distributors in the amount of $12,140.

Mr. Michalove explained that this equipment would be utilized in repairing and maintaining traffic lights.

Councilwoman Swilling moved to accept the recommendation of the Purchasing Agent and award the bid to Murphy Body Distributors in the amount of $12,140. This motion was seconded by Councilman Rainey and carried unanimously.

BIDS - BOXING AND WRESTLING RING FOR LIVINGSTON STREET COMMUNITY CENTER - PARKS AND RECREATION DEPARTMENT

18. Consideration was given to bids received November 4, 1977 for a boxing and wrestling ring for Livingston Street Community Center - Parks and Recreation Department.

The City Manager read a memorandum from the Purchasing Agent which stated that two (2) bids were received and recommended the approval of the low bid, submitted by Superior Sports Supply, Inc. in the amount of $6,156.

Councilman Hoyle moved to accept the recommendation of the Purchasing Agent and award the bid to Superior Sports Supply, Inc. in the amount of $6,156. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Bid Summary

Bidder	Bid
Superior Sports Supply, Inc.	$6,156.00
Page's Sports & Trophy Co., Inc.	$6,700.00
Sports World of Asheville	NO BID

ORDINANCE NO. 1011 - AN ORDINANCE REPEALING SECTIONS 5-7 AND 5-8 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE AND REPLACING THEM WITH NEW SECTIONS 5-7, 5-8 AND 5-9

19. Consideration was given to an ordinance repealing Sections 5-7 and 5-8 of the Code of Ordinances of the City of Asheville and replacing them with new Sections 5-7, 5-8 and 5-9.

ABSTRACT OF VOTES, CAST AT GENERAL ELECTION, HELD FOR COUNCILMEN, CITY OF ASHEVILLE, NOVEMBER 8, 1977 IN THE COUNTY OF BUNCOMBE, NORTH CAROLINA AT PLACES APPOINTED BY LAW FOR HOLDING GENERAL ELECTIONS IN SAID COUNTY.

PRECINCT	JOHN O. (Buck) BUCHANAN (Dem)	F. JACK COLE (Dem.)	BILL B. HORTON (Dem.)	RALPH D. MORRIS, JR. (Dem.)	NORMA T. PRICE (Dem.)	GENE E. RAINEY (Dem.)	ROY M. TRANTHAM (Dem.)	LUKE ATKINSON (Rep.)	OTIS B. MICHAEL (Rep.)	FRANCES C. SNYDER (Rep)
1. ASHEVILLE 1.	101	106	114	113	107	139	124	52	230	51
2. ASHEVILLE 2.	226	256	275	271	308	364	320	194	448	195
3. ASHEVILLE 3.	195	236	240	257	252	292	277	207	343	241
4. ASHEVILLE 4.	476	586	564	602	616	565	618	422	586	471
5. ASHEVILLE 5.	515	627	615	665	641	615	649	401	684	552
6. ASHEVILLE 6.	530	659	687	676	687	714	736	558	708	577
7. ASHEVILLE 7.	246	282	313	302	309	360	345	216	396	214
8. ASHEVILLE 8.	180	184	201	193	173	242	261	134	318	131
9. ASHEVILLE 9.	182	214	218	213	210	242	286	130	176	139
10. ASHEVILLE 10.	51	55	56	71	55	72	74	30	246	23
11. ASHEVILLE 11.	47	48	50	56	45	65	72	43	150	44
12. ASHEVILLE 12.	100	117	119	129	132	132	134	100	112	89
13. ASHEVILLE 13.	159	182	186	178	190	220	210	153	148	114
14. ASHEVILLE 14.	113	136	137	132	133	142	146	137	199	124
15. ASHEVILLE 15.	340	470	489	468	517	519	501	467	419	387
16. ASHEVILLE 16.	295	354	391	348	392	403	395	314	327	283
17. ASHEVILLE 17.	233	300	272	309	288	281	304	294	280	301
Absentee	31	48	47	53	44	44	51	31	39	20
TOTALS	4020	4860	4984	5036	5113	5428	5503	3955	5995	3970

Councilwoman Swilling asked that Council adopt this ordinance as it now reads on its first reading and then draw up a list of amendments before the second reading.

On a roll call vote of 6-0, Ordinance No. 1011 passed on its first reading.

BIDS - PORTABLE AIR COMPRESSOR FOR WATER MAINTENANCE DIVISION

Consideration was given to bids received November 14, 1977 for a portable air compressor for the Water Maintenance Division.

The City Manager read a memorandum from the Purchasing Agent which stated that three (3) responsive bids were received and recommended the acceptance of the low bid, submitted by North Carolina Equipment Company, in the amount of $6,749.

Councilman Michael moved to accept the recommendation of the Purchasing Agent and award the bid to North Carolina Equipment Company in the amount of $6,749. This motion was seconded by Councilwoman Swilling and carried unanimously.

Bid Summary

Bidder	Bid
Mitchell Distributing Company	$8,219.00
Western Carolina Tractor Company	$7,250.00
North Carolina Equipment Company	$6,749.00

ABSTRACT OF VOTES - GENERAL ELECTION OF CITY COUNCIL

The City Manager submitted as a matter of information the abstract of votes cast at the general election for City Council members on November 8, 1977, which was transmitted to him from the Buncombe County Board of Elections.

The abstract of votes are placed in the minutes on the following page 326.

RESOLUTION NO. 77-189 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE BOARD OF TRANSPORTATION FOR THE FURNISHING OF CERTAIN MATERIALS FOR EMERGENCY REPAIRS TO BRIDGES WITHIN THE CITY OF ASHEVILLE, BUNCOMBE COUNTY

Consideration was given to a resolution authorizing the Mayor to enter into a contract with the Board of Transportation for the furnishing of certain materials for emergency repairs to bridges within the City of Asheville, Buncombe County.

The City Manager read the resolution and explained that the Board of Transportation is furnishing new creosote treated bridge timbers for emergency repairs to bridges located within the City of Asheville. He said that the City will reimburse the Board of Transportation any amounts that may become due under the agreement on a cost-reimbursement basis until such obligations are fully paid.

Upon motion of Councilman Morris, seconded by Councilman Michael, Resolution No. 77-189 was unanimously adopted.

Complete text of Resolution No. 77-189 will be found in Resolution Book No. 10 at page 88.

Upon motion of Vice-Mayor Horton, seconded by Councilman Michael, Resolution No. 77-190 was unanimously adopted.

Complete text of Resolution No. 77-190 will be found in Resolution Book No. 10 at page 89.

PROCLAMATION - BIBLE WEEK

Mayor Ochsenreiter proclaimed the week of November 20 - 27, 1977 as "Bible Week."

NEW CITY COUNCIL MEMBERS

Mayor Ochsenreiter introduced Mrs. Norma T. Price, Mr. F. Jack Cole and Mr. Roy M. Trantham as the new members of City Council.

PRE-COUNCIL MEETING - NOVEMBER 29, 1977

Mayor Ochsenreiter announced that there will be an official Pre-Council agenda meeting on Tuesday, November 29, 1977. He said that based on the load of business, the Council will determine if they will have a regular Council meeting on November 29, 1977 also. Unless stated by proper releases, the next regular City Council meeting will be December 1, 1977.

REPORT OF THE MAYOR'S COMMUNITY DEVELOPMENT COMMITTEE

Vice-Mayor Horton explained that Asheville, during the first three years, had used Community Development Funds throughout approximately one-third (1/3) of the low and moderate income areas of the City on projects that ranged in cost from a few hundred dollars to several thousand dollars. The projects chosen were based on citizen views collected at public hearings held annually. The HUD rule changes indicated that the City was now to change from a scattered approach to that of concentrating the funds to the most blighted and lowest income areas. Vice-Mayor Horton said that with a lot of staff and committee work, they would be able to develop a budget for the next three (3) years. He said that it would be necessary to have a three year program with the incremental spending to be broken down over the period of three years on the basis of the monies that are available less the net of the amounts that HUD has expected the City to give them for monies received for the sale of property in the Urban Renewal area. He said that one concept that was discussed was that any unspent portions of Community Development monies from the first 3 years could be utilized for similar projects within the original Community Development area. He said that official notification that this is not the case will be forthcoming in the next few days.

Mr. Verl Emrick, Director of Planning, presented a map and explained the changes in the geographical scope of the Community Development Block Grant area.

Upon inquiry of Councilwoman Swilling as to how the Community Development areas were drawn, Mr. Emrick explained that the census tracts which contained the lowest income and most blighted areas were designated for the Community Development area.

Vice-Mayor Horton reviewed the following Committee recommendations to the Asheville City Council:

1. That the Community Development Funds for 1978, 1979 and 1980, totaling $3,612,000 be appropriated to projects in Census Tract Areas 1, 2, and 7. The specific projects to be recommended to the City Council should be determined during the first week in January 1978 by the Mayor's Committee, based on citizen input gained during the public hearings held in August, September, and October and based on staff recommendations.

CLAIM - MARVIN F. AND LEONA ROBINSON, 23 EDWIN PLACE

The City Manager presented a claim from Marvin F. and Leona Robinson relative to a sewer backing up in their basement.

Mayor Ochsenreiter referred the claim to Corporation Counsel for investigation and recommendation.

CLAIM - MRS. BETTY TOLLEY, 7 WOODROW AVENUE

The City Manager presented a claim for damages from Mrs. Betty Tolly, 7 Woodrow Avenue.

Mayor Ochsenreiter referred the claim to Corporation Counsel for investigation and recommendation.

CLAIM - MR. RAY L. MOSLEY

The City Manager presented a claim for damages from Mr. Ray L. Mosley.

Mayor Ochsenreiter referred the claim to Corporation Counsel for investigation and recommendation.

CLAIM - DEBBIE HUGHEY

The City Manager presented a claim for damages from Debbie Hughey.

Mayor Ochsenreiter referred the claim to Corporation Counsel for investigation and recommendation.

CLAIM - VIRGINIA WILSON, 711 VANDERBILT APARTMENTS

The City Manager presented a claim for damages from Virginia Wilson 711 Vanderbilt Apartments.

Mayor Ochsenreiter referred the claim to Corporation Counsel for investigation and recommendation.

BIDS - TOWN MOUNTAIN FIRE LINE

RESOLUTION NO. 77-190 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH HOBSON CONSTRUCTION COMPANY, INC. FOR THE PROJECT KNOWN AS "TOWN MOUNTAIN FIRE LINE"

Consideration was given to bids received October 10, 1977 for a project known as "Town Mountain Fire Line."

The City Manager read a memorandum from Bill DeBruhl, Utilities Operations Coordinator, which stated that one bid was received and recommended acceptance of the bid submitted by Hobson Construction Company, Inc. in the amount of $19,905.

The City Manager read the resolution.

Councilman Michael moved to accept the recommendation of the Utilities Operations Coordinator and award the bid to Hobson Construction Company, Inc. in the amount of $19,905. This motion was seconded by Councilwoman Swilling and carried unanimously.

20. A public hearing was held relative to two (2) amendments passed by the Asheville Civil Service Board regarding Rule 9 "Re-Employment of Persons Previously Employed in the Classified Service" and Rule 11 "Residency of City Employees."

The City Manager read the advertised notice to the public setting the time and date of the public hearing and presented the affidavit of publication.

Mayor Ochsenreiter opened the public hearing at 5:43 o'clock p.m.

Mayor Ochsenreiter introduced Mr. Osborne Hart, Mr. Ray Stepp and Mr. Tony Davis who are members of the Civil Service Board.

Mr. Mike Smith, Director of Central Services, said that the following letter was sent out with the pay checks on November 11, 1977 to all City employees advising them that this was going to be considered by the City Council today in order for City employees to be heard on the matter:

"TO ALL CITY EMPLOYEES:

At the regular monthly meeting of the Civil Service Board on November 2, 1977, the Board recommended amendments to Rule 9, "Re-employment of Persons Previously Employed in the Classified Service", and Rule 11, "Residency of City Employees", of the Asheville Civil Service Rules and Regulations. Copies of the proposed rules in their entirety are posted on the bulletin boards in each department or division office.

In order to make these proposed changes, Section 28(a) of the Charter Appendix of the City of Asheville Code of Ordinances requires that the City Council hold a public hearing at which time members of the public and the employees under Civil Service be given an opportunity to voice their opinion regarding any proposed rule changes. The City Council has scheduled a public hearing at 5:00 P.M. on November 17, 1977 at which time you may make comments regarding the proposed rule changes. The City Council has scheduled the public hearing after work hours so that employees under Civil Service can come and give the City Council their opinion.

Eugene C. Ochsenreiter, Jr.
Mayor

Kenneth M. Michalove
City Manager"

Mr. Smith asked Council's approval on the following two (2) amendments to the Asheville Civil Service Rules and Regulations passed by the Asheville Civil Service Board on November 2, 1977. The following amendment to Rule 9 "Re-Employment of Persons Previously Employed in the Classified Service" was reviewed by Mr. Smith:

"RULE 9. RE-EMPLOYMENT OF PERSONS PREVIOUSLY EMPLOYED IN THE CLASSIFIED SERVICE

(a) No person who has resigned from the Classified Service may be re-employed by the City of Asheville prior to a date one (1) year from the date of his resignation.

(b) No person who has been dismissed for cause from the Classified Service may be re-employed by the City of Asheville prior to a date two (2) years from the date of his dismissal.

(c) Any person applying for re-employment in the Classified Service must meet all standards and requirements of employment established by the Board in effect at the time of application for re-employment."

2. That any surplus or reallocated funds obtained from the Community Development Funds appropriated for the 1st, 2nd, and 3rd Action Years, provided HUD concurs, be used for projects that meet the criteria for HUD funding prior to the rule changes of October 25, 1977.

3. That the City staff and City Council make every effort to obtain State approval of the Valley Street Connector prior to the currently announced date of 1983. Particularly to the point that with adequate State and Federal funding, the City will assume all responsibility for the project including engineering, right-of-way acquisition and construction.

4. That due to the limitations of land availability and the nature and types of activities of certain City operations on Valley Street, that the City should begin immediately to find a new location for Motor Transport, Sanitation and Street Department operations with the thought of keeping the Water Department functions in the brick building and some other suitable function in the Barn at the corners of Beaumont and Valley Streets.

5. That any Community Development Programs that are to end after the 3rd Action Year should be determined in January so that sufficient notice of phasing out or transfer of activities can be given.

6. That even though there is a recommendation to reduce the size of the Community Development area for the 4th, 5th and 6th Action Years, the citizen participation element of regular meetings should continue throughout the larger Community Development area.

Upon inquiry of Councilwoman Swilling, Mr. Michalove said that Council had approved over $100,000 for re-working of the Barn.

Mr. Michalove said that these items are only in the discussion phase and could be changed. He said that the Mayor's Committee will meet again in the first week in January and at that time the City will be in a better position to look at some detailed maps and go into some detail.

Vice-Mayor Horton moved to concur with the report of the Mayor's Community Development Committee and their suggestions and turn to Council for finalization and refinement. This motion was seconded by Councilman Michael and carried unanimously.

Mayor Ochsenreiter called for a 5 minute recess at 5:30 o'clock p.m. The meeting reconvened at 5:35 o'clock p.m

PUBLIC HEARING - CIVIL SERVICE PERSONNEL RULES RECOMMENDED BY THE CIVIL SERVICE BOARD REGARDING RE-EMPLOYMENT AND RESIDENCY OF CITY EMPLOYEES

ORDINANCE NO. 1012 - AN ORDINANCE REPEALING IN ITS ENTIRETY SECTION 2-3 OF THE ASHEVILLE CODE OF ORDINANCES

RESOLUTION NO. 77-191 - RESOLUTION ESTABLISHING RESIDENCY REQUIREMENT POLICY FOR CITY OF ASHEVILLE EMPLOYEES EXEMPTED FROM COVERAGE BY THE CLASSIFIED SERVICE OF THE ASHEVILLE CIVIL SERVICE COMMISSION

Upon inquiry of Vice-Mayor Horton as to whether the Civil Service Board gave any consideration to residents living within a given radius of a City department or City division not in the corporate limits of the City of Asheville, Mr. Hart said that they had given consideration to this radius situation at the Airport. Mr. Smith explained that the radius rule and time limits are extremely hard to administer and would probably cause more problems than help.

Vice-Mayor Horton pointed out that since the prespective was changed from what the other recommendation was, that it would be permissible for employees to live in Buncombe County. He said that since that was changed, it lessened the significance of the radius approach.

Councilman Michael said that the people that work at the airport and the people that blatantly broke the law are going to receive a reprimand from the City Manager. He said that all employees should be awar that Civil Service Rules and Regulations have to be adhered to.

Councilwoman Swilling expressed her appreciation to Mr. Hart and the other members of the Civil Service Board for their efforts in trying to come up with these two (2) amendments.

Mr. Ray Stepp noted that four people on the Civil Service Board voted on these issues and they were unanimous. He said that the Civil Service Board was trying to do what was best for everyone.

Mayor Ochsenreiter closed the public hearing at 6:10 o'clock p.m.

Councilwoman Swilling moved to amend Rule 9 (a) to read as follows:

"No person who has resigned from the Classified Service may be re-employed by the City of Asheville prior to a date 6 (six) months from the date of their resignation."

Councilwoman Swilling withdrew her motion to amend Rule 9 (a), but she believed that the one year date is too long.

Mr. Smith said that perhaps something that would allow the Board some discretion in granting an exemption would be preferred.

Upon inquiry to Councilman Morris relative to the type of displinary action taken on employees, Mr. Smith said that every forman or supervisor has a little different approach to the problem. He said that if an employee is fired hastily, the employee can request a Civil Service appeal hearing. He said that a Grievance Procedure is also available for employees.

Councilman Michael moved to amend Rule 9 "Re-Employment of Persons Previously Employed in the Classified Service" and Rule 11 "Residency of City Employees" as recommended by the Civil Service Board. This motion was seconded by Councilman Rainey.

Councilman Rainey moved to amend Rule 11 (c) to change the three (3) points awarded on entrance examinations for employees who live within the corporate boundaries of the City of Asheville to five (5) points. This motion was seconded by Councilman Hoyle and was defeated on a 3-4 vote, with Mayor Ochsenreiter, Vice-Mayor Horton, Councilman Morris and Councilman Michael voting "no."

Mr. Smith explained that Rule 9 primarily is aimed at eliminating some of the high turnover the City is experiencing.

Upon inquiry of Councilwoman Swilling relative to Rule 9 (c), Mr. Hart explained that there are a number of tests that employees took several years ago and when they terminate their employment with the City, they want to come back and take the old test they had taken several years ago.

Councilman Morris stated that perhaps the City is penalizing itself with Rule 9 (a). Mr. Hart said that there will be no exceptions at all to Rule 9.

Mr. Smith said that in May, 1977, the Civil Service Board passed a residency rule revision which was submitted to a public hearing. As a result of that public hearing, the City Council delayed consideration of it until October, at which time, Council directed the Civil Service Board to reconsider the residency rule. The following is the recommended amendment to Rule 11 "Residency of City Employees" which was reviewed by Mr. Smith:

"RULE 11. RESIDENCY OF CITY EMPLOYEES

(a) All employees in the Classified Service of the City of Asheville must maintain their primary place of residence within the statutory boundaries of Buncombe County after the effective date of this rule; provided, however, employees residing outside the statutory boundaries of Buncombe County on the effective date of this rule are exempted from residency requirements as herein provided unless such employee changes his primary place of residence after the effective date of this rule, in which case he must reside within the statutory boundaries of Buncombe County.

(b) Applicants for employment within the Classified Service of the City of Asheville are not required to be residents of the County, but must establish such residency, as defined in this rule, within six (6) calendar months from the date of employment.

(c) Any applicant for appointment to the Classified Service of the City of Asheville who maintains his primary place of residence within the corporate boundaries of the City of Asheville shall be awarded an additional three (3) points to be added to his score on any competitive entrance examination authorized by the Civil Service Board. No such points shall be granted in any competitive promotional examination authorized by the Civil Service Board."

Councilman Rainey said that the City should give the resident of the City who wants to take the entrance examination more of a benefit than three (3) points. He feels that an individual who choses to live in the City should be rewarded. He does not feel the City should require all their employees to live within the City and to just recruit from the City, but individuals who live in the City are providing a benefit to us.

Mr. Smith explained that the five (5) points were reduced to three (3) points because if all of the other qualifications were equal, the five (5) points might provide too much of an advantage and bring a person that is not as well qualified to be considered over another person.

Councilman Hoyle said that he believes an individual that lives in the City should have the benefit of more points on the entrance examination.

Councilman Rainey said that perhaps a morale factor is involved to retain the five (5) points at the entrance level.

Mrs. Daniel said that it was the feeling of the Commission that the Battery Park Hotel building has its best use as a hotel. She hoped that it would return to the tax books, return pedestrian use to the downtown area and said that the location is ideal in connection with the Civic Center. As a result of a personal survey, the businessmen in that area are enthusiastic about the possibility of the building becoming a hotel again.

Mr. Bud Taylor, realtor representing Mr. Don Blackwell, explained that there was a one (1) day extension in order for City Council to act upon the consideration to purchase the Battery Park Hotel building. Mr. Taylor explained that Mr. Blackwell has a commitment from an architectual group out of Atlanta to purchase the Hotel for a sum of $365,000. He said that Mr. Blackwell is willing to sell the Hotel to the City for $325,000 and for the City to purchase and salvage the Hotel for a convention hotel, as its highest and best use in Mr. Blackwell's opinion. He said that the parking behind the Hotel is not for sale, but that it could be leased, as it had been in the past.

Mr. Taylor said that the Battery Park Hotel has been entered into the National Register. It was his understanding that there is money available through EDA Programs at 5% interest to renovate old hotels that have been entered into the National Register.

Mr. Taylor said that if the hotel is renovated, it would be a major step in the beginning of rebuilding the downtown area. He pointed out that there is no option for the City to purchase the building at a later date, unless the Atlanta group does not close on the Hotel within a specified period of time.

Upon inquiry of Vice-Mayor Horton, Mr. Taylor said that the group of businessmen could be offered the same price as the City was offered ($325,000) but due to the time limit involved, he did not think that could be done.

Mr. Michalove said that there is a state law which was amended in the past General Assembly which authorizes cities and counties to acquire property for the purpose of redevelopment. He explained that this building would fall into one of the acceptable categories. He explained that the City could not use Community Development funds. He stated that the City does not have the money for this purpose, without a reallocation by City Council.

Upon inquiry of Mr. Michalove, Mr. J. E. Johnson, Chief of Building Inspections, said that the tax value of the Battery Park Hotel building is $30,740. He said that the tax value on the property is $140,000.

Upon inquiry of Councilman Rainey, Mr. Johnson said that the back taxes on the building were $14,244.34.

Upon inquiry of Councilman Rainey as to the condition of the building when it was inspected, Mr. Johnson said that all the power had been taken out, and that the copper bathtubs, most of the doors and anything of any value had been stripped.

Councilman Michael asked the City Manager to prepare three (3) resolutions for Council's next meeting expressing thanks to Mayor Ochsenreiter, Councilwoman Swilling and Councilman Hoyle. He also requested that three (3) plaques be prepared.

Councilman Michael was excused from the meeting at 6:55 o'clock p.m.

Councilwoman Swilling said that it was her feeling that she did not have enough information to commit any City money to something that has too many loose ends.

The motion to amend Rule 9 and Rule 11 as recommended by the Civil Service Board was carried unanimously.

The City Manager read the ordinance and explained that this ordinance is repealing the former residency requirements.

Councilwoman Swilling moved for the adoption of Ordinance No. 1012. This motion was seconded by Councilman Michael.

On a roll call vote of 6-0, Ordinance No. 1012 passed on its first reading.

Councilwoman Swilling moved to suspend the rules and proceed to the second reading of Ordinance No. 1012. This motion was seconded by Councilman Rainey and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1012 passed on its second reading.

Councilman Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1012. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1012 passed on its third and final reading.

Complete text of Ordinance No. 1012 will be found in Ordinance Book No. 8 at page 81.

The City Manager read the resolution and explained that this resolution would deal with employees that are not covered by the Civil Service Rules.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 77-191 was unanimously adopted.

Complete text of Resolution No. 77-191 will be found in Resolution Book No. 10 at page 90.

The City Manager advised Council that those City employees that did violate the Civil Service Rule as it relates to employees that have moved outside of Buncombe County and employees that work at the Airport, will be reprimanded and notice of such will be placed in their personnel file.

RESOLUTION OF APPRECIATION OF SUPPORT FROM THE HONORABLE EUGENE C. OCHSENREITER, JR., MAYOR, FOR THE QUALITY FORWARD PROGRAM

The City Manager read the resolution of appreciation of support from the Honorable Eugene C. Ochsenreiter, Jr., Mayor, for the Quality Forward Program.

The resolution stated that Eugene C. Ochsenreiter, Jr. had demonstrated strong support of the cultural, beautification and clean community system programs of Quality Forward and that the Quality Forward Board wishes to express its appreciation to Mayor Ochsenreiter for his enthusiastic support of its program.

BATTERY PARK HOTEL

Mrs. Robin Daniel, Asheville Revitalization Commission, read a resolution passed by the Asheville Revitalization Commission requesting that the Asheville City Council consider the purchase of the Battery Park Hotel for the purpose of rehabilitation.

Corportation Counsel William C. Moore said he would write to the Attorney General relative to Mr. Rowe's questions.

Adjournment.

MAYOR

CITY CLERK

Mr. Taylor is recommending that the City purchase this Hotel as a holding project until it could be sold to a group of investors.

Vice-Mayor Horton said that, unfortunately, the time is too short and there is not immediate funds in sight to purchase this building.

Mayor Ochsenreiter, on not receiving a motion to purchase the Battery Park Hotel, advised Mr. Taylor that it was the decision of Council not to purchase this property.

Councilman Rainey stressed to the Revitalization Commission that this was not "a slap in the face."

Mr. Taylor said that the City should start searching for the funds to purchase the hotel, in case the architectual group does not close on the hotel.

Councilwoman Swilling commended the Revitalization Commission for all the work that the Commission has done.

80' UTILITY POLES IN NORTH ASHEVILLE

Mr. Gary Rowe, Attorney and resident of Lakeshore Drive, presented some pictures of 80' utility poles on Lakeshore Drive. He pointed out that Carolina Power and Light Company is installing a 115,000 volt transmission line running up Lakeshore Drive. Mr. Rowe feels that the City of Asheville does have the authority to proceed in this area. Mr. Rowe passed out a copy of the General Statute 160A-296 entitled "The Establishment and Control of the Streets." He read the following portion:

> "A city shall have general authority of control over all public streets, sidewalks, alleys, bridges and other ways of public passage within its corporate limits . . . general authority and control includes, but is not limited to, . . .
>
> Sub-paragraph 6
>
> the power to regulate, license and prohibit digging in the streets, sidewalks or alleys or placing therein or thereon any pipes, poles, wires, fixtures or applicances of any kind either on, above or below the surface."

In Mr. Rowe's opinion, the above statement gives the City authority to go to CP&L and at least express concern, if not outright prohibition, of them operating within Lakeshore Drive. It was his feeling that there is a right-of-way that the City does have that is possibly superior to the rights of CP&L. He said that he was dissatisfied that the City has not taken the initiative to protect the rights of any group of citizens when they have a potential infringement on their rights.

Mr. Rowe asked that Council direct the Corporation Counsel to inquire as to the exact right-of-way of Lakeshore Drive wherein the power poles are being located by CP&L and to further obtain an opinion from the Attorney General's Office as to the effect of the above stated statute and the obligations, if any, which the City has under that statute.

He suggested that in the future where this type of construction will take place, that the City take the initiative in trying to require public hearings or something that puts the burden on these public utility companies to at least answer to the people before they construct and infringe upon some rights of the citizens.

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American Playground Device - Bids were awarded to this company for 1 catwalk for the Parks and Recreation Department. 68

Aston Park Tennis Courts - Fees were established for the use of these courts. 71

Agreement - Amendment to the lease agreement between the City and the Air Terminal Parking Company. 73

Air Terminal Parking Company - Amendment to the lease agreement between the City and this company. 73

Agreement - Mayor authorized to execute an agreement for street and highway system responsibilities between the City and the N. C. Board of Transportation. 77

Asheville Transit Authority - Mr. H. H. Queen was appointed to this authority replacing Lacy T. Haith. 78

Asheville Construction Equipment, Inc. - Bids were awarded to this company for one skid steer loader to be used in Parks and Recreation. 91

Asheville Construction Equipment, Inc. - Bids were awarded to this company for one 4-inch De-Watering Pump for Water Maintenance Division. 91

Alley - Hearing date set relative to closing an unnamed alley near the intersection of North Bear Creek Road - page 96; hearing and closing - page 153.

Air - Designation of the lean planning organization responsible for preparation of the Asheville-Buncombe County Clean Air Quality Plan required by 1977 Clean Air Act Amendments. 97

Air - Request a change in the designation of Asheville and Buncombe County as a non-attainment area for photochemical oxidants under the standards of the 1977 Clean Air Act. 103

Asheville Revitalization Commission - Endorsement for this Commission's application with the National Endowment for the Arts to design downtown public space. 103

Alleys - Hearing date set to close 3 unnamed alleys - page 105; hearing and closing - page 163 and 172.

Asheville-Buncombe Community Relations Council - Mrs. Luster Free (Gloria) was appointed to this Council to replace Mr. Ray Lyles. 105

Agreement - Mayor and City Manager authorized to execute an agreement to replace the I-40/US 74 Water Line. 111

Appropriations - 1977-78 Budget ordinance amended to reflect the East Riverside Urban Renewal (R-48) deficit payment. 8

Appropriations - 1977-78 Capital Projects Ordinance amended to include a Community Development Block Grant appropriation of $104,000 for Deaverview Park in the Federal Capital Projects Fund - 1st reading - page 9; 2nd reading - page 28 ; 3rd reading - page 28.

Alexander, Perry - Public hearing held relative to rezoning property at the Old VA Hospital - page 17, 1st reading - page 17; 2nd reading - page 34 ; 3rd reading - page 43 .

Alline Street - Closing of a portion of this street. 19

Asheland Avenue - Public hearing and 1st reading relative to rezoning request of Osborne Hart to rezone property on this street and Phifer Street - page 20; 2nd reading - page 20; 3rd reading - page 34 .

Airport - Supporting the continuation of efforts to gail regional support of the Airport.20

Airport - Request the support of the Federal Aviation Administration to finance the Airport Runway Extension. 21

Agreement - With the Buncombe County Rescue Squad for transportation for hospital personnel. 24

Asheville-Buncombe Community Relations Council - Libby Henry Ramsey and James W. Pressley were re-appointed to this Board. 24

Asheville Traffic Management Course - Chief of Police authorized to sign a contract with Northwestern University for this course. 25

Agreement - With Lyda Associates for engineering services. 26

Asheville Transit Authority - Hearing scheduled relative to the submission of a grant application under Section 5 of the UMTA Act of 1964, to assist this authority - page 31; hearing and 1st reading - page ; 2nd reading - page ; 3rd reading - page .

Apple Tree Chevrolet, Inc. - Bid awarded to this company for one 12 passenger van for use at the Senior Opportunity Center, Parks and Recreation Department. 33

Arrowhead Apartments - Hearing held relative to the approval of a site plan of the proposed apartment complex to be located on Wood Avenue - page 34, approval - page 35.

Airport Runway Extension - Report by the City Manager relative to this. 38

Agreement - Lease agreement with the Opportunity Corporation of Madison-Buncombe Counties for the use of the Burton Street Recreation Center. 42

Appropriation - 1977-78 Operating Budget amended for an automated police information system. 46

Airport Runway Extension - Councilman Michael commented on the trip to Washington relative to this. 52

Aston Park Tennis Courts - A complaint relative to purchasing of annual permits for these courts. 168

Airport Runway Extension - Discussion relative to this. 168

Apple Tree Chevrolet - Bids awarded to this company for five dump trucks for the Sanitation Division and the Street Division. 160

American Red Cross - Revision of the group development site plan approval requirements of March 13, 1975 for the American Red Cross. 175

Asheville Housing Authority - Sale of Disposal Parcel 3 - Civic Redevelopment Project NC R-13 - sent back to this Authority for rebidding. 176

Apple Tree Chevrolet - Bids awarded to this company for one pick-up truck for the Water Control Division, one four wheel drive truck for the Water Control Division, one pick-up truck for the Street Division and one pick-up truck for Water Maintenance Division. 180

Asheville Revitalization Commission - City Manager presented a letter from George Tisdale explaining that this Commission adopted a Downtown Revitalization Strategy and Improvement Plan. 182

Airport Runway Extension - City Manager noted that the FAA had committed $600,000 plus for this extension. 182

Agreement - Mayor authorized to enter into an agreement with Henningson, Richardson and Durham for a comprehensive water system development plan. 185

Appropriation - 1977-79 Operating Budget amended to provide funds for the contract for Water System Development Plan. 185

Agreement - Mayor authorized to enter into an agreement with Wood and Cort, P. A. Architects for two phase site development plan for Computer Machines Room. 186

AAA Tool - Rental & Sales, Inc. - Bids awarded to this company for six electric operated pavement breakers for Water Maintenance and Construction Division. 187

Agreement - With the N. C. Dept. of Transportation for a railroad crossing signal installation at the Southern Railroad crossing on Fairview Road. 187

Asheville Boat and Saw Company - Bids awarded to this company for 15 20-inch commercial mowers for the Parks and Recreation Department. 189

Airport - City Manager authorized to sign appropriate agreement which would permit United Airlines to sublease Asheville Airport Terminal Space to Piedmont Airlines. 116

Agreement - City Manager authorized to sign appropriate agreement which would permit United Airlines to sublease Asheville Airport Terminal Space to Piedmont Airlines. 116

Asheville Revitalization Commission - Mayor authorized to sign contracts for consultant services with Alan M. Voorhees and Associates, Inc. and Hammer, Siler, George Associates, Inc. 119

Asheville Fence Company - Bids awarded to this company for installation of chain link fence around tennis courts, baseball field and park perimeter for Parks and Recreation Department. 123

Animal Control - Chief of Police Tucker spoke on the control of animals - enforcement. 124

Appropriations - 1977-78 budget amended to reflect changes in four projects funded by the Economic Development Administration, U.S. Department of Commerce Local Public Works Act. 140

Appropriations - 1977-78 budget amended to fund a Clerk Typist II position in the Personnel Division; additional funds to the Facility Services Division for street lighting, maintenance repair of building and capital outlay buildings to put an air conditioning unit in the Data Processing Division; and to fund a position formally carried as CETA for an Assistant in the Purchasing Division. 140

Affirmative Action Program - Mr. Sam Graves, Personnel Analyst, presented a report on the progress of this program. 147

Asheville Housing Authority - The City Manager presented a check received from this authority which represents payment in lieu of taxes. 148

Asheville High School - Commending this school on their participation in the international exchange program and recognizing the Japanese students from Kofu Nishi Senior High School that are participating in the program. 151

Asheville Housing Authority - Sale of disposal parcel 172 in the East Riverside Urban Renewal Project. 153

Appropriations - Second reading of an ordinance amending the Capital Projects Ordinance effective 10-15-77 to reflect changes in the budget regarding funding for EDA contracts - page 154; third reading - page 165.

Appropriations - Capital Projects ordinance effective 3-15-78 (WSIF Funds) amended. 155

Appropriations - Capital Projects ordinance effective 10-15-77 (Charlotte Highway Water Line) amended. 155

Appropriations - Capital Projects ordinance effect ive 10-15-77 amended to include a LEAA grant (automated police information system). 156

Appropriations - 1977-78 operating budget amended to include an emergency generator for Police and Fire departments. 157

Airport Runway Extension - Much discussion relative to this. 161

Airport Projects - Support of airport and transit projects to be included in the N. C. Transportation Improvement Program. 270

Auxiliary Motor Police Corps - Resolution of appreciation to this group. 274

Appalachian Way Area Water Improvements - Mayor authorized to sign a contract with Huntley Construction Company for this project. 324

Aviation Advisory Committee - Eugene C. Ochsenrieter, Otis B. Michael, Norma T. Price, F. Jack Cole, Zeb Sheppard and Bill Oglesby were appointed to this committee. 325

Asheville Revitalization Commission - A resolution was read which was passed by this commission for the adoption of this Commission's plan. 326

Asheville-Buncombe County Historic Preservation Advisory Committee - This committee was established. 342

Appropriations - 1977-78 Operating Budget amended to provide funding for the Transit Marketing Program. 342

Appropriations - 1977-78 Operating Budget amended to provide funding for seven police cars and one pick-up truck. 342

Apple Tree Chevrolet - Bids awarded to this company for 2 police-type compact cars and one pick-up truck. 343

Airport - Status report on airport buds - Phase I Site Preparation for 1,500' Runway and Taxiway Extension. 345

Avery Creek Sanitary District - Mayor authorized to assue the Board of Commissioners of Buncombe County and this district that the City of Asheville will provide for the operation, maintenance and administration of the water supply system improvements to be made in this district. 189

Avery Creek Sanitary District - Mayor authorized to assure the State of North Carolina that present schedules of rates and fees are adequate and will be maintained for the operation, maintenance and administration of water supply system improvements to be made in this district. 190

Asheville-Buncombe County Youth Council - Youth in Government Day. 192

American Business Women's Association Scholarship Month - Mayor proclaimed the month of May, 1978 as such. 192

Asheville School Liaison Program - Mayor authorized to file an application for a federal grant with the N. C. Division of Law and Order for this program. 200

Aston Park - Bids awarded to M. B. Haynes Electric Corporation for the construction of tennis court lighting system at this park for the Parks and Recreation Department. 201

Appropriations - 1977-78 Operating Budget amended in order to re-roof the East Asheville Community Center. 210

Airport Road - Mayor authorized to execute a right-of-way agreement with the N. C. Department of Transportation for a water line on Airport Road, Arden, N. C. 211

Apple Tree Chevrolet - Bids awarded to this company for one four door sedan for the Water Maintenance and Construction Division. 211

Appropriations - 1977-78 Operating Budget amended for the upgrading of a dictation system in the City Council/City Manager's Office. 221

Athletics - Commendation to Patricia Walker, Livia Adams, Mary Montgomery, Patricia Blackwell and Paula Watts. 222

Be Kind to Animals Week - The week of May 7-13, 1978 proclaimed as such. 223

Asheville Transit Authority - Mayor authorized to submit a grant application to the N. C. Department of Transportation under the transit development grant program for the purpose of implementing an employees and shoppers pass through this authority. 233

Appropriations - 1977-78 Operating Budget amended to finance the Transit Marketing Program. 245

Appropriations - 1977-78 Operating Budget amended for materials and contracted construction to continue the street repair program. 246

Appropriations - Capital Projects Ordinance in effect as of May 12, 1978 amended for additional revenue to Capital Construction Fund. 247

Appropriations - 1977-78 Operatin Budget amended for upgrading the electrical service to the Data Processing system. 247

Airport Regional Concept - Statement of further study to procedures to involve Buncombe County in this concept. 267

Brown, T. Clark - This person was appointed as Public Works Director. 76

Brown, Norma Jean - Claim was received by Erwin L. Ball, Jr. for this person. 76

Blake Street, 15-17 - Date set for hearing directing the Housing Officer to demolish this structure - page 78; hearing and 1st reading - page 98; 2nd reading - page 109; 3rd reading - page 114

Buffalo Street, 19 - Date set directing the Housing Officer to demolish this structure - page 78; hearing and 1st reading - page 98; 2nd reading - page 109; 3rd reading - page 114.

Buncombe County - Endorsement of this county overall's economic development plan and requesting the U. S. Economic Development Administration to designate this county as a redevelopment area under the Public Works and Economic Development Act of 1965. 86

Best, John - Resolution of appreciation to this former Captain of the Police Department. 87

Brickhouse, Karen Romelle - A claim was received from John A. Powell representing this person. 87

Bidding Process - Councilman Michael received a complaint from a citizen who said he had been overlooked in the bidding process and requested the bidding process be monitored and a current list be established to notify persons of upcoming bids. 88

Bids - Awarded to Asheville Construction Equipment, Inc. for one skid steer loader to be used in Parks and Recreation. 91

Bids - Awarded to Asheville Construction Equipment, Inc. for one 4-inch de-watering pump for Water Maintenance Division. 91

Bids - Awarded to Cumberland Vehicles, Inc. for three police-type enclosed three wheel motor vehicles for the Police Department. 91

Ballentree Subdivision - Hearing date set relative to including this subdivision in the City's extraterritorial jurisdiction and to zone this subdivision properties R-2 Residential District - page 92; hearing and 1st reading - page 119; 2nd reading - page 153; 3rd reading - page 164. - postponed - 139

Burns, Dr. Margaret - A claim was received by John W. Mason, Attorney representing this person. 95

Bear Creek Road - Hearing date set relative to closing an unnamed alley near North Bear Creek Road - page 96; hearing and closing - page 153.

Banking - Designation of banking depositories for City funds, excluding Carolina Federal Savings and Loan Association. 4

Brame, W. W. - A claim for damages was presented from this person. 11

Buncombe County Rescue Squad - Agreement with them for transportation for hospital personnel. 24

Bids - Awarded to Lynchburg Foundry Company for estimated six months requirement for water main pipe. 25

Buncombe County Youth Council - Requested that this council address itself to the problem of youths attending "R" and "X" rated movies. 29

Bids - Awarded to Badger Meter, Inc. for some requirements for water meters and to Neptune Water Meter Co. for water meters. 32

Badger Meter, Inc. - Bids awarded to this company for water meters. 32

Bids - Awarded to A. P. Hubbard Wholesale Lumber Company for 3 picnic shelters and to Koppers Company, Inc. for 2 picnic shelters in various sizes for the Parks and Recreation Department. 32

Bids - Awarded to Apple Tree Chevrolet, Inc. for one 12 passenger van for use at the Senior Opportunity Center, Parks and Recreation Department. 33

Buncombe County Commissioners - These commissioners were authorized to license insulation contractors for work to be done in the City of Asheville. 41

Burton Street Recreation Center - Lease agreement with the Opportunity Corporation of Madison-Buncombe Counties for the use of this center. 42

Bids - Awarded to Supply Spec. and Tidewater for water pumps for Water Production and Quality Control Division. 53

Bids - Awarded to Porter Brothers, Inc. for one Turf Truckster for the Parks and Recreation Department. 54

Bids - Awarded to Stadiums Unlimited for twenty-four sets of bleachers for the Parks and Recreation Department. 54

Bleachers - Awarded to Stadiums Unlimited for 24 sets of these for the Parks and Recreation Department. 54

Bids - Bids were awarded to Quality Industries, Miracle Equipment, Play Systems, Inc, Cunningham Associates & American Playground Device for various parks in the Parks and Recreation Department. 68

Bids - Were awarded to Silverman Company for 135 dry top traffic model fire hydrants. 70

Buncombe County Rescue Squad - The City Manager announced that the City had entered into an agreement with this squad to furnish emergency transportation during snow storms. 76

Bids - Awarded to Dorato Motors for one station wagon for the Water Engineering Division. 146

Bids - Awarded to M. B. Haynes Electric Corporation for installation of 100 kw diesel generator and modification of existing electric system for Central Fire Department and Police Department City of Asheville Municipal Building Emergency Power. 160

Bids - Awarded to Apple Tree Chevrolet for five dump trucks for the Sanitation Division and one truck for the Street Division. 160

Biltmore Avenue - Right-of-way encroachment agreement with the N. C. Department of Transportation for a fire signal cable on U. S. 25. 166

Bids - Awarded to Matthews Motors, Inc. for four garbage trucks and one front end loader for Sanitation Division. 167

Bekins Moving and Storage - The postponement of the approval of a sign permit was decided - page 177; approval of sign permit - page 214.

Bids - Postponement of this bid for six electric operated pavement breakers for the Water Maintenance and Construction Division - page 178; bids awarded to AAA Tool - Rental & Sales, Inc. - page 187.

Bids - Awarded to Porter Brothers, Inc. for one 20-inch commercial 'hydr-mower' for Parks and Recreation. 178

Bids - Awarded to Apple Tree Chevrolet for one pick-up truck and one four wheel drive truck for the Water Control Division, one pick-up truck for the Street Division, and one pick-up truck for the Water Maintenance Division; awarded to Matthews Motors, Inc. for one dump truck and 2 pick-up trucks for the Water Maintenance Division. 180

Bids - Awarded to Calgon Corporation for 4000 gallons liquid cationic polyelectrolyte for Water Production and Quality Control Division. 181

Brevard-I-26 Connector - Mr. Jack Bryant pointed out that the Department of Transportation has no intention of harming the Asheville Airport in any way - discussion on this. 183

Bank of Asheville - City Manager authorized to acquire rights-of-way easements from J. W. Rutherford Estate and this Bank for a 6-inch water line located on U. S. 19-23 at Enka-Candler, Buncombe County, North Carolina. 187

Bids - Awarded to Asheville Boat and Saw Company for 15 20-inch commercial mowers for the Parks and Recreation Department. 189

Bishop, Ralph - Made comments relative to the mayor (referring to his freedom of speech in the Council meetings). 190

Buncombe County Child Development Program - Support for this program. 102

Brotherhood Week - The week of February 19-25, 1978 proclaimed as such. 104

Bond Issue - Councilman Michael requested the City Attorney to write the Attorney General's Office to determine why the City of Asheville could not receive 40% of the $6 million bond money for disbursement by the City Council. 104

Bids - Awarded to E. A. Industries, Inc. for two dual hydraulic cylinders for the Fire Department. 106

Bids - Awarded to Farm Equipment Company for one diesel powered tractor, Low Center of Gravity to be used in the Parks and Recreation Department. 106

Bids - Awarded to Alan H. Shaw Company for metal doors, frames, windows, and hardware for renovation of Burton Street Center, Parks & Recreation Department. 106

Burton Street Center - Bids awarded to Alan H. Shaw Company for metal doors, frames, windows and hardware for renovation at this center, Parks & Recreation Department. 106

Bids - Awarded to Farm Equipment Company for one diesel powered tractor with 6 ft. extension mower with 15 ft. reach to be used at the City of Asheville Watershed. 107

Best, John - Council members were invited to a retirement event for this Captain. 112

Bids - Awarded to Bruce Construction for one diesel powered hydraulic wheel loader/backhoe, Public Services - Street Division. 115

Backhoe - Bids awarded to Bruce Construction for one diesel powered hydraulic wheel loader/backhoe, Public Services - Street Division. 115

Bruce Construction - Bids awarded to this company for one diesel powered hydraulic wheel loader/backhoe, Public Services - Street Division. 115

Bids - Awarded to Reinco, Inc. for one hydroseeder, gasoline powered, Skid Mount, Finn Bantam Hydroseeder, or Equal for Parks and Recreation. 115

Boggs, Walter - This person was appointed to the Metropolitan Sewerage District Board. 116

Bids - Awarded to Asheville Fence Company to install chainlink fence around tennis courts, baseball field and park perimeter for Parks and Recreation Department. 123

Bids - Awarded to Paving Enterprises, Inc. to construct three asphalt tennis courts at Murphy-Oakley Park for the Parks and Recreation Department. 124

Buncombe County - Mayor authorized to sign a joint option with this county for the purchase of the Hayes and Hopson Property. 124

Bids - Awarded to Motorola Communications and Electronics, Inc. for 25 portable/mobile radio units to be installed in Asheville Police Vehicles. 144

Bids - Awarded to Matthews Motors for 2 pick-up trucks for the Sanitation Division. 146

Bids - Awarded to Matthews Motors for 1 pick-up truck with 4-wheel drive and wrench for the Asheville Watershed. 146

Buncombe County - Statement of intent to further study to procedures to involve this county in the Airport Regional Concept. 267

Budget - Presentation of the City of Asheville Budget for 1978-79. 273

Bids - Awarded to Southworth Construction Company, Inc. for the renovation of the City barn. 278

Barn - Bids awarded to Southworth Construction Company, Inc. for the renovations of the City barn. 278

Bishop, Ralph - This person spoke to Council relative to freedom of speech in a public meeting. 279

Ballenger Construction Company - This company, successor to Ranger Construction Company was authorized settlement for work on the Asheville Civic Center and acceptance of same. 315

Butler Associates, P.A. - Contract between this company and the Community Development Division for professional services. 325

Beck, Theodis - A claim was received by this person. 337

Bids - Awarded to Apple Tree Chevrolet for two police-type compact cars and one pick-up truck and Modern Chevrolet for five police-type compact cars for the Police Department. 343

Barreiro, Wilfrido C. - Introduction of this person from the Philippine Islands. 192

Bids - Awarded to M. B. Haynes Electric Corporation to construct tennis court lighting system at Aston Park for the Parks and Recreation Department. 201

Bids - Awarded to M. B. Haynes Electric Corporation to install ballfield lighting at Shiloh Recreation Center. 201

Bids - Awarded to Crawford Sign Company for signs for the Asheville Civic Center. 209

Bids - Awarded to Apple Tree Chevrolet for 1 four door sedan for the Water Maintenance and Construction Division. 211

Buncombe County - Resolution relating to fees and charges to underwrite maintenance and operation of the Enka Water Improvement Project and authorizing the Mayor to execute an agreement with this county. 220

Byrd, Mrs. Jones - This person was reappointed to the W. N. C. Regional Air Pollution Board. 222

Brown, T. Clark - This person was commended for his completion of the 24th Municipal Administration Course in Chapel Hill, N. C. 225

Bids - Bids awarded to Price-Ray Constructors for general work; Moser, Inc for the Plumbing and Mechanical and Hayes & Lunsford Electric Co. for the Electrical work at the Shiloh Recreation Center. 229

Broadway - Right-of-way encroachment agreement with the N. C. Department of Transportation for a 16-inch water line on this road and to cross Merrimon Avenue in Asheville, N. C. 233

Burnette, David - A claim was received by this person. 234

Best, John - This retired police office asked for an increase in pension for retired personnel. 235

Bishop, Ralph - This person complained to Council about open lottery sales in Asheville. 235

Bids - Awarded to Moser, Inc. as the air conditioning contractor and M. B. Haynes Electric Corporation for the electrical contractor for the Computer Machines Room. 251

Bids - Awarded to Matthews Motors, Inc. for a tilt cab and chassis complete with 10 yard rear loading hydraulic body fully mounted for the Sanitation Department. 252

Boxing Match - Council members were invited to the 1st Amatuer Boxing Match to be held at the Livingston Street Center on May 20, 1978 at 7:30 p.m. 252

Bishop, Ralph - This person asked the City Manager if he knew his duties as City Manager spelled out in the Code of Ordinances and in General Statutes 14-30. 252

Budget - Hearing date set for the proposed uses of General Revenue Sharing Funds - Fiscal Year 1978-79 - page 265; hearing and 1st reading - page 99 ; 2nd reading - page 198; 3rd reading - page 263.

Community Development - Vice-Mayor Horton reported on the Mayor's Community Development Committee for use of CD funds. 60

Cunningham Associates - Bids were awarded to this company for various play equipment for use in the Parks and Recreation Department. 68

Community Development - 1977-78 Operating Budget amended to reflect Community Development Block Grant Program income. 69

Community Development - Public hearing relative to surplus fund balances appropriated for Asheville's First, Second and Third Action Year Community Development projects and other various CD related items. 73

Claim - Received from Gwynn G. Radeker Attorney for Quality Inn/Intown. 76

Claim - Received from Erwin L. Ball, Jr. Attorney for Carl R. Corn, Steve Swanger, Robert Jordan, Marilyn Jordan and Norma Jean Brown. 76

Corn, Carl R. - Claim was received by this person. 76

Contract - City Manager authorized to execute a contract with A. M. Pullen and Company for an audit of financial accounts and records for the City. 78

Civic Center Commission - John Jerose, Ray Spells and Lisa Dean, President of the Asheville-Buncombe County Youth Council, were reappointed members of this commission. 78

Community Development - Authorization of submission of an application to HUD for these block grant entitlement funds. 83

Community Development - Discussion of surplus Community Development funds from 1st, 2nd and 3rd Action Years. 84

Claim - Received from Monet Nussbaum. 85

Claim - Received from Roy M. Hawkins. 87

Claim - Received from John A. Powell, Attorney, representing Karen Romelle Brickhouse, Richard E. Stines and James Robert Greene. 87

Community Development - Residents expressed much concern that the Deaverview Park Project was not eligible for these funds. 87

Colonial Insurance Policy Statement - Councilman Rainey requested a policy statement concerning Colonial Insurance. 89

Cumberland Vehicles, Inc. - Bids were awarded to this company for three police-type enclosed three wheel motor vehicles for use in the Police Department. 91

Claim - Was received from John W. Mason, Attorney representing Dr. Margaret Burns. 95

Cole, F. Jack - Was administered the oath of office as a new City Council member. 1

Council Meeting - Thursdays at 3:00 p.m. were set as the time and day of the weekly meeting of the City Council. 4

Community Development - 1977-78 Budget ordinance amended to reflect the East Riverside Urban Renewal (R-48) deficit payment. 8

Community Development - 1977-78 Capital Projects Ordinance amended to include this grant appropriation of $104,000 for Deaverview Park in the Federal Capital Projects Fund - 1st reading - page 9; 2nd reading - page 28; 3rd reading - page 28.

Chief of Police - Melvin L. Tucker was appointed as this. 10

Claim - Mrs. Richard Wooten, 21 Coleman Avenue sent in a claim for damages. 10

Claim - Received from Mr. W. W. Brame. 11

Claim - Received from Miss Janice C. Wilson. 11

Claim - Received from Mrs. Julian C. Johnson. 11

Contract - Chief of Police authorized to sign a contract with Northwestern University for the Asehville Traffic Management Course. 25

Community Development - Amending, reallocating and approving these funds set forth in the Asheville Federal Capital Projects Fund for 1975-76. 26

Contract - With Ruckman Brothers of Enka, NC, for the project known as "Montford Area Public Works." 27

Community Development - Reallocation of these surplus funds in support of new and continuing projects. 28

Claim - Received from Howard Lyda, Lyda Truck Service. 28

Cole, F. Jack - Appointed to the Asheville Police and Fire Pension Fund Board of Trustees. 33

Cox, L. P., Company - Was awarded the bid to the project "West Asheville Fire Station." 36

Communications Facility - Lease with the First Union National Bank of North Carolina for use in the operation of this facility by the City of Asheville. 42

Community Development Program - A public hearing was scheduled to discuss this program. 51

Children, School - Councilman Rainey said that if more night meetings were held, these children could attend more. 52

Clean Community System Program - Council members were invited to this slide presentation and tour on Janury 13, 1978. 56

Clark, Edward - This person complained about the $5.00 motor vehicle registration fee. 57

Clingman Avenue - Right-of-way encroachment agreement with the N. C. Department of Transportation for a 16-inch water line on State Road 3523. 166

Claim - Received by Elizabeth Gage, 22 Normandy Road. 167

Claim - Received by Mrs. L. P. Sullivan of 264 Montford Avenue. 167

Civic Redevelopment Project NC R-13 - Asheville Housing Authority was asked to rebid the sale of Disposal Parcel 3 in this project. 176

Calgon Corporation - Bids were awarded to this company for 4000 gallons liquid cationic polyelectrolyte for Water Production and Quality Control Division. 181

Claim - Notice of claim of lien by first tier subcontractor - involving Gilbert Engineering Company and Dillingham Construction Company. 181

Computer Machines Room - Mayor authorized to enter into an agreement with Wood and Cort, P.A. Architects for two phase site development plan for this room. 186

Claim - Received by Elsie Lomax. 190

Claim - Received by Vann B. Hayes. 202

Claim - Received by Donald Ruff. 202

Civic Center - Bids awarded to Crawford Sign Company for signs for this City department. 209

Crawford Sign Company - Bids awarded to this company for signs for the Asheville Civic Center. 209

Caldwell, Rueben - This person requested a rezoning of property on Leicester Highway - date set 211; hearing - postponed - page 274, this died for lack of motion - page 323.

Claim - Received by Mrs. Billie Wilson. 212

Claim - Received by Carolyn R. Dacus. 212

Chestnut Street, 49 West - Date set for public hearing for the adoption of an ordinance demolishing this structure - page 221; hearing and 1st reading - page 273; 2nd reading - page 324; 3rd reading - page 334.

Claim - Received by A. G. Wilder. 223

Community Development - Reallocation, amending and approving CD Budget Funds set forth in the City of Asheville Capital Project Fund budget for 1977-78. 228

Claim - Received from Mr. James La Ferla. 104

Claim - Received from Mr. Ron Harwood. 104

Cylinders - Bids awarded to E. A. Industries, Inc. for two dual hydraulic cylinders for Fire Department. 106

Community Development - Hearing held relative to approving development of an application for a CD - Urban Development Action Grant. 107

Claim - This was received by Calvin Honeycutt. 116

Contract - Mayor authorized to sign contracts for consultant services with Alan M. Voorhees and Associates, Inc. and Hammer, Siler and George Associates, Inc. 119

Charlotte Street - Hearing scheduled for rezoning property on this street - page 123; hearing and 1st reading - page ; 2nd reading - page ; 3rd reading - page . - postponed - page 177. - Motion died at public hearing - page 216

Community Development - Authorization of the submission to HUD for CD Block Grant Entitlement Funds - 1978-79. 123

Churches - City Manager discussed parking violations around churches. 125

Claim - Recieved from Mrs. Louise Edington. 126

Civic Center Investigation - Discussion relative to this. 127

Community Development - Reallocation, amending and approving CD budget funds set forth in the City of Asheville general fund budgets for 1975-76, 1976-77 and 1977-78 - 140; 2nd and 3rd reading - page 154.

City Hall Building - City Manager said there would be a rededication ceremony marking the 50th Anniversary of this building on March 19, 1978. 145

Contract - Mayor authorized to sign a contract with the State of N. C., Department of Crime Control and Public Safety, Division of Crime Control, for the City/County automated police information system. 147

Claim - Received by Nuttall Associates, Ltd. 148

Civic Center Investigation - Councilman Gene Rainey made a statement regarding this. 148

Charlotte Highway Water Line - Capital Projects Ordinance effective 10-15-77 amended to include this. 156

Contract - Mayor authorized to sign a contract with Huntley Construction Company for the project known as Louisiana Avenue - Hazel Mill Road. 158

Claim - Received from Lloyd Williams and Gloria Ann Williams. 160

Carolina Power & Light Co. - Mayor authorized to execute an easement in favor of this company. 165

Carolina Power & Light Co. - Mayor authorized to execute an easement in favor of this company. 165

Claim - This was received from George Self from Self-Sluder Advertising, Inc. 325

Collator, 8-Bin - The Director of Finance authorized to sell this surplus property. 335

Community Development - Reallocation, amending, and approving these budget funds set forth in the City of Asheville Capital Project Fund Budget for 1976-77 (Kenilworth Park). 335

Claim - This was received from Theodis Beck. 337

Claim - This was received from James M. Hardin. 337

Cars - Bids awarded to Apple Tree Chevrolet for 2 police-type compact cars and one pick-up truck and Moderl Chevrolet for five police-type compact cars for the Police Department. 343

Claim - Recieved from Mr. Joseph M. Williams. 344

Civic Center - A letter was received from the Asheville Area Civic Center Commission relative to their budget. 345

City Manager Report - This person reported on the status of readvertising the sale of Parcel No. 3 in the Civic Redevelopment Project Area. 230

Civic Redevelopment Project Area - The City Manager gave a report on the status of readvertising the sale of Parcel No. 3 in this area. 230

Contract - Mayor authorized to sign a contract with Ruckman Brothers for the project known as North Fork Flood Damage Contract #2. 232

Contract - Mayor authorized to sign a contract with W & W Contracting Company, Inc. for the project known as West Asheville Sanitary Sewer Improvements. 232

Contract - Mayor authorized to execute a contract with the N. C. Department of Transportation for a transit marketing program. 233

Claim - This was received by David Burnette. 235

Claim - This was received by Mr. G. F. Swearingen. 234

Contract - With Johnson Amusement Rides, Inc. for the operation of amusements, rides, and concessions at Recreation Park. 245

Community Development - Reallocation, amending and approving these funds set forth in the City of Asheville Capital Project Fund Budget for 1976-77 and 1977-78. 245

Civil Service Board - Osborne Hart was appointed as Chairman to this Board. 249

Civil Service Board - Discussion as to who should be appointed as member to this Board. 249

Civil Service Board - Mr. Tom Posey was appointed a member to this Board. 270

Claim - Was received from B. E. Davis. 270

Chestnut Street Fire Line - Mayor authorized to sign a contract with Taylor and Murphy Construction Company for this project. 274

Civil Service Board - Resolution of appreciation to W. Earl Williams for his services as Director of this Board. 275

Community Development - Reallocation, amending and approving these funds set forth in the City of Asheville's federal project fund budget for 1976-77. 275

Claim - Received by Mr. Lester Keener. 278

Claim - Received by Charles W. Morris, Jr. of Ridge Realty Company. 278

Claim - Received by Rushell Watkin. 278

Civic Center - Settlement authorized with Ballenger Construction Company, successor to Ranger Construction Company for work on this Center and acceptance of this center. 315

Community Development Division - Contract with this division and Butler Associates, PA, for professional services. 325

Cole, F. Jack - This person was appointed a member of the Aviation Advisory Committee. 325

DeWeese, Mr. and Mrs. Keith - These people asked for a re-zoning of their property on Fairview Road (hearing scheduled - page 189; hearing and 1st reading - page 228; 2nd reading - page 240; 3rd reading - page 254.

Downtown - Experimental program for downtown on-street parking. 196

Dacus, Carolyn R. - A claim was received by this person. 212

DeBruhl, William - This person was commended for his completion of the 24th Municipal Administration Course in Chapel Hill, N. C. 225

Data Processing System - 1977-78 Operating Budget amended for the upgrading of the electrical service to this system. 247

Data Processing Room - Bids awarded to Moser, Inc. for the air conditioning contractor and M. B. Haynes Electric Corporation for the electrical work for site development for the Computer Machines Room, City Hall. 251

Davis, B. E. - A claim was received by this person. 270

Department of Archives and History - Providing for the in-kind match required for the grant from this department for the Asheville/Buncombe County Comprehensive Historic Sites Inventory. 277

Dillingham Circle Water Line - A contract with W & W Contracting Company for this project. 336

Deaverview Park - 1977-78 Capital Projects Ordinance amended to include a Community Development Block Grant appropriation of $104,000 for this park in the Federal Capital Projects Fund - page 9; 2nd reading - page 28; 3rd reading - page 28.

Disaster Relief Fund - William F. Wolcott, Jr. designated as agent of the City to sign the federal forms necessary to receive funds under this act. 9

Dogs - Amendment to the dog ordinance. 14

Deaverview Bridge - Bids were awarded to Hickory Construction Company for this project. 36

Donoho, Tom & Betty - Date set for hearing relative to rezoning property on Fairview Road owned by these people - page 67; hearing and 1st reading - page 94 ; 2nd reading - page 102; 3rd reading - page 111

DeBruhl, William - This person was appointed as Utilities Operations Coordinator. 76

Dean, Lisa - This President of the Asheville-Buncombe County Youth Council was re-appointed to the Asheville Area Civic Center Commission. 78

Duty Officer Program - The City Manager reported that he was starting this new project. It will be to report an emergency situation after regular business hours. 87

Deaverview Park Project - Residents expressed much concern that this project was not eligible for Community Development Funds. 87

Downtown Public Space - Endorsement of the Asheville Revitalization Commission's application with the National Endowment for the Arts to design this. 103

Deweese, Keith - This person requested that his property be rezoned along with Mr. and Mrs. Tom Donoho's property on Fairview Road from R-3 Residential District to LI Light Industrial District. 104

Del-Rio, Inc. - Hearing date set relative to rezoning property on Charlotte Street - page 123; hearing and 1st reading - page ; 2nd reading - page ; 3rd reading - page . - postponed - page 177. - Denied for lack of motion. - page 216

Deaverview Park Project - The City Manager presented a letter from HUD relative to this project. 125

Dorato Motors - Bids were awarded to this company for one station wagon for the Water Engineering Division. 146

Dirt - Councilman Rainey asked for a report on City trucks hauling dirt on private property - page 162; report by City Manager - page 169.

Doctor's Day - March 30, 1978 was proclaimed as such. 167

Disposal Parcel 3 - This was sent back to the Asheville Housing Authority for re-bidding in the Civic Redevelopment Project NC R-13. 176

Dillingham Construction Company - Notice of claim of lien by first tier subcontractor involving Gilbert Engineering Company and this company. 181

East Riverside Urban Renewal Project - Sale of Disposal Parcel 172 for the Asheville Housing Authority in this project. 154

EDA Contract Funding - Capital Projects Ordinance amended to reflect changes in the budget regarding the funding for these projects - page 154; 3rd reading - page 165.

Electrical Contractors - Hearing date set for an amendment to Section 11-46 of Chapter 11 entitled Permits to issue only to licensed electrical contractors - page 159; hearing and 1st reading - page 204; 2nd reading - page 218; 3rd reading - page 274. - postponed - page 226, 265

Easement - Mayor authorized to execute an easement in favor of Carolina Power & Light Company. 165

Easement - Mayor authorized to execute an easement in favor of Carolina Power & Light Company. 165

Encroachment Agreements - Right-of- way encroachment agreement with the N. C. Department of Transporation for a fire signal cable on U. S. 25 (Biltmore Avenue). 166

Encroachment Agreement - Right-of-way encroachment agreement with the N. C. Department of Transportation for an 8-inch water line on Town Mountain Road. 166

Encroachment Agreement - Right-of-way encroachment agreement with the N. C. Department of Transportation for a 16-inch water line on State Road 3523 (Clingman Avenue). 166

Encroachment Agreement - Right-of-way encroachment agreement with the N. C. Department of Transportation for the installation of a 16-inch water line on State Road 3412-3414 (Sand Hill Road). 166

Easements - City Manager authorized to acquire right-of-way easements from J. W. Rutherford Estate and the Bank of Asheville for a 6-inch water line located on U. S. 19-23 at Enka-Candler, Buncombe County, N. C. 187

Enka-Candler - City Manager authorized to acquire right-of-way easements from J. W. Rutherford Estate and the Bank of Asheville for a 6-inch water line located on U. S. 19-23 at this town, Buncombe County, N. C. 187

Encroachment Agreement - Right-of-way encroachment agreement with the N. C. Department of Transportation for a water line on State Road 81 (Swannanoa River Road). 201

East Riverside Community Organization - Letter from this organization expressing interest at the Livingston Street Center Operation. 202

East Riverside Urban Renewal (R-48) - 1977-78 Operating Budget amended to reflect this deficit payment. 8

Encroachment Agreement - Right-of-way encroachment agreement with the N. C. Department of Transportation for a water line on Louisiana Avenue in Asheville. 41

East Riverside Urban Renewal Project - Parcels 70, 137 and 177 were approved for sale with the Housing Authority. 42

East Riverside Urban Renewal Project - Parcels 15, 21, 22, 23-24, 27 and Civic Project No. 2 in the Civic Redevelopment Area were approved for sale with the Housing Authority. 66

Easter Parade - Permission granted to WWNC to hold an Easter Parade on Sunday, March 26, 1978. 76

Electrical Code - Date set for hearing relative to adopting the 1978 edition of the N. C. Electrical Code as the Electrical Code for the City of Asheville for 2-16-78. 78
hearing and 1st reading-page 98; 2nd reading-page 109; 3rd reading - page 113.

Edgerton, Tom - Councilman Rainey requested a breakdown in this persons salary. 89

Encroachment Agreement - Right-of-way encroachment agreement with the N. C. Department of Transportation for water mains on State Roads 1266, 1265, 1267 and 1230 in Buncombe County, NC. 90

Encroachment Agreement - Right-of-way encroachment agreement with the N. C. Department of Transporation for the relaoction of water service lines on Merrimon Avenue, Asheville, NC. 90

Engineering Day - February 21, 1978 proclaimed as such. 104

E. A. Industries, Inc. - Bids awarded to this company for two dual hydraulic cylinders for Fire Department. 106

Energy - Public support requested for energy conservation. 120

Edington, Mrs. Louise - A claim was received by this person. 126

Encroachment Agreement - Right-of-way encroachment agreement between the N. C. Department of Transportation for development of a parking lot abutting intersection highway 240. 141

Edgewood Road - Petition by the Red Cross for improvements to this road and Westall Avenue. 142

Encroachment Agreement - Right-of-way encroachment agreement between the N. C. Department of Transporation for a water line on N. C. 280 (Long Shoals Road) in Arden, N. C. 146

Encroachment Agreement - Right-of-way encroachment agreement with the Southern Railway Company concerning a 12-inch water line to cross railroad property near U. S. Highway I-40 and U. S. Highway 74 in Asheville. 146

Encroachment Agreement - Right-of-way encroachment agreement between the N. C. Department of Transportation for a water line crossing U. S. 25 (Hendersonville Road) in Buncombe County. 146

East Asheville Community Center - 1977-78 Operating Budget amended in order to re-roof this Center. 210

Encroachment Agreement - Mayor authorized to execute a right-of-way agreement with the N. C. Department of Transportation for a water line on Airport Road, Arden, N. C. 211

East End/Valley Street - Hearing date set on the Redevelopment Plan of this area - page 212; hearing - page 264.

Enka Water Improvement Project - Resolution relating to fees and charges to underwrite maintenance and operation of this Project and authorizing the Mayor to execute an agreement with the County of Buncombe. 220

Encroachment Agreement -Mayor authorized to execute a right-of-way agreement with the N. C. Department of Transportation for a 16-inch water line on Broadway and to cross Merrimon Avenue in Asheville, N. C. 233

Easement - City Manager authorized to acquire a right-of-way easement from Burl Lance and wife Rhea Lance for a 2-inch water line on U. S. 25, Buncombe County. 251

Encroachment Agreement - Right-of-way encroachment agreement with the N. C. Department of Transportation for a water line on State Roads 2420 and 2002 in Buncombe County, North Carolina. 251

East Riverside Renewal Projects - Approval of the sale of disposal parcels in this area - parcels 6A-6B - 26 - 92 - 155. 266

East Riverside Renewal Project - Approval of the sale of salvage from this project. 277

Easements - City Manager authorized to acquire two rights-of-way easements for a sanitary sewer line on Governors View Road, Buncombe County, N. C. 336

Fence - Bids awarded to Asheville Fence Company to install chainlink fence around tennis courts, baseball field, and park perimter for the Parks and Recreation Department. 123

Fire Department - 1977-78 Operating Budget amended to include an emergency generator for the Police and Fire Department. 157

Finance, Director of - This person authorized to sell surplus property (IMB typewriter). 158

Finance, Director of - This person authorized to sell surplus property (NCR minicomputer). 159

Fire Department - Bids awarded to M. B. Haynes Electric Corporation for installation of 100 kw diesel generator for this Department and the Police Department. 160

Fire Protection - Mayor authorized to enter into an agreement with the Veterans Administration Hospital for this protection. 179

Fairview Road - Mayor authorized to execute an agreement with the N. C. Department of Transportation for a railroad crossing signal installation at the Southern Railroad crossing on this road. 187

Finance, Director of - This person was authorized to sell surplus property (one old front end loader). 188

Fairview Road - Mr. and Mrs. Keith DeWeese asked that their property on this road be rezoned (hearing scheduled) - page 189; hearing and 1st reading - page 228; 2nd reading - page 240; 3rd reading - page 253.

Fair Housing, Tenth Anniversary - HUD observed the Tenth Anniversary of the National Fair Housing Law. 202

Fisher, Robert W. - A letter was read from Vice-Mayor Horton from this District Attorney regarding pornography. 214

Fairview Road Extension - A portion of this road's speed limit was changed. 276

Firemen - Provide for a referendum by the governmental unit's eligible firemen under provisions of Article 2 of Chapter 135 of the General Statutes of N. C. and under provisions of the Governor's Executive Order of July 21, 1961. 277

Fire Pension - An attorney representing retired policemen and firemen requested increasing the pension checks whenever City employees receive salary increases. 326

Finance, Director of - This person was directed to sell surplus property (8-bin collator). 335

Flood - Resolution affirming actions of the City Manager regarding flood damage. 10

Finance, Director of - Was directed to sell 4,000 gallon tank at the Northfork Reservoir as surplus property. 10

Fagg Street - Hearing and resolution to close a portion of this street. 18

Federal Aviation Administration - Requested support from them for financing of the Airport Runway Extension. 21

Fire Pension Fund - Councilman F. Jack Cole was appointed to the Asheville Police and Fire Pension Fund Board of Trustees. 33

Federal Aviation Administration - Report from the City Manager relative to the funding of the Airport Runway Extension. 38

First Union National Bank of North Carolina - Lease with this bank for use in the operation of a communications facility by the City of Asheville. 42

Federal Disaster Funds - The City has received 75% of these funds for flood damage. 56

Finance, Director of - Was directed to sell surplus property located at the mezzanine. 59

Fairview Road - Date set for hearing relative to rezoning property on this road, owned by Tom and Betty Donoho - page 67; hearing and 1st reading - page 94 ; 2nd reading - page 102; 3rd reading - page 111.

Fire Hydrants - Bids were awarded to Silverman Company for 135 dry top traffic model fire hydrants. 70

Fees - Fees were established for use of the Aston Park Tennis Courts. 71

Fees - Daily geeens fees at the Asheville Municipal Golf Course were increased. 72

Fire Hydrants - Councilman Otis B. Michael requested a report on the number of inadequate fire hydrants in the City of Asheville. 76

Fairview Road - Mr. Keith Deweese requested that this property be rezoned along with Mr. and Mrs. Tom Donoho's property on Fairview Road. 104

Free, Mrs. Gloria - This person was appointed to the Asheville-Buncombe Community Relations Council to replace Mr. Ray Lyles. 105

Fire Department - Bids awarded to E. A. Industries, Inc. for two dual hydraulic cylinders for Fire Department. 106

Farm Equipment Company - Bids awarded to this company for one diesel powered tractor, Low Center of Gravit to be used in Parks and Recreation. 106

Farm Equipment Company - Bids awarded to this company for one diesel powered tractor with 6 ft. extension mower with 15 ft. reach to be used at the City of Asheville Watershed. 107

Finance, Director of - This person was authorized to sell obsolete fire equipment. 114

Fire Equipment - Director of Finance authorized to sell obsolete fire equipment. 114

Fletcher Hills - All water customers in this area and the Franem Acres Water system will be turned over to Henderson County. 344

Franem Acres Water System - All water customers in this water system and in Fletcher Hills will be turned over to Henderson County. 344

Group Development - Hearing and approval of the site plan for the proposed Oteen Shopping Center requested by Mr. G. N. Koon. 16

Group Development - Hearing and approval of the site plan for the proposed Arrowhead Apartments to be located on Wood Avenue requested by Ridgley Robinson. 34

Golf Course - Daily greens fees at the Asheville Municipal Golf Course have increased. 72

Garbage - City Policy regarding garbage pick-ups during periods of snow and ice conditions. 84

Greene, James Robert - A claim was received from John A. Powell, Attorney, representing this person. 87

Garrett and Garrett - Hearing date set relative to rezoning property on Hendersonville Road, requested by this company - page 121; hearing and 1st reading - page 173; 2nd reading - page 185; 3rd reading - page 193.

Graves, Sam - This person gave a report on the progress of the City's affirmative action program. 147

Generator - 1977-78 Operating Budget amended for an emergency generator for the Police and Fire Departments. 157

Generator - Bids awarded to M. B. Haynes Electric Corporation for installation of a 100 kw diesel generator for the Police and Fire Departments. 160

Gage, Elizabeth - A claim was received by this person, 22 Normandy Road. 167

Gilbert Engineering Company - Notice of claim of lien by first tier subcontractor involving this company and Dillingham Construction Company. 181

Groce, Mr. Dale - This person was appointed to the Asheville Library Board. 188

Golf Rates - Reduced golf rates for Senior Citizens at the Municipal Golf Course. 208

Gibson, L. E. - This person, on McIntosh Road, read a letter regarding problems on his road. 213

General Revenue Sharing Funds of Fiscal Year 1978-79 - Hearing date set on the proposed uses of these funds - page 265; hearing and 1st reading - page 332; 2nd reading - page 341; 3rd reading - page 4 - Minute Book 45

Governors View Road - City Manager authorized to acquire two rights-of-way easements for a sanitary sewer line on this road in Buncombe County, N. C. 336

Group Development - Hearing date set relative to the group development of Phase II of an addition to Memorial Mission Hospital - page 337; hearing and approval - page 16 - Minute Book 45

Hobson Construction Company - Bids were awarded to this company for the Smith Mill Creek Sewer Line Project. 36

Housing Authority - Sale of Parcels 70, 137 and 177. 42

Hearing - Public hearing date set to consider an ordinance providing for the regulation of utility lines within the rights of way of public streets within the City of Asheville - page 42; hearing and 1st reading 62; 2nd reading - page ; 3rd reading - page . Hearing continued - page 79.

Hearing - Date set to discuss the Community Development Program - page 51; hearing - page 73 .

Housing Authority - Sale of Parcels 15, 21, 22, 23-24, 27 and Civic Project No. 2 in the Civic Redevelopment Project. 66

Hearing - Date set for hearing relative to rezoning property on Fairview Road, on property owned by Tom and Betty Donoho - page 67; hearing and 1st reading - page 94 ; 2nd reading - page 102 ; 3rd reading - page 111.

Highway System Responsibilities - Mayor authorized to execute an agreement for street and highway system responsibilities between the City and the N. C. Board of Transportation. 77

Hearing - Date set relative to increasing the City of Asheville privilege license tax fees on all business classifications by 25% exluding those that are controlled by Schedule B of the N. C. Revenue Statues - page 78; hearing and 1st reading - page 99 ; 2nd reading - page 198 ; 3rd reading - page 263 . - postponed - page 109, 114, 210, 222, 244

Hearing - Date set directing the Housing Office to demolish 15-17 Blake Street and 19 Buffalo Street - page 78; hearing and 1st reading - page 98; 2nd reading - page 109; 3rd reading - page 114.

Housing Officer - Date set directing this person to demolish 15-17 Blake Street and 19 Buffalo Street - page 78; hearing and 1st reading - page 98; 2nd reading - page 109; 3rd reading - page 114.

Hearing - Date set adopting the 1978 edition of the N. C. Electrical Code as the Electrical Code for the City of Asheville for 2-16-78 - page 78; hearing and 1st reading - page 98; 2nd reading - page 109; 3rd reading - page 113.

HUD - Authorization of submission of an application to this department for Community Development Block Grant entitlement funds - 1978-79. 83

Hawkins, Roy W. - A claim was received by this person. 87

Hearing - Date set relative to including Ballentree Subdivision in the City's extraterritorial jurisdiction and to zone Ballentree Subdivision properties R-2 - page 92; hearing and 1st reading - page 119; 2nd reading - page 153; 3rd reading - page 164. - postponed, page 139.

Horton, Bill B. - Was administered the oath of office as a Councilmember. 1

Horton, Bill B. - Was nominated as Vice-Mayor of the City Council. 3

Hoyle, J. W. - Resolution of appreciation to this former Councilman. 5

Hearing - Date set for the adoption of an ordinance relative to permit fees - page 7; hearing and 1st reading - page 45; 2nd reading - page 55; 3rd reading - page 69.

Hearing - Public hearing and approval of the proposed Oteen Shopping Center, requested by Mr. G. N. Koon. 16

Hearing - Hearing and 1st reading of the rezoning request of Perry Alexander to rezone property at the Old VA Hospital - page 17; 2nd reading - page 34 ; 3rd reading - page 43 .

Hearing - Hearing and resolution to close a portion of Alline Street, Fagg Street, Horse Shoe Curve, Jere Street, Lyman Street, Tenie Street and Tiernan Street and all of Link Street. 19

Horse Shoe Curve - Hearing and resolution to close a portion of this street. 19

Hearing - Hearing and 1st reading of the rezoning request of Osborne Hart to rezone property on Asheland Avenue and Phifer Street - page 20; 2nd reading - page 20 ; 3rd reading - page 34 .

Hearing - Date set relative to rezoning property on Haywood Terrace, requested by Homer Sparks - page 30; hearing and 1st reading - page 92 ; 2nd reading - page 100; 3rd reading - page 109, - hearing rescheduled - page 65.

Haywood Terrace - Date set relative to rezoning request of Homer Sparks to rezone this property in West Asheville - page 30; hearing and 1st reading - page 92 ; 2nd reading - page 100; 3rd reading - page 109. - hearing rescheduled - page 65.

Hearing - Date set relative to wording amendment to the group development section - page 31; hearing and 1st reading - page 93 ; 2nd reading - page 102 ; 3rd reading - page 110. - hearing rescheduled - page 66.

Hearing - Date set relative to submission of a grant application under Section 5 of the UMTA Act of 1964, for assistance in the operational cost of the Asheville Transit Authority - page 31; hearing and approval - page 82.

Historic Properties and Historic District Commission for the City of Asheville - The Asheville Planning and Zoning Commission was designated as this. 31

Hubbard, A. P. Wholesale Lumber Company - Was awarded the bid for three picnic shelters in various sizes forthe Parks and Recreation Department. 32

Hearing - Hearing was held for the approval of the site plan of the proposed Arrowhead Apartments to be located on Wood Avenue, requested by Ridgeley Robinson. 34

Hickory Construction Company - Bids awarded to this company for the Deaverview Bridge Project. 36

Huntley Construction Company - Bids awarded to this company for the Patton Avenue - Smith Bridge Water Line Project. 36

Housing - Endorsement of the Land-of-Sky Regional Council's Regional Housing Plan. 145

Hendersonville Road - Right-of-way encroachment agreement with the N. C. Department of Transportation for a water line crossing U. S. 25 in Buncombe County. 146

Huntley Construction Company - Mayor authorized to execute a contract with this company for the project known as Louisiana Avenue - Hazel Mill Road. 158

Hazel Mill Road - Mayor authorized to sign a contract with Huntley Construction Company for the project known as Louisiana Avenue - Hazel Mill Road. 158

Housing Officer - Date set directing this person to demolish 285 Westwood Place - page 159; hearing and 1st reading - page 196; 2nd reading - page 206; 3rd reading - page 220.

Hearing - Date set directing the Housing Officer to demolish 285 Westwood Place - page 159; hearing and 1st reading - page 159; 2nd reading - page 206; 3rd reading - page 220.

Hearing - Date set for an amendment to Section 11-46 of Chapter 11 entitled Permits to issue only to licensed electrical contractors - page 159; hearing and 1st reading - page 204; 2nd reading - page 218; 3rd reading - page 274. - postponed - page 226, 265

Hearing - Date set to amend Section 20-2 of Chapter 20 entitled Plumbing Permits - Inspections Fees - page 159; hearing and 1st reading - page 204; 2nd reading - page ; 3rd reading - page . - postponed - page 219.

Haynes, M. B., Electric Company - Bids awarded to this company for the installation of a 100 kw diesel generator for the Fire and Police Department. 160

Hydr-Mower - Bids were awarded to Porter Brothers, Inc. for this for the Parks and Recreation Department. 178

Hudson, William F. - Resolution of appreciation to this Deputy Chief. 184

Henningson, Richardson and Durham - Mayor authorized to enter into an agreement with this company for a comprehensive water system development plan. 185

Hearing - Date set to rezone property on Tunnel Road near Craig Circle - page 188; hearing and 1st reading - page 226; 2nd reading - page 240; 3rd reading - page 253.

Hearing - Date set to rezone property on Fairview Road, on property owned by Mr. and Mrs. Keith DeWeese - page 189; hearing and 1st reading - page 228; 2nd reading - page 240; 3rd reading - page 253.

Hearing - Date set relative to closing an unnamed alley near the intersection of North Bear Creek Road - page 96; hearing and closing - page 153.

Human Relations Council - The month of February, 1978 proclaimed as such. 103

Harwood, Ron - A claim was received by this person. 104

Hearing - Date set to close Sugg Street and three unnamed alleys - page 105; hearing and closing - page 172. - postponed - page 163. - Sugg Street was taken out of this reso.

Hearing - Hearing held relative to approving development of an application for a Community Development-Urban Development Action Grant. 107

Hydroseeder - Bids were awarded to Reinco, Inc. for one hydroseeder gasoline powered, Skid Mount, Finn Bantam Hydroseeder, or Equal for Parks and Recreation Department. 115

Honeycutt, Calvin - A claim was received by this person. 116

Hammer, Siler and George Associates, Inc. - Mayor authorized to sign contracts with this company and Alan M. Voorhees and Associates, Inc. for consultant services. 119

Hearing - Date set relative to rezoning property on Hendersonville Road, requested by Garrett and Garrett - page 121; hearing and 1st reading - page 173; 2nd reading - page 185; 3rd reading - page 193.

Hendersonville Road - Hearing date set relative to rezoning property on this road requested by Garrett and Garrett - page 121; hearing and 1st reading - page 173; 2nd reading - page 185; 3rd reading - page 193.

Hearing - Date set relative to rezoning property on Sweeten Creek Road requested by Thomwins, Inc. - page 121; hearing and 1st reading - page 193; 2nd reading - page 205; 3rd reading - page 220. - postponed - page 173 and 184.

Hearing - Date set relative to amending Section 30-11-2, pertaining to denial of a rezoning - page 122; hearing and 1st reading - page 194; 2nd reading - page 205; 3rd reading - page 205.

Hearing - Date set relative to amending Article II, Definitions, Section 30-2-1 - page 122; hearing and 1st reading - page 194; 2nd reading - page 205; 3rd reading - page 206.

Hearing - Date set relative to rezoning property on Charlotte Street, requested by Del-Rio, Inc. - page 123; hearing and 1st reading - page ; 2nd reading - page ; 3rd reading - page . - postponed - page 177. - Denied for lack of motion - page 216.

Historical Site Inventory - Authorization of the execution of a grant-in-aid application for Asheville/Buncombe County Comprehensive Historical Site Inventory. 123

HUD - Authorization of the submission of an application to HUD for Community Development Block Grant Entitlment Funds - 1978-79. 123

Hayes and Hopson Property - Mayor authorized to sign a joint option with the County of Buncombe for the purchase of this property. 124

HUD - A letter was presented from HUD relative to the Deaverview Park Project. 125

Hearing - Date set for a revision of the City Sanitation Code - page 267; hearing and 1st reading - page 328; 2nd reading - page 339; 3rd reading - page 17.- Minute Book 45

Highway Damage - State of N. C. requested to appropriate funds for the purpose of repairing street and highway damage which resulted from flood and winter storm damage. 277

Hearing - Date set relative to an Asheville Tree Commission - page 277; hearing and 1st reading - page 338 ; 2nd reading - page 5; 3rd reading - page 18.- Minute Book 45

Historic Sites Inventory - Providing for the in-kind match required for the grant from the Department of Archives and History for this inventory. 277

Highway Projects - Support of highway projects to be included in the N. C. Highway Improvement Progarm 1979 - 1985. 277

Horton, Bill B. - This person commented on the new parking experimental program. 279

Hearing - Held authorizing the submission of an application to HUD through the Urban Development Action Grant Progarm. 322

Huntley Construction Company - Contract with this company for the project known as Appalachian Way Area Water Improvements. 324

Historic Properties - Placement authorized of information and directional signs identifying bona fide historic properties within the City of Asheville. 335

Hearing - Date set relative to rezoning property on Sweeten Creek Road, property owned by Mr. John McDuffie and Mr. James Westall, Walls & Thrash Fuel Company, Nova Enterprises, Inc. and Mr. W. H. Guthrie - page 336; hearing and 1st reading - page 26; 2nd reading - page 32; 3rd reading - page 43.- Minute Book 45

Hearing - Date set relative to the group development of Phase II of an addition to Memorial Mission Hospital - page 337; hearing and approval - page No.- Minute Book 45

Hearing - Date set relative to amending Ordinance No. 424 "An Ordinance Establishing Regulations for the Development of Real Estate Subdivisions" - page 337; hearing and 1st reading - page 16; 2nd reading - page 26; 3rd reading - page 33.- Minute Book 45

Hardin, James M. - A claim was received by this person. 337

Handicapped Parking Spaces - Some discussion took place by Mr. John Jerose relative to this. 339

Historic Preservation Advisory Committee - This Asheville-Buncombe County Committee was established. 342

Housing - Mr. Willie Williams wants to convert the motel at 200 Tunnel Road into a low and moderate income complex - much discussion. 190

Housing Authority of the City of Asheville - Mayor Trantham reappointed Mr. J. D. Jackson to this Board. 199

Haynes, M. B. Electric Corporation - Bids awarded to this company to install ballfield lighting at Shiloh Recreation Center. 201

Haynes, M. B. Electric Corporation - Bids awarded to this company to construct tennis court lighting system at Aston Park for the Parks and Recreation Department. 201

HUD - HUD observed the Tenth Anniversary of the National Fair Housing Act. 202

Hayes, Vann B. - Claim received by this person. 202

Hearing - Date set relative to rezoning property on Leicester Highway, requested by Reuben Caldwell - page 211; hearing and 1st reading - page ; 2nd reading - page ; 3rd reading - page . - postponed - page 264, 272 - Denied for lack of motion - page 323

Hearing - Date set for hearing for the East End/Valley Street Area Redevelopment Plan - page 212; hearing - page 264.

Hearing - Date set relative to the demolition of 49 West Chestnut Street - page 221; hearing and 1st reading - page 273; 2nd reading - page 324; 3rd reading - page 334.

Housing Officer - Date set for this person to demolish 49 West Chestnut Street - page 221; hearing and 1st reading - page 273; 2nd reading - page 324; 3rd reading - page 334.

Hearing and Speech Month - The month of May, 1978 proclaimed as such. 223

Horton, Bill B. - This Vice-Mayor made a statement regarding the show "Deep Throat" being shown on UNC-A campus. 223

Hayes & Lunsford Electric Co. - Bids awarded to this company for electrical work at the Shiloh Recreation Center. 230

Hearing - Date set realtive to a wording amendment to Asheville Zoning Ordinance regarding Public Utilities, Transmission Lines and Utility Substations - page 234; hearing and 1st reading - page 320; 2nd reading - page 333; 3rd reading - page 334.

Hearing - Date set relative to a wording amendment to Asheville Zoning Ordinance regarding Section 30-3-11, G. Minimum Parking Requirements for Minature Golf Courses - page 234; hearing and 1st reading - page 321; 2nd reading - page 334; 3rd Reading - page 334.

Hart, Osborne - This person was appointed as Chairman to the Civil Service Board. 249

Haynes, M. B., Electric Corp. - Bids were awarded to this company for the electrical contractor for site development for the Computer Machines Room, in City Hall. 251

Hearing - Date set for the proposed uses of general revenue sharing funds for fiscal year 1978-79 - page 265; hearing and 1st reading - page 332; 2nd reading - page 341; 3rd reading - page 4 - Minute Book 45.

Insulation Contractors - Buncombe County Commissioners authorized to license insulation contractors for work to be done in the City of Asheville. 41

Ice - City Policy regarding garbage pick-up during periods of snow and ice conditions. 84

Insurance - Mr. R. L. Medlin requested that Council overrule the City Manager's decision and allow him to continue cashing checks, making loans and selling insurance to Sanitation employees. 117

Inspections, Director of - This person gave a report on political signs. 215

Insurance - Continuation provided of group health and hospitalization insurance for City employees with 25 or more years of continuous service who have retired due to disability prior to normal retirement. 344

Johnson, Mrs. Julian C. - Received a claim from this person. 11

Jere Street - Hearing and resolution to close a portion of this street. 19

Johnson, R. W., Inc. - Bids were awarded to this company for the West Asheville Fire Station Project. 36

Johnson, J. E. - Gave a report relative to the Oteen Park Place Drainage Problem. 38

Jordan, Robert - A claim was received from Erwin L. Ball, Jr. Attorney for this person. 76

Jordan, Mailyn - A claim was received from Erwin L. Ball, Jr. Attorney for this person. 76

Jerose, John - This person was reappointed a member of the Asheville Area Civic Center Commission. 78

Japanese Students - Commenation to Asheville High School on their participation in the international exchange program and recognizing these students from Kofu Nishi Senior High School that are participating in this program. 151

Job Corps Center - Councilman Rainey said that he felt Council should support the concept of the Job Corps Center. 162

Job Corps Program - Resolution supporting this concept. 174

Jackson, J. D. - He was reappointed to the Housing Authority of the City of Asheville. 199

Johnson Amusement Rides, Incorporated - Contract agreement with them for the operation of amusements, rides, and concessions at Recreation Park. 245

Koon, G. N. - Hearing and 1st reading of a site plan of the proposed Oteen Shopping Center requested by this person - page 16; 2nd reading - page 34 ; 3rd reading - page .

Koppers Company, Inc. - Bids were awarded to this company for two picnic shelters in various sizes for the Parks and Recreation Department. 32

Kenilworth - Mr. Peter Winslow complained about the malfunction of the fire hydrants and dead trees. 56

Kenilworth - Authorization of condemnation of property in this park project area - tabled. 79

Kenilworth Park Project - Authorization of condemnation of property in this park project area. 87

Kenilworth Park Project - Authorization of condemnation of property in this park project and Wyoming Road Relocation Project. 111

King, Dr. Martin Luther - Recognization of this person for his contributions to human rights. 178

Kenilworth Park Project Area - Condemnation of property in this area - Parcel #4. 199

Kenilworth Resident's Association - The City Manager read a letter from this association thank the staff of the Sanitation Department for the clean-up program in Kenilworth. 213

Kenilworth Park Project Area - Authorizing of condemnation of property in this Area - Parcel Number 3. 222

Keener, Lester - A claim was received by this person. 278

Library Board - Mr. Dale Groce was appointed to this Board. 188

Lomax, Elsie - A claim was received by this person. 190

Lighting - Bids awarded to M. B. Haynes Electric Corporation to install ballfield lighting at Shiloh Recreation Center. 201

Lighting - Bids awarded to M. B. Haynes Electric Corporation to construct tennis court lighting system at Aston Park for Parks and Recreation Department. 201

Livingston Street Center - East Riverside Community Organization expressed their interest. 202

Leicester Highway - Date set for a public hearing on the rezoning request of Reuben Caldwell to rezone this property - page 211; hearing and 1st reading - page ; 2nd reading - page ; 3rd reading - page . - postponed - page 264, 272- Denied for lack of motion - page 323

Loyalty Day - May 1, 1978 proclaimed as such. 212

Lions Club Broom Sale Week - The week of May 1-6, 1978 proclaimed as such. 212

Lexington Avenue - Sign permit for an advertising sign on this street for Lamar Dean Outdoor Advertising Company - postponed - page 249

Lamar Dean Outdoor Advertising Company - Approval for a sign permit for an advertising sign on Lexington Avenue for this company - posponted - page 249

Lance, Burl and Rhea - City Manager authorized to acquire a right-of-way easement from these people for a 2-inch water line on U. S. 25, Buncombe County. 251

Livingston Street Recreation Center - Mr. Lonnie Burton said that this center needs a director. 326

Lakeshore Drive - Letter from the Attorney General's Office regarding 80' utility poles on this street. 11

Lyman Street - Hearing and resolution to close a portion of this street. 19

Link Street - Hearing and resolution to close all of this street. 19

Lynchburg Foundry Company - Bids awarded to this company for estimated six months requirement for water main pipe. 25

Lyda Associates - Agreement with this company for engineering services. 26

Lyda, Howard - Claim received by this person, Lyda Truck Service. 28

Louisiana Avenue - Right-of-way encroachment agreement with the N. C. Department of Transportation for a water line on this street. 41

Lease - With the First Union National Bank of North Carolina for use in the operation of a communications facility by the City of Asheville. 42

Land-of-Sky Regional Council - Adoption of this Council's Regional Land Use Plan. 67

Land Use Plan - Adoption of the Land-of-Sky Regional Council's Regional Land Use Plan. 67

Loader - Bids awarded to Asheville Construction Equipment, Inc. for one skid steer loader to be used in the Parks and Recreation Department. 91

Lease - With Wachovia Bank and Trust Company for a sanitary landfill. 94

Landfill - Lease with Wachovia Bank and Trust Company for a sanitary landfill. 94

Lease - Mildred M. Noell would like her lease terminated. 97

La Ferla, James - A claim was received from this person. 104

Livingston Street Center - Councilman Michael requested the City Manager to obtain a report from the Asheville Housing Authority as to what type of outreach programs there are between the three projects surrounding this center and for this center. 112

Lease - Mayor authorized to execute a lease between the City and the Tourist's Baseball, Inc. 119

Land-of-Sky Regional Council - Endorsement of this Council's regional housing plan. 145

Long Shoals Road - Right-of-way encroachment agreement with the N. C. Department of Transportation for a water line on N. C. 280 in Arden, N. C. 146

LEAA Grant - Capital Projects Ordinance effective 10-15-77 to include this grant. 156

Louisiana Avenue - Mayor authorized to sign a contract with Huntley Construction Company for the project known as Louisiana Avenue - Hazel Mill Road. 158

Lock Your Car Week - The week of March 27, 1978 proclaimed as such. 160

Metropolitan Sewerage District Board - Mr. Walter Boggs was appointed to this Board. 116

Medlin, R. L. - This person requested that Council overrule the City Manager's decision of cashing checks, making loans, and selling insurance to Sanitation workers to make him stop. 117

Murphy-Oakley Park - Bids awarded to Paving Enterprises, Inc. to construct three asphalt tennis courts at this park for the Parks and Recreation Department. 124

Motorola Communications and Electronics, Inc. - Bids awarded to this company for 25 portable/mobile radio units to be installed in Asheville Police Vehicles. 144

Matthews Motors - Bids awarded to this company for 2 pick-up trucks for the Sanitation Division. 146

Matthews Motors - Bids awarded to this company for 1 pick-up truck with 4-wheel drive and wrench for the Asheville Watershed. 146

Matthews Motors, Inc. - Bids awarded to this company for four garbage trucks and oen front end loader for the Sanitation Division. 167

Matthews Motors, Inc. - Bids awarded to this company for a dump truck and 2 pick-up trucks for the Water Maintenance Division. 180

Medic Alert Week - April 9-16, 1978 was proclaimed as such. 181

Montford Recreation Complex - Approval of the fair market value for Parcel Number 31 of real property to be purchased for the development of this complex. 186

Mowers - Bids awarded to Asheville Boat and Saw Company for 15 20-inch commercial mowers for the Parks and Recreation Department. 189

Mid-City Merchants Association - City Manager received a letter from this Association indicating their support to the Asheville Revitalization Commission Parking Committee relative to downtown parking. 190

Michael, Otis B. - This Councilman raised several questions about the budget director and executive assistant to the Police Chief over at the Police Department. 202

McElrath, Ronald Maynard - Resolution of appreciation to this person. 203

Municipal Golf Course - Reduced golf rates for Senior Citizens at this golf course. 208

Moser, Inc. - Bids awarded to this company for plumbing and mechanical work at the Shiloh Recreation Center. 229

Michael, Otis B. - Was administered the oath of office as a Councilman. 1

Morris, Ralph D., Jr. - Was administered the oath of office as a Councilman. 1

Meeting - Thursdays at 3:00 were prescribed as the time and day of the weekly meeting of the City Council. 4

Mayor - Councilman Michael requested the City Manager to draw up a resolution asking state legislators to allow the voters to select the Mayor. 12

Montford Area Public Works - Contract with Ruckman Brothers of Enka, NC, for this project. 27

Movies - Buncombe County Youth Council requested to address itself to the problem of youths attending "R" and "X" rated movies. 29

Motor Vehicles - Registration fee increasing from $1.00 to $5.00 - 1st reading - page 35; 2nd reading - page 35; 3rd reading - page 44.

Middle Grassy Branch Road - Petition received from the residents of this road relative to low water pressure. 37

Michael, Otis B. - Comments by this Councilman relative to the Airport Runway Extension. 52

Meddler, Herman - Comments relative to the Police Department should have increased salaries in also an increase in the force. 52

Motor Vehicles - Mr. Edward Clark complained about the $5.00 motor vehicle registration fee. 57

Metropolitan Sewerage District Board - C. LeRoy Robinson was reappointed to this Board. 60

Miracle Equipment - Bids were awarded to this company for various play ground equipment for use in the Parks and Recreation Department. 68

Michael, Otis B. - This Councilman requested a report on the number of inadequate fire hydrants in the City of Asheville. 76

Merrimon Avenue - Right-of-way encroachment agreement with the N. C. Department of Transportation for the relocation of water service lines on this avenue, Asheville, North Carolina. 90

Montford Area Historic District - Letter from Mr. Larry Tise advising that this district has been entered into the National Register of Historic Places. 104

Michael, Otis B. - This councilman requested the Corporation Counsel to write to the Attorney General's Office to determine why the City of Asheville could not receive 40% of the $6 million bond money for disbursement by the City Council. 104

Michael, Otis B. - This councilman asked the City Manager to obtain a report from the Asheville Housing Authority and the Parks and Recreation Director as to what type outreach programs there are between the three projects surrounding the Livingston Street Center and for the Livingston Street Center. 112

Merrimon Avenue - Mayor authorized to execute a right-of-way encroachment agreement with the N. C. Department of Transportation for a 16-inch water line on Broadway and to cross this Avenue in Asheville, N. C. 233

Meadow Road - Speed limit changed on a portion of this road from 45 mph to 35 mph. 244

Motor Vehicles - A second decal may be purchased for 50¢ when a vehicle is traded or when the first decal is lost or destroyed - proof of purchase of 1st one is necessary. 248 & 266

Moser, Inc. - Bids were awarded to this company for their air conditioning work for site development for the Computer Machines, Room, City Hall. 251

Matthews Motors, Inc. - Bids awarded to this company for tilt cab and chassis complete with 10 yeard rear loading hydraulic body fully mounted to be used in the Sanitation Department. 252

Montford Area Public Works - Mayor authorized to sign a change order No. III with Ruckman Brothers of Enka, N. C. for this project. 267

Morris, Charles W., Jr. - A claim was received by this person from Ridge Realty Company. 278

Mount Clare Place - A petition was received by the residents of this street and Woodrow Avenue regarding the condition of the streets. 278

Michael, Otis B. - This person was appointed to the Aviation Advisory Committee. 325

Memorial Mission Hospital - Hearing date set relative to the group development of Phase II of an addition to this hospital - page 337; hearing and approval - page 16 Minute Book 45

Modern Chevrolet - Bids were awarded to this company for five police-type compact cars for the Police Department. 343

<u>McIntosh Road</u> - Mr. L. E. Gibson read a letter to Council for the water problems on this Road. 213

N. C. Department of Transportation - Right-of-way encroachment agreement with this department for a fire signal cable on U. S. 25 (Biltmore Avenue). 166

N. C. Department of Transportation - Right-of-way encroachment agreement with this department for an 8-inch water line on Town Mountain Road. 166

N. C. Department of Transportation - Right-of-way encroachment agreement with this department for a 16-inch water line on State Road 3523 (Clingman Avenue). 166

N. C. Department of Transporation - Right-of-way encroachment agreement with this department for the installation of a 16-inch water line on State Road 3412-3414 (Sand Hill Road). 166

Newspapers, Recycling of - Mr. Charles Puffer asked Council to furnish 4 dumpster boxes and sufficient transportation to deliver the paper to the Asheville Waste Paper Company Yard - would be discussed further at the work session. 171

N. C. Department of Transportation - Filing of an application with this department for a grant under the Urban Mass Transportation Act of 1964, as amended. 179

N. C. Department of Transportation - Mayor authorized to execute an agreement with this department for a railroad crossing signal installation at the Southern Railroad crossing on Fairview Road. 187

National YWCA Week - Mayor proclaimed the week of April 23-29, 1978 as such. 192

N. C. Division of Law and Order - Mayor authorized to file an application for a federal grant with this Division for the Asheville School Liaison Program. 200

N. C. Department of Transportation - Mayor authorized to execute a right-of-way encroachment agreement with this department for a water line on State Road 81 (Swannanoa River Road.) 201

North Asheville Park - Petition was received from the land owners of North Kimberly Avenue regarding the development of this park on the Swain Property. 207

N. C. Department of Transportation - Mayor authorized to execute a right-of-way agreement with this department for a water line on Airport Road, Arden, North Carolina. 211

North Asheville Park - Discussion and motion relative to this. 217

North Fork Flood Damage Contract #2 - Mayor authorized to sign a contract with Ruckman Brothers for this project. 232

Northwestern University - Chief of Police authorized to sign a contract with them for the Asheville Traffic Management Course. 25

Neptune Water Meter Company - Bids were awarded to this company for some estimated 12 months requirements for water meters. 32

N. C. Department of Transportation - Right-of-way encroachment agreement with this department for a water line on Louisiana Avenue in Asheville. 41

N. C. Board of Transportation - Agreement with them for street and highway responsibilities. 77

N. C. Department of Transporation - Hearing and resolution authorizing the filing of an application with this department for a grant under the Urban Mass Transportation Act of 1964, as amended. 82

Nussbaum, Monet - Received a claim by this person. 85

Night Council Meetings - Councilman Rainey asked the City Manager to have a report relative to the number of cities in N. C. that are holding night Council meetings. 88

N. C. Department of Transportation - Right-of-way encroachment agreement with this department for water mains on State Roads 1266, 1265, 1267, and 1230 in Buncombe County, North Carolina. 90

N. C. Department of Transportation - Right-of-way encroachment agreement with this department for the reloaction of water service lines on Merrimon Avenue, Asheville, North Carolina. 90

Noell, Mildred M. - This person requested that her lease with the City be terminated. 97

N. C. Division of Law and Order - Mayor authorized to file an application for a federal grant with this division for a regional training grant for the Asheville Police Department. 97

National Endowment for the Arts - Endorsement of the Asheville Revitalization Commission's application with the National Endowment for the Arts to design downtown public space. 103

National Register of Historic Places - Letter from Mr. Larry Tise advising that the Montford Area Historic District has been entered into this register. 103

N. C. Department of Transportation - Right-of-way encroachment agreement with this department for development of a parkinglot abutting Interstate Highway 240. 141

N. C. Department of Transportation - Right-of-way encroachment agreement with this department for a water line on N. C. 280 (Long Shoals Road) in Arden, NC. 146

N. C. Department of Transportation - Right-of-way encroachment agreement with this department for a water line crossing U. S. 25 (Hendersonville Road) in Buncombe County. 146

N. C. Department of Crime Control and Public Safety - Contract with this department for the City/County automated police information system. 147

Nuttall Associates, Ltd. - Claim received by this person. 148

N. C. Department of Transportation - Mayor authorized to execute a contract with this department for a transit marketing program. 233

N. C. Department of Transportation - Mayor authorized to submit a grant application to this department under the transit development grant program for the purpose of implementing an employees and shoppers pass through the Asheville Transit Authority. 233

N. C. Department of Transportation - Mayor authorized to execute a right-of-way encroachment agreement with this department for a 16-inch water line on Broadway and to cross Merrimon Avenue in Asheville, N. C. 233

Nursing Home Week - The Mayor proclaimed May 14-20, 1978 as such. 234

N. C. Department of Transportation - Mayor authorized to execute a right-of-way encroachment agreement with this department for a water line on State Roads 2420 and 2002 in Buncombe County, N. C. 251

National Insurance Women's Week - The week of May 21-27, 1978 proclaimed as such. 251

National Public Works Week - The week of May 21-27, 1978 proclaimed as such. 251

N. C. Transportation Improvement Program - Support of Airport and Transit projects to be included in this program. 270

N. C. Division of Law and Order - Mayor authorized to file an application for a federal grant with this Division for the up-date Asheville I. D. Program. 276

North Carolina, State of - This State was requested to appropriate funds for the purpose of repairing street and highway damage which resulted from flood and winter storm damage. 277

N. C. Highway Improvement Program 1979-1985 - Support of highway projects to be included in this. 277

N. C. Department of Transportation - This department was requested changes on road maintenance and signing responsibilities. 324

ORDINANCE NO. 1024
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (rezoning request of Tom and Betty Donoho to rezone property on Fairview Road)

1st Reading 94
2nd Reading 102
3rd Reading 111

ORDINANCE NO. 1025
AN ORDINANCE AMENDING SECTION 11-68 OF CHAPTER 11, OF THE CODE OF ORDINANCES, ENTITLED STATE ELECTRICAL CODE ADOPTED

1st Reading 98
2nd Reading 109
3rd Reading 113

ORDINANCE NO. 1026
AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 15-17 BLAKE STREET AND 19 BUFFALO STREET

1st Reading 99
2nd Reading 109
3rd Reading 114

ORDINANCE NO. 1027
AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1978 AND ENDING JUNE 30, 1979

1st Reading 100
2nd Reading 194
3rd Reading 263
Postponed - 109, 114, 210, 222, 241

ORDINANCE NO. 1028
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Ballantree rezoning)

1st Reading 119
2nd Reading 153
3rd Reading 164
Postponed - 139

ORDINANCE NO. 1029
AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CAPITAL PROJECTS ORDINANCE EFFECTIVE OCTOBER 15, 1977

1st Reading 140
2nd Reading 154
3rd Reading 165

ORDINANCE NO. 1030
AN ORDINANCE REALLOCATING, AMENDING AND APPROVING COMMUNITY DEVELOPMENT BUDGET FUNDS SET FORTH IN THE CITY OF ASHEVILLE GENERAL FUND BUDGETS FOR 1975-76, 1976-77, AND 1977-78.

1st Reading 141
2nd Reading 154
3rd Reading 155

ORDINANCE NO. 1031
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (funds for the Personnel Division, Purchasing Division and Facility Services Division; and Data Processing Division)

1st Reading 140
2nd Reading 140
3rd Reading 140

ORDINANCE NO. 1032
AN ORDINANCE AMENDING THE CAPITAL PROJECTS ORDINANCE IN EFFECT AS OF MARCH 15, 1978 (WSIF FUNDS)

1st Reading 155
2nd Reading 155
3rd Reading 155

ORDINANCE NO. 1033
AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CAPITAL PROJECTS ORDINANCE EFFECTIVE OCTOBER 15, 1977 (Charlotte Highway Water Line)

1st Reading 156
2nd Reading 156
3rd Reading 156

ORDINANCE NO. 1013
AN ORDINANCE AMENDING THE CITY OF ASHEVILLE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 TO REFLECT THE EAST RIVERSIDE URBAN RENEWAL (R-48) DEFICIT PAYMENT

1st Reading 8
2nd Reading 8
3rd Reading 8

ORDINANCE NO. 1014
AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CAPITAL PROJECTS ORDINANCE TO INCLUDE A COMMUNITY DEVELOPMENT BLOCK GRANT APPROPRIATION OF $104,000 FOR DEAVERVIEW PARK IN THE FEDERAL CAPITAL PROJECTS FUND

1st Reading 9
2nd Reading 28
3rd Reading 28

ORDINANCE NO. 1015
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (rezoning request of Perry Alexander to rezone property at the Old VA Hospital)

1st Reading 18
2nd Reading 34
3rd Reading 43

ORDINANCE NO. 1016
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (rezoning request of Osborne Hart to rezone property on Asheland Avenue and Phifer Street)

1st Reading 20
2nd Reading 20
3rd Reading 34

ORDINANCE NO. 1017
AN ORDINANCE AMENDING, REALLOCATING, AND APPROVING COMMUNITY DEVELOPMENT PROJECT FUNDS SET FORTH IN THE CITY OF ASHEVILLE FEDERAL CAPITAL PROJECTS FUND FOR 1975-76

1st Reading 26
2nd Reading 26
3rd Reading 26

ORDINANCE NO. 1018
AN ORDINANCE AMENDING ARTICLE VII, SECTION 28-154 OF THE CITY OF ASHEVILLE CODE OF ORDINANCES

1st Reading 36
2nd Reading 36
3rd Reading 44

ORDINANCE NO. 1019
AN ORDINANCE AMENDING SECTION 8-12 OF CHAPTER 8, ARTICLE I OF THE CODE OF ORDINANCES, ENTITLED PERMIT FEES

1st Reading 45
2nd Reading 55
3rd Reading 69

ORDINANCE NO. 1020
AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (automated police information system)

1st Reading 46
2nd Reading 46
3rd Reading 46

ORDINANCE NO. 1021
AN ORDINANCE AMENDING THE CITY OF ASHEVILLE OPERATING BUDGET FOR FISCAL YEAR 1977-78 TO REFLECT COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME

1st Reading 69
2nd Reading 69
3rd Reading 69

ORDINANCE NO. 1022
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (rezoning request of Homer Sparks to rezone property on Haywood Terrace)

1st Reading 93
2nd Reading 100
3rd Reading 109

ORDINANCE NO. 1023
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Amending Section 30-6-1 - Group Development Section)

1st Reading 93
2nd Reading 102
3rd Reading 110

ORDINANCE NO. 1045
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (dictation system for City Manager/ County)

1st Reading 221
2nd Reading 221
3rd Reading 221

ORDINANCE NO. 1046
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (property on Tunnel Road near Craig Circle)

1st Reading 227
2nd Reading 239
3rd Reading 253

ORDINANCE NO. 1047
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (property on Fairview Road)

1st Reading 228
2nd Reading 240
3rd Reading 253

ORDINANCE NO. 1048
AN ORDINANCE REALLOCATING, AMENDING AND APPROVING COMMUNITY DEVELOPMENT BUDGET FUNDS SET FORTH IN THE CITY OF ASHEVILLE CAPITAL PROJECT FUND BUDGET FOR 1977-78

1st Reading 229
2nd Reading 229
3rd Reading 229

ORDINANCE NO. 1049
AN ORDINANCE AMENDING SECTIONS 28-81.5 AND 28-81.6 OF ARTICLE IV (SPEED REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO LOWER THE SPEED LIMIT ON A PORTION OF MEADOW ROAD

1st Reading 244
2nd Reading 244
3rd Reading 244

ORDINANCE NO. 1050
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (financing the transit marketing program)

1st Reading 245
2nd Reading 245
3rd Reading 245

ORDINANCE NO. 1051
AN ORDINANCE REALLOCATING, AMENDING AND APPROVING COMMUNITY DEVELOPMENT FUNDS SET FORTH IN THE CITY OF ASHEVILLE CAPITAL PROJECT FUND BUDGET FOR 1976-77 AND 1977-78

1st Reading 246
2nd Reading 246
3rd Reading 246

ORDINANCE NO. 1052
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (Street repairs)

1st Reading 246
2nd Reading 246
3rd Reading 247

ORDINANCE NO. 1053
AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CAPITAL PROJECTS ORDINANCE IN EFFECT AS OF MAY 12, 1978 (Additional Revenue to Capital Construction Fund)

1st Reading 247
2nd Reading 247
3rd Reading 247

ORDINANCE NO. 1054
AN ORDINANCE AMENDING THE CITY OF ASHEVILLE OPERATING BUDGET FOR FISCAL YEAR 1977-78

1st Reading 250
2nd Reading 250
3rd Reading 250

ORDINANCE NO. 1055
AN ORDINANCE AMENDING ARTICLE VII, SECTION 28-154 OF THE CITY OF ASHEVILLE CODE OF ORDINANCES

1st Reading 248
2nd Reading 248
3rd Reading 266

ORDINANCE NO. 1034
AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CAPITAL PROJECTS ORDINANCE EFFECTIVE OCTOBER 15, 1977 TO INCLUDE AN LEAA GRANT IN THE AMOUNT OF $218,076

1st Reading 156
2nd Reading 157
3rd Reading 157

ORDINANCE NO. 1035
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (Emergency generator for the Police & Fire departments)

1st Reading 157
2nd Reading 157
3rd Reading 157

ORDINANCE NO. 1036
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (property on Hendersonville road, requested by Garrett & Garrett)

1st Reading 173
2nd Reading 185
3rd Reading 193

ORDINANCE NO. 1037
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (providing funds for the contract for Water System Development Plan)

1st Reading 186
2nd Reading 186
3rd Reading 186

ORDINANCE NO. 1038
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (property on Sweeten Creek Road)

1st Reading 193
2nd Reading 205
3rd Reading 220

ORDINANCE NO. 1039
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (wording amendment to Section 30-11-2)

1st Reading 194
2nd Reading 205
3rd Reading 205

ORDINANCE NO. 1040
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (wording amendment to Section 30-2-1)

1st Reading 195
2nd Reading 205
3rd Reading 206

ORDINANCE NO. 1041
AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSE KNOWN AS 285 WESTWOOD PLACE

1st Reading 196
2nd Reading 206
3rd Reading 220

ORDINANCE NO. 1042
AN ORDINANCE AMENDING SECTION 11-46 OF CHAPTER 11, OF THE CODE OF ORDINANCES, ENTITLED PERMITS TO ISSUE ONLY TO LICENSED ELECTRICAL CONTRACTORS

1st Reading 204
2nd Reading 218
3rd Reading 274 - postponed 226. 265

ORDINANCE NO. 1043
AN ORDINANCE AMENDING SECTION 20-2 OF CHAPTER 20 OF THE CODE OF ORDINANCES, ENTITLED PLUMBING PERMITS - INSPECTIONS, FEES

1st Reading 204
2nd Reading - postponed - 219
3rd Reading

ORDINANCE NO. 1044
AN ORDINANCE AMENDING THE FISCAL 1977-78 CITY OF ASHEVILLE ANNUAL OPERATING BUDGET (re-roof the East Asheville Community Center)

1st Reading 210
2nd Reading 210
3rd Reading 210

ORDINANCE NO. 1067
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (Police cars and pick-up trucks)

1st Reading 343
2nd Reading 343
3rd Reading 343

ORDINANCE NO. 1056
AN ORDINANCE AMENDING ARTICLE V - STOPPING, STANDING, AND PARKING, DIVISION 3 - CITY PARKING LOTS OF CITY OF ASHEVILLE CODE OF ORDINANCES BY CHANGING SECTION 28-127 CONCERNING THE RATES OF CHARGES FOR PARKING LOTS

1st Reading 250
2nd Reading 250
3rd Reading 266

ORDINANCE NO. 1057
AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSE KNOWN AS 49 WEST CHESTNUT STREET

1st Reading 273
2nd Reading 324
3rd Reading 334

ORDINANCE NO. 1058
AN ORDINANCE AMENDING, REALLOCATING AND APPROVING COMMUNITY DEVELOPMENT FUNDS SET FORTH IN THE CITY OF ASHEVILLE'S FEDERAL PROJECT FUND BUDGET FOR 1976-77

1st Reading 275
2nd Reading 275
3rd Reading 275

ORDINANCE NO. 1059
AN ORDINANCE AMENDING SECTION 28-81.6 OF ARTICLE IV (SPEED REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO SET 45 M.P.H. AS THE SPEED LIMIT FOR A PORTION OF FAIRVIEW ROAD EXTENSION

1st Reading 276
2nd Reading 276
3rd Reading 276

ORDINANCE NO. 1060
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING ORDINANCE OF THE CITY OF ASHEVILLE," AS AMENDED (Wording Amendment)

1st Reading 321
2nd Reading 333
3rd Reading 334

ORDINANCE NO. 1061
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Wording Amendment)

1st Reading 321
2nd Reading 334
3rd Reading 334

ORDINANCE NO. 1062
AN ORDINANCE REVISING THE SANITATION CODE OF THE CITY OF ASHEVILLE

1st Reading 332
2nd Reading 340
3rd Reading 17 Minute Book 45

ORDINANCE NO. 1063
AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1978-79

1st Reading 333
2nd Reading 341
3rd Reading 4-Minute Book 45

ORDINANCE NO. 1064
AN ORDINANCE REALLOCATING, AMENDING AND APPROVING COMMUNITY DEVELOPMENT BUDGET FUNDS SET FORTH IN THE CITY OF ASHEVILLE CAPITAL PROJECT FUND BUDGET FOR 1976-77

1st Reading 335
2nd Reading 335
3rd Reading 336

ORDINANCE NO. 1065
AN ORDINANCE ESTABLISHING AN ADVISORY BODY KNOWN AS THE ASHEVILLE TREE COMMISSION

1st Reading 338
2nd Reading 5-Minute Book 45
3rd Reading 19-Minute Book 45

ORDINANCE NO. 1066
AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (Transit Marketing Study)

1st Reading 342
2nd Reading 342
3rd Reading 342

Ochsenreiter, Eugene C. - Resolution of appreciation to this former Mayor. 5

Oteen Shopping Center - Hearing and approval of the proposed Oteen Shopping Center, requested by G. N. Koon. 16

Oteen Park Place - Report by Mr. J. E. Johnson, Director of Inspection, relative to this street's problems. 38

Opportunity Corporation of Madison-Buncombe Counties - Lease agreement with this corporation for the use of the Burton Street Recreation Center. 42

Ochsenreiter, Eugene C. - This person was appointed as Chairman to the Aviation Advisory Committee. 325

Oglesby, Bill - This person was appointed a member to the Aviation Advisory Committee. 325

Police Information System - 1977-78 Operating Budget amended to include this system. 46

Petition - Red Cross submitted a petition relative to a site plan. 47

Police Department - Herman Meddler said that this department should have an increase in salaries and also an increase in the force. 52

Parks and Recreation Department - Bids were awarded to Porter Brothers, Inc. for one Turf Truckster for this department. 54

Porter Brothers, Inc. - Bids were awarded to this company for one Turf Truckster for the Parks and Recreation department. 54

Parks and Recreation Department - Bids were awarded to Stadiums Unlimited for 24 sets of bleachers for this department. 54

Property - The Director of Finance was directed to sell some surplus property stored in the mezzanine. 59

Parks and Recreation, Director of - Was authorized to make an application for Young Adult Conservation Corps funding. 60

Parcels - Sale of Parcels 15, 21, 22, 23-24, 27 and Civic Redevelopment Project #2. 66

Property - City Clerk was authorized to advertise the sale of City of Asheville property on Roberts Street. 67

Play Systems, Inc. - Bids were awarded to this company for various playground equipment to use in the Parks and Recreation Department. 68

Playground Equipment - Bids were awarded to various companies for this for the Parks and Recreation Department. 68

Parks and Recreation Department - Bids were awarded to Quality Industries, Miracle Equipment, Play Systems, Inc & Cunningham Associates, for playground equipment for use in this department. 68

Parade - Permission was granted for the Easter Parade sponsored by WWNC. 76

Public Works Director - T. Clark Brown was appointed this position. 76

Pullen, A. M. & Company - Contract with this company for an audit of the financial accounts and records of the City. 78

Privilege License Tax Fees - Hearing date set for an increase of these fees - page 78; hearing and 1st reading - page 100; 2nd reading - page 198; 3rd reading - page . - delayed - 109, 114, 210, 220

Parking - Limited free parking with a City Auto sticker at the downtown parking garage. 83

Price, Norma T. - Was administered the oath of office as a new Councilmember. 1

Planning & Zoning Commission - Mrs. Pauline Tennant was appointed to this committee. 7

Permit Fees - Date set for hearing relative to permit fees - page 7; hearing and 1st reading - page 45 ; 2nd reading - page 55 ; 3rd reading - page 68.

Property - Director of Finance directed to sell a 4,000 gallon tank at the Northfork Reservoir as surplus property. 10

Power Poles - A letter from the Attorney General's Office regarding 80' utility poles being installed on Lakeshore Drive. 11

Phifer Street - Hearing and 1st reading of the rezoning request of Osborne Hart to rezone property on this street and Asheland Avenue - page 20; 2nd reading - page 20; 3rd reading - page 34.

Pressley, James M. - Was re-appointed to the Board of Directors of the Asheville-Buncombe Community Relations Council. 24

Parking - December 23, 26 and 27 and declared as free parking days for downtown Asheville. 25

Police Chief - Was authorized to sign a contract with Northwestern University for the Asheville Traffic Management Course. 25

Planning & Zoning Commission - Was designated as the local Historic Properties and Historic District Commission for the City of Asheville. 31

Parks and Recreation Department - Bids were awarded to A. P. Hubbard Wholesale Lumber Company and Koppers Company, Inc. for five park picnic shelters in various sizes for this department. 32

Picnic Shelters - Bids were awarded to A. P. Hubbard Wholesale Lumber Company and Koppers Company, Inc. for five park picnic shelters in various sizes for the Parks and Recreation Department. 32

Parks and Recreation Department - Bids were awarded to Apple Tree Chevrolet, Inc. for a 12 passenger van for use at the Senior Opportunity Center, for this department. 33

Police Pension Fund - Councilman F. Jack Cole was appointed to the Asheville Police and Fire Pension Fund Board of Trustees. 33

Patton Avenue - Smith Bridge Water Line - Bids were awarded to Huntley Construction Company for this Project. 36

Petition - Received from the residents of Middle Grassy Branch Road relative to low water pressure. 37

Police Department - These employees requested salary increases to State level and financial assistance for tuition and other school expenses. 38

Parcels - Disposal of Parcels 70, 137 and 177 in the East Riverside Urban Renewal Project. 42

Parks and Recreation Department - Bids awarded to Paving Enterprises, Inc. to construct three asphalt tennis courts at Murphy-Oakley Park for this department. 124

Paving Enterprises, Inc. - Bids awarded to this company to construct 3 asphalt tennis courts at Murphy-Oakley Park for the Parks and Recreation Department. 124

Police, Chief of - This person discussed the enforcement of the animal control ordinance. 124

Parking - Some discussion relative to parking violations around churches. 125

Proclamation - March 11, 1978 proclaimed as "Sweet Adelines Day." 126

Parking Lot - Right-of-way encroachment agreement with the N. C. Department of Transportation for development of a parking lot abutting Interstate Highway 240. 141

Petition - Received from Red Cross for improvements to Edgewood Road and Westall Avenue. 142

Police, Chief of - Melvin L. Tucker, Chief of Police, was supported in his efforts to enforce the laws of the City of Asheville. 142

Police Department - Bids were awarded to Motorola Communications and Electronics, Inc. for 25 portable/mobile radio units to be installed in Asheville Police vehicles. 144

Police, Chief of - Melvin L. Tucker, Chief of Police, made some comments regarding the Police Department. 145

Police Information System - Mayor authorized to sign a contract with the State of N. C., Department of Crime Control for the City/County Automated Police Information System. 147

Parcel 172 - Approval of the sale of disposal Parcel 172 in the East Riverside Urban Renewal Project for the Asheville Housing Authority. 153

Police Department - 1977-78 Operating Budget amended to include an emergency generator for this department and the fire department. 157

Parking - March 27, 1978 declared as free parking day in downtown Asheville (Easter). 158

Property - Director of Finance directed to sell surplus property (IBM typewriter). 158

Property - Director of Finance directed to sell surplus property (NCR minicomputer). 159

Parks and Recreation Department - Bids were awarded to Asheville Construction Equipment, Inc. for one skid steer loader to be used in this department. 91

Pump - Bids were awarded to Asheville Construction Equipment, Inc. for one 4-inch de-watering pump for Water Maintenance Division. 91

Police Department - Bids were awarded to Cumberland Vehicles, Inc. for three police-type enclosed three wheel motor vehicles for use in this department. 91

Planning - Designation of the lead planning organization responsible for preparation of the Asheville-Buncombe County Clean air Quality Plan required by 1977 Clean Air Act Amendments. 97

Police Department - Mayor authorized to file an application for a federal grant with the N. C. Division of Law and Order for a regional training grant for this department. 97

Property - Sale of property located n/w Roberts Street and Park Avenue to Supply Specialities. 100

Park Avenue - Sale of property located n/w Roberts Street and Park Avenue to Supply Specialities. 100

Proclamation - The month of February, 1978 proclaimed as Human Relations Council in Asheville and Buncombe County. 103

Proclamation - The week of February 19-25, 1978 proclaimed as Brotherhood Week. 104

Proclamation - February 21, 1978 proclaimed as Engineering Day. 104

Parks and Recreation Department - Bids awarded to Farm Equipment Company for one diesel powered tractor, Low Center of Gravity to be used in this department. 106

Parks and Recreation Department - Bids awarded to Alan H. Shaw Company for metal doors, frames, windows, and hardware for renovation of Burton Street Center, this department. 106

Pinkston, Charles R. "Buck" - Resolution of appreciation to this person. 113

Property - Director of Finance authorized to sell obsolete fire equipment. 114

Parks and Recreation Department - Bids awarded to Reinco, Inc. for one hydroseeder, gasoline powered, Skid Mount, Finn Bantam Hydroseeder, or Equal for this department. 115

Piedmont Airlines - City Manager authorized to sign appropriate agreement which would permit United Airlines to sublease Asheville Airport Terminal Space to Piedmont Airlines. 116

Pardos, Nick - This person asked Council what could be done to relieve him of the problem of parking in front of Square Cafe on Pack Square. 116

Parking - Nick Pardos asked Council what could be done to relieve him of the parking problem in front of Square Cafe on Pack Square. 116

Parks and Recreation Department - Bids awarded to Asheville Fence Company to install chainlink fence around tennis courts, baseball field and park perimeter for this department. 123

Parking Policies - Experimental program for downtown on-street parking. 196

Police Department - Mayor authorized to file an application for a federal grant with the N. C. Division of Law and Order for the Asheville School Liaison Program. 200

Parks and Recreation - Bids awarded to M. B. Haynes Electric Corporation to construct tennis courts system at Aston Park for this Department. 201

Police Department - Councilman Otis B. Michael asked some questions about the Budget Director and the Executive Assistant to the Chief. 202

Parking Policies - Experimental program in downtown on on-street parking policies. 206

Petition - A petition was received from the North Kimberly Avenue residents regarding the development of the North Asheville Park on the Swain Property. 207

Parks and Recreation, Director of - This person was directed to enter into an agreement with the Dept. of Agriculture and the Dept. of Interior through the Recreation Divisionof the Dept. of Natural Resources and Community Development of the State of N. C. for a Youth Employment, Conservation and Environmental Education Program for the summer of 1978. 209

Proclamation - May 1, 1978 was proclaimed as "Loyalty Day." 212

Proclamation - The week of May 1-6, 1978 was proclaimed as "Lions Club Broom Sale Week." 212

Pornography - A letter was entered into the minutes regarding this from Robert Fisher, District Attorney. 214

Political Signs - The Director of Inspections gave a report on these. 215

Parcel Number 23 - Approval of the fair market value for this parcel to be purchased for the development of Riverside Park in the Montford Area. 221

Proclamation - The week of May 7-13, 1978 proclaimed as "Be Kind to Animals Week". 223

Proclamation - The month of May, 1978 proclaimed as "Hearing and Speech Month." 223

Price-Ray Constructors - Bids awarded to this company for general work at the Shiloh Recreation Center. 230

Plumbing Permits - Hearing date set relative to amending Section 20-2 of Chapter 20 entitled Plumbing Permits - Inspections, Fees - page 159; hearing and 1st reading - page 204; 2nd reading - page ; 3rd reading - page . - postponed - page 219. 226

Police Department - Bids awarded to M. B. Haynes Electric Corporation for the installation fo 100 kw diesel generator for this department and the fire department. 160

Proclamation - The week of March 27, 1978 proclaimed as "Lock Your Car Week." 160

Proclamation - The week of April 1-8, 1978 proclaimed as "Week of the Young Child." 167

Proclamation - March 30, 1978 proclaimed as "Doctor's Day". 167

Petition - Mr. Grant Tiabi presented a petition for the City of Asheville to abandon its present CD project on portions of Pearson Drive. 167

Pearson Drive - Mr. Grant Tiabi presented a petition for the City of Asheville to abandon its present CD project on portions of this drive. 167

Permits - Complaint by a person relative to purchasing of annual permits at Aston Park Tennis Courts. 168

Pavement Breakers - Postponement of awarding bids regarding 6 electric operated pavement breakers for the Water Maintenance and Construction Division - page 178; bids awarded to AAA Tool-Rental & Sales Inc. - page 187.

Porter Brothers, Inc. - Bids awarded to this company for one 20-inch commercial 'hydr-mower' for the Parks and Recreation Department. 178

Parks and Recreation Department - Bids awarded to Porter Brothers, Inc. for one 20-inch commercial 'hydr-mower' for this department. 178

Proclamation - The week of April 16-22, 1978 was proclaimed as "Volunteer Recognition Week." 181

Proclamation - The week of April 9-16, 1978 was proclaimed as "Medic Alert Week." 181

Parcel Number 31 - Approval of fair market value for this parcel of real property to be purchased for the development of the Montford Recreation Complex. 186

Property - Director of Finance authorized to sell surplus property (old front end loader). 188

Parks and Recreation Department - Bids awarded to Asheville Boat and Saw Company for 15 20-inch commercial mowers for this department. 189

Parking - City Manager presented a letterfrom Mid-City Merchants Association indicating their support to the Asheville Revitalization Commission Parking Committee relative to downtown parking. 190

Proclamation - The week of April 23-29, 1978 as "National YWCA Week." 192

Proclamation - The week of April 23-29, 1978 as "Secretaries Week." 192

Proclamation - The month of May, 1978 as "American Business Women's Association Scholarship Month." 192

Proclamation - The week of May 14-20, 1978 proclaimed as "Nursing Home Week." 234

Pension - John Best asked for the increase in pension for retired personnel. 235

Parcel No. 3 - City Manager read a report relative to the status of readvertising the sale of this parcel in the Civic Redevelopment Project Area. 230

Parking Lots - An ordinance increasing the daily parking rate for Municipal Parking Lot No. 1 located on Rankin Street - 1st and 2nd reading - page 250; third reading - page 266

Pension Funds - Request that the Buncombe County Delegation to the N. C. General Assembly introduce legislation in the 1978 General Assembly Session amending Chapter 188 of the 1977 Session Laws relating to the policemen's and firemen's pension funds of the City of Asheville. 250

Proclamation - The week of May 21-27, 1978 proclaimed as "National Insurance Women's Week." 252

Proclamation - The week of May 21-27, 1978 proclaimed as "National Public Works Week." 252

Parcels - Approval of sale of disposal parcels in the East Riverside Renewal Projects - parcels 6A-6B - 26 - 92 - 155. 266

Posey, Tom - This person was appointed as a member to the Asheville Civil Service Board. 270

Proclamation - June 4, 1978 proclaimed as "Shut-in's Day." 270

Police Department - Mayor authorized to file an application for a federal grant with the N. C. Division of Law and Order for the up-date Asheville I. D. Program. 276

Policemen - Provide for a referendum by the governmental unit's eligible policemen under provisions of Article 2 of Chapter 135 of the General Statutes of North Carolina and under provisions of the Governor's Executive Order of July 21, 1961. 277

Petition - Received from the residents of Mt. Clare Place and Woodrow Place regarding the condition of the streets. 278

Price, Norma T. - This person was appointed a member to the Aviation Advisory Committee. 325

Policemen Pension - An attorney representing policemen and firemen requested that pension checks be increased for these retired people whenever City employees receive salary increases. 326

Property - Director of Finance authorized to sell surplus property (8-bin collator). 335

Parking Spaces - There was discussion relative to people parking in the handicapped parking spaces. 339

Police Department - Bids were awarded to Apple Tree Chevrolet for 2 police-type compact cars and one pick-up truck and to Modern Chevrolet for 5 police-type compact cars for this Department. 343

Police Department - 1977-78 Operating Budget amended to provide funding for seven police cars and one-pick up truck for this department. 343

Quality Industries - Bids were awarded to this company for various playground equipment for use in the Parks and Recreation Department. 68

Quality Inn/Intown - Claim was received from this company. 76

Queen, H. H. - Was appointed to the Asheville Transit Authority, replacing Lacy T. Haith. 78

Roberts Street - Sale of property located n/w Roberts Street and Park Avenue to Supply Specialities. 100

Rainey, Gene E. - This councilman requested the Corporation Council to look into a more simplified manner to obtain the solicitation permits. 104

Retirement Event - Council members were invited to a retirement event for Captain John Best. 112

Rainey, Gene E. - Councilman Rainey requested that the City Attorney review the legal procedures for requiring the owner of Grace Shopping Center to clean up the premises and to determine if the City can require clean up on private property. 112

Rardin, Mrs. Thomas E. - This person was appointed as Commissioner Two to the Sinking Fund Commission for Buncombe County replacing Mr. E. Britney Smith. 114

Reinco, Inc. - Bids were awarded to this company for one hydro-seeder, gasoline powered, Skid Mount, Finn Bantam Hydroseeder, or Equal for the Parks and Recreation Department. 115

Red Cross - This group presented a petition for improvements on Edgewood Road and Westall Avenue. 142

Rainey, Gene E. - This councilman and the Chief of Police were supported in their efforts to enforce the laws (letter received by Mary Robertson, 866½ Haywood Road). 142

Radio Units - Bids were awarded to Motorola Communications and Electronics, Inc. for 25 portable/mobile radio units to be installed in Asheville Police Vehicles. 144

Rededication - The City Manager noted the 50th anniversary and rededication of the City Hall Building, March 19, 1978. 145

Railroad Property - Right-of-way encroachment agreement with the Southern Railway Company concerning a 12-inch water line to cross railroad property near U. S. Highway I-40 and U. S. Highway 74 in Asheville, NC. 146

Rainey, Gene E. - This councilman made a comment in regards to the Civic Center Investigation. 148

Rainey, Gene E. - This councilman said that the Council should support the concept of the Job Corps Center. 162

Rainey, Gene E. - This councilman requested a report relative to City trucks hauling dirt on private property - page 162; report by the City Manager - page 169.

Rogers, Mrs. - This lady thanked Council for purchasing a new van for the Senior Opportunity Center. 163

Rainey, Gene E. - Was administered the oath of office for this Councilman. 1

Revenue Sharing Trust Fund - Vice-Mayor Horton asked the City Manager for a line item summary of this fund available to Council the first of the year (1978). 13

Records - Authorization of the disposition of Municipal Records as scheduled. 24

Ramsey, Libby Henry - Was re-appointed to the Board of Director of the Asheville-Buncombe Community Relations Council. 24

Ruckman Brothers of Enka, NC - Contract with them for the project known as "Montford Area Public Works." 27

Robinson, Ridgley - Hearing and approval of the site plan requested by this person for the proposed Arrowhead Apartments to be located on Wood Avenue. 34

Registration Fees - These fees for motor vehicles are increasing from $1.00 to $5.00 - page 36; 2nd reading - page 36; 3rd reading - page 44.

Rogers Plumbing & Hearing Company - Bids were awarded to this Company for the West Asheville Fire Station Project. 36

Report - Given by Mr. J. E. Johnson, Director of Inspections, relative to Oteen Park Place drainage problems. 38

Report - Given by the City Manager relative to a meeting with FAA relative to funding of the Airport Runway Extension. 38

Red Cross - The Red Cross submitted a petition relative to a site plan. 47

Rainey, Gene E. - This Councilman commended that if there were more night meetings, more school children could attend. 52

Rogers, Mrs. Roy - Thanked Council members for coming to the Senior Opportunity Center during the Christmas season. 57

Robinson, C. LeRoy - Was reappointed to the Metropolitan Sewerage District Board. 60

Roberts Street - City Clerk was authorized to advertise the sale of City of Asheville property located on this street. 67

Redevelopment Area - Resolution endorsing the Buncombe County overall economic development plan and requesting the U. S. Economic Development Administration to designate Buncombe County as this area under the Public Works and Economic Development Act of 1965. 86

Rainey, Gene E. - This Councilman requested the City Manager to further investigate the problem of youths attending "R" rated movies. 89

Rainey, Gene E. - This Councilman requested a breakdown on Tom Edgerton's salary. 89

Revenue - Public hearing and 1st reading of this ordinance for fiscal year beginning July 1, 1978 and ending June 30, 1979 - page 99; 2nd reading - page 198; 3rd reading - page 263. - postponed - page 109, 114, 210, 220, 241

Recycling of Newspapers - Mr. Charles Puffer asked if the City would furnish 4 dumpster boxes and sufficient transportation to deliver the paper to the Asheville Waste Paper Company yard - would be discussed further at Council's work session. 171

Red Cross - Revision of the group development site plan approval requirements of March 13, 1975 for the American Red Cross. 175

Rutherford Estate, J. W. - City Manager authorized to acquire rights-of-way easements from this Estate and the Bank of Asheville for a 6-inch water line located on U. S. 19-23 at Enka-Candler, Buncombe County, N. C. 187

Ruff, Donald - A claim was received by this person. 202

Riverside Park - Approval of the fair market value for Parcel Number 23 to be purchased for the development of this park in the Montford Area. 221

Rogers, Mrs. Betty - This person said that she could not obtain a permit to place a mobile home on Cedar Hill Road. 223

Report - City Manager gave a report on the status of readvertising the sale of Parcel No. 3 in the Civic Redevelopment Project Area. 230

Ruckman Brothers - Mayor authorized to sign a contract with this company for the project known as North Fork Flood Damage Contract #2. 232

Recreation Park - Contract with Johnson Amusement Rides, Inc. for the operation of amusements, rides, and concessions at this park. 245

Revenue Sharing Funds - Hearing date set for the proposed uses of general revenue sharing funds for fiscal year 1978-79 - page 265; hearing and 1st reading - page 332; 2nd reading - page 341; 3rd reading - page 4 - Minute Book 45

Ruckman Brothers of Enka, N. C. - Mayor authorized to sign a change order III with this company for the project known as Montford Area Public Works. 267

Ranger Construction Company - Settlement authorized with Ballenger Construction Company, successor to this company for work on the Asheville Civic Center and acceptance of same. 320

Street Department - Bids were awarded to Bruce Construction for one diesel powered hydraulic wheel loader/backhoe for this department. 115

Sanitation Employees - Mr. R. L. Medlin requested that Council overrule the City Manager's decision to make him stop cashing checks, making loans and selling insurance to these employees. 117

Sweeten Creek Road - Hearing date set relative to rezoning property on this road, requested by Thomwins, Inc. - page 121; hearing and 1st reading - page 193; 2nd reading - page 205; 3rd reading - page 220. - postponed - page 173 and 184.

Sweet Adelines Day - March 11, 1978 proclaimed as such. 126

Southern Railway Company - Right-of-way encroachment agreement with this company concerning a 12-inch water line to cross railroad property near U. S. Highway I-40 and U. S. Highway 74 in Asheville, NC. 146

Sanitation Division - Bids awarded to Matthews Motors for 2 pick-up trucks for this division. 146

Sanitation Division - Bids awarded to Apple Tree Chevrolet for five dump trucks for this division and one truck for the Street Department. 160

Street Department - Bids awarded to Apple Tree Chevrolot for five dump trucks for the Sanitation Division and one truck for this department. 160

Senior Opportunity Center - Mrs. Rogers thanked Council for purchasing a new van for this center. 163

Sand Hill Road - Right-of-way encroachment agreement with the N. C. Department of Transportation for a 16-inch water line on State Road 3412-3414. 166

Sanitation Division - Bids awarded to Matthews Motors, Inc. for four garbage trucks and one front end loader for this division. 167

Sullivan, Mrs. L. P. - A claim was received by this person on 264 Montford Avenue. 167

Sign Permit - Postponement of a sign permit approval for Bekins Moving and Storage - page 177; approval - page 214.

Street Division - Bids were awarded to Apple Tree Chevrolet for one pick-up truck for this division. 180

Secretaries Week - The week of April 23-29, 1978 proclaimed as such. 192

Swannanoa River Road - Encroachment agreement with the N. C. Department of Transportation for a water line on State Road 81. 201

Shiloh Recreation Center - Bids awarded to M. B. Haynes Electric Corporation to install ballfield lighting at this center. 201

Swilling, JoAnn M. - Resolution of appreciation to this former Councilwoman. 4

Senior Opportunity Center - Council members were invited to the Center on December 20, 1977 for Christmas Party. 29

Sparks, Homer - Public hearing set for rezoning property on Haywood Terrance, requested by this person - page 30; hearing and 1st reading - page 92 ; 2nd reading - page 100; 3rd reading - page 109. - hearing rescheduled - page 65.

Senior Opportunity Center - Bids were awarded to Apple Tree Chevrolet, Inc. for a 12 passenger van for this center, Parks and Recreation Department. 33

Smith Mill Creek Sewer Line - Bids were awarded to Hobson Construction Company for this project. 36

Site Plan - The Red Cross submitted a petition relative to this. 47

Supply Spec. - Bids were awarded to this company and Tidewater for water pumps for Water Production and Quality Control Division. 53

Stadiums Unlimited, Inc. - Bids were awarded to this company for 24 sets of bleachers for the Parks and Recreation Department. 54

Sign Permit - U-Haul Company was given permission to erect a 40' high free-standing sign. 70

Silverman Company - Bids were awarded to this company for 135 dry top traffic model fire hydrants. 70

Swanger, Steve - Claim was received from Erwin L. Ball, Jr. Attorney for this person. 76

Street System Responsibilities - Agreement between the City and the N. C. Board of Transportation for street and highway system responsibilities. 77

Spells, Ray - Was reappointed to the Asheville Area Civic Center Commission. 78

Snow - City policy regarding garbage pick-up during periods of snow and ice conditions. 84

Stines, Richard E. - A claim was received from John A. Powell, Attorney, representing this person. 87

Solicitation Permits - Councilman Rainey requested that the Corporation Counsel look into a more simplified manner to obtain these permits. 104

Sugg Street - Hearing date set relative to closing this street and 3 unnamed alleys - page 105; hearing and closing - page . - postponed - page 163.- Sugg St. was taken out. page 172.

Shaw, Alan H., Company - Bids were awarded to this company for metal doors, frames, windows and hardware for renovation of Burton Street Center, Parks and Recreation Department. 106

Sinking Fund Commission for Buncombe County - Mrs. Thomas E. Rardin (Shirley B.) was appointed to this Commission replacing Mr. E. Britney Smith. 114

Sheppard, Zeb - This person was appointed a member to the Aviation Advisory Committee. 325

Self, George - A claim was received from this person from Self-Sluder Advertising Company. 325

Signs - Placement authorized of information and directional signs identifying bona fide historic properties within the City of Asheville. 335

Sweeten Creek Road - Hearing date scheduled to rezone property on this road on property owned by Mr. John McDuffie and Mr. James Westall, Walls & Thrash Fuel Company, Nova Enterprises, Inc. and Mr. W. H. Guthrie - page 336; hearing and 1st reading - page 26; 2nd reading - page 32; 3rd reading - page 43.

Southworth Construction Company, Inc. - Mayor authorized to sign the contract with this company for the renovation of the Valley Street Maintenance Facility. 344

Swain Property - A petition was received from the residents in the North Kimberly Avenue section regarding the development of the North Asheville Park on this property. 207

Signs - Bids awarded to Crawford Sign Company for sings for the Asheville Civic Center. 209

Sedan - Bids awarded to Apple Tree Chevrolet for one four door sedan for the Water Maintenance and Construction Division. 211

Sourwood Lane - Mr. Hugh Hyder said that residents of that section presented a paving petition last fall to have their road paved - nothing done yet.- page 213; report from City Manager - page 223.

Shiloh Recreation Center - Bids were awarded to Price-Ray Constructors for general work, Moser, Inc. for plumbing and mechanical work and Hayes & Lunsford Electric Co. for electrical work for this Center. 230

Swearingen, Mr. G. F. - A claim was received by this person. 234

Speed Regulations - The speed limit on a portion of Meadow Road was reduced from 45 mph to 35 mph. 244

Street Repair Program - 1977-78 Operating Budget amended for this. 246

Sign Permit - Approval of a sign permit for an advertising sign on Lexington Avenue for Lamar Dean Outdoor Advertising Company - postponed - page 249.

State Roads 2420 and 2002 in Buncombe County, N. C. - Right-of-way encroachment agreement with the N. C. Department of Transportation for a water line on these roads. 251

Sanitation Department - Bids awarded to Matthews Motors, Inc. for a tilt cab and chassis complete with 10 yard rear loading hydraulic body fully mounted to be used in this department. 252

Sanitation Code - Hearing date set for the revision of the City Sanitation Code - page 267; hearing and 1st reading - page 328; 2nd reading - page 340 ; 3rd reading - page 17 Minute Book 45

Shut-In's Day - June 4, 1978 proclaimed as such. 270

Speed Regulations - The speed limit on a portion of Fairview Road Extension is set at 45 miles per hour. 276

Salvage - Approval of the sale of salvage from the East Riverside Renewal Project. 277

Street Damage - State of N. C. requested to appropriate funds for the purpose of repairing street and highway damage which resulted from flood and winter storm damage. 277

Shiloh Recreation Center Contracts - Mayor was authorized to sign these contracts. 278

Southworth Construction Company, Inc. - Bids awarded to this company for renovations at the City barn. 278

Streets - Changes requested in the N. C. Department of Transportation/City of Asheville road maintenance and signing responsibilities. 324

Trucks - Bids awarded to Matthews Motors, Inc. for four trucks and one front end loader for the Sanitation Division. 167

Trucks - Bids were awarded to Matthews Motors, Inc. and Apple Tree Chevrolet for various trucks for the Water Maintenance Division, Street Division and the Water Control Division. 180

Tunnel Road, 200 - Mr. Willie Williams presented a proposal to convert the motel at this address into housing for low and moderate income families under the City's Housing Assistance Plan for 1977-78 - meeting will be held with City officials to consider this. 181

Trantham, Mr. and Mrs. James - Mayor Roy M. Trantham introduced his son and dauther-in-law. 183

Tunnel Road - Date set for zoning property on this Road requested by Mr. Gus Barlas and Ms. Dolly Kalogerakis - page 188; hearing and 1st reading - page 227; 2nd reading - page 240; 3rd reading - page 253.

Tunnel Road, 200 - Mr. Willie Williams presented a proposal to conver the model at this adress into housing for low and moderate income families - discussion. 190

Transit Marketing Program - Mayor authorized to execute a contract with the N. C. Department of Transportation for this program. 233

Transit Development Grant Program - Mayor authorized to submit a grant application to the N. C. Department of Transportation under this program for the purpose of implementing an employees and shoppers pass through the Asheville Transit Authority. 233

Transit Marketing Program - 1977-78 Operating Budget amended for the financing of this program. 244

Transit Projects - Support of these projects and airport projects to be included in the N. C. Transportation Improvement Program. 270

Taylor and Murphy Construction Company - Mayor authorized to sign a contract with this company for the contract known as Chestnut Street Fire Line. 274

Tree Commission - Hearing date set relative to establishing this commission - page 277; hearing and 1st reading - page 338; 2nd reading - page 5; 3rd reading - page 19. - Minute Book 45

Transit Marketing Study - 1977-78 Operating Budget amended to provide for funding for this program. 342

Truck - Bids awarded to Apple Tree Chevrolet for one pick-up truck for the Police Department. 343

Trantham, Roy M. - Was administered the oath of office for this new Councilmember. 1

Trantham, Roy M. - Was nominated as Mayor. 2

Tennant, Pauline - Was appointed as a member to the Planning & Zoning Commission. 7

Tank - Director of Finance directed to sell a 4,000 gallon tank at the Northfork Reservoir as surplus property. 10

Tucker, Melvin L. - Was appointed as Chief of Police. 10

Tenie Street - Hearing and resolution to close a portion of this street. 19

Tiernan Street - Hearing and resolution to close a portion of this street. 19

Twentieth Century Heating Company - Bids were awarded to this company for the West Asheville Fire Station Project. 36

Tidewater Machinery - Bids were awarded to this company and Supply Specialties, Inc. for water pumps for Water Production and Quality Control Division. 53

Turf Truckster - Bids were awarded to Porter Brothers, Inc. for one of these to be used in the Parks and Recreation Department. 54

Tree Commission - Mayor authorized to appoint a committee to study the idea of this Commission for the City of Asheville. 97

Tractor - Bids awarded to Farm Equipment for one diesel powered tractor, Low Center of Gravity to be used in the Parks and Recreation Department. 106

Tractor - Bids awarded to Farm Equipment Company for one diesel powered tractor with 6 ft. extension mower with 15 ft. reach to be used at the City of Asheville Watershed. 107

Tourist's Baseball, Inc. - Mayor authorized to execute a lease between the City of Asheville and this company. 119

Thomwins, Inc. - Hearing date set relative to rezoning property on Sweeten Creek Road, requested by this company - page 121; hearing and 1st reading - page 193; 2nd reading - page 205; 3rd reading - page 220. - postponed - page 173 and 184.

Tennis Courts - Bids awarded to Paving Enterprises, Inc. to construct 3 asphalt tennis courts at Murphy-Oakley Park for the Parks and Recreation Department. 124

Trucks - Bids awarded to Matthews Motors for 2 pick up trucks for the Sanitation Division and 1 pick up truck with 4 wheel drive and wench for the Asheville Watershed. 146

Typewriter, IBM - Director of Finance directed to sell surplus property. 158

Trucks - Bids awarded to Apple Tree Chevrolet for five dump trucks for the Sanitation Division and one truck for the Street Division. 160

Town Mountain Road - Right-of-way encroachment agreement with the N. C. Department of Transportation for an 8-inch water line on this road. 166

UMTA - Hearing set relative to the submission of a grant application under Section 5 of the UMTA Act of 1964 for assistance in the operational cost of the Asheville Transit Authority - page 31; hearing and authorization - page 82.

Utility Lines - Public hearing date set relative to providing for the regulation of these lines within the rights of way of public streets within the City of Asheville - page 42; hearing and 1st reading - page 62 ; 2nd reading - page ; 3rd reading - page . Public hearing continued - page 79.

U-Haul Company - This company was given permission to install a 40' high sign. 70

Utilities Operations Coordinator - William DeBruhl was appointed to this position. 76

U. S. Economic Development Administration - Resolution endorsing the Buncombe County overall economic development plan and requesting this administration to designate Buncombe County as a redevelopment area under the Public Works and Economic Development Act of 1965. 86

United Airlines - City Manager authorized to sign appropriate agreements which would permit United Airlines to sublease Asheville Airport Terminal Space to Piedmont Airlines. 116

Urban Mass Transportation Act of 1964, as amended - Filing of an application with the Department of Transportation for a grant under this act. 179

U. S. 25, Buncombe County - City Manager authorized to acquire a right-of-way easement from Burl Lance and wife Rhea Lance for a 2-inch water line on this road. 251

Urban Development Action Grant Program - A public hearing was held relative to the authorization of submission of an application to HUD for this program. 322

VA Hospital - Hearing and 1st reading of rezoning request by Mr. Perry Alexander to rezone property at the Old VA Hospital - page 17; 2nd reading - page 34; 3rd reading - page 43 .

Van - Bids were awarded to Apple Tree Chevrolet, Inc. for a 12 passenger van for use at the Senior Opportunity Center, Parks and Recreation Department. 33

Vehicles - Bids were awarded to Cumberland Vehicles, Inc. for three police-type enclosed three wheel motor vehicles for the Police Department. 91

Voorhees, Alan M. and Associates, Inc. - Mayor authorized to sign contracts with this company and Hammer, Siler and George Associates, Inc. for consultant services. 119

Veterans Administration Hospital - Mayor authorized to enter into an agreement with this hospital for fire protection. 179

Volunteer Recognition Week - The week of April 16-22, 1978 proclaimed as such. 181

Valley Street Maintenance Facility - Mayor authorized to sign the contract with Southworth Construction Company, Inc. for the renovation of this facility. 344

Water Maintenance and Construction Division - Postponement of bids for 6 electric operated pavement breakers for this division - page 178; bids awarded to AAA Tool - Rental & Sales, Inc. - page 187.

Water Maintenance Division - Bids awarded to Matthews Motors, Inc. for one dump truck and 2 pick-up trucks and bids awarded to Apple Tree Chevrolet for one pick-up truck for this division. 180

Water Control Division - Bids awarded to Water Control Division for one pick-up truck and one four wheel drive truck for this division. 180

Water Production and Quality Control Division - Bids awarded to Calgon Corporation for 4000 gallons liquid cationic poly-electrolyte for this department. 181

Williams, Willie - This person presented a proposal to convert the motel at 200 Tunnel Road into housing for low and moderate income families under the City's Housing Assistance Plan for 1977-78 - a meeting will be set up with officials to discuss. 181

Water System Development Plan - Mayor authorized to enter into an agreement with Henningson, Richardson and Durham for this. 185

Wood and Cort, P. A. Architects - Mayor authorized to enter into an agreement with these architects for two phase site development plan for the Computer Machines Room. 186

Water Supply System Improvements - Mayor authorized to assure the Board of Commissioners of Buncombe County and the Avery Creek Sanitary District that the City of Asheville will provide for the operation, maintenance and administration of these improvements to be made in the Avery Creek Sanitary District. 189

Water Supply System Improvements - Mayor authorized to assure the State of North Carolina that present schedules and fees are adequate and will be maintained for the operation, maintenance and administration of these improvements to be made in the Avery Creek Sanitary District. 190

Williams, Willie - This person presented a proposal to convert the motel at 200 Tunnel Road into housing for low and moderate income families - discussion. 190

Water Maintenance and Construction Division - Bids awarded to Apple Tree Chevrolet for one four door sedan for this division. 211

Wilson, Mrs. Billie - A claim was received by this person. 212

Western North Carolina Regional Air Pollution Board - Mrs. Jones Byrd was reappointed to this Board. 222

Wilder, A. G. - A claim was received by this person. 223

Wolcott, William F., Jr. - Was designated as the agent of the City to sign the federal forms necessary to receive funds under the Disaster Relief Fund. 9

Wooten, Mrs. Richard - Received a claim from this person, 21 Coleman Avenue. 10

Wilson, Miss Janice C. - Received a claim from this person. 11

Water Main Pipe - Bid awarded to Lynchburg Foundry Company for estimated six months requirement for water main pipe. 25

Wording Amendment to the Zoning Ordinance #322 - Hearing date set for this amendment to the Group Development Section - page 31; hearing and 1st reading - page 93; 2nd reading - page 101; 3rd reading - page 110. - hearing rescheduled - page 66.

Water Meters - Bids were awarded to Badger Meter, Inc. and Neptune Water Meter Co. for estimated 12 months requirements for water meters. 32

West Asheville Fire Station - Bids were awarded to L. P. Cox Company, Rogers Plumbing and Heating Company, 20th Century Heating Company and R. W. Johnson, Inc. for this project. 36

Water Pumps - Bids were awarded to Supply Specialties, Inc. and Tidewater Machinery for these for use in the Water Production and Quality Control Division. 53

Water Production and Quality Control Division - Bids were awarded to Supply Specialties, Inc. and Tidewater Machinery for water pumps to be used in this division. 53

Water Maintenance Division - Bids were awarded to Asheville Construction Equipment, Inc. for one 4-inch de-watering pump for this division. 91

Wachovia Bank and Trust Company - Lease with this bank for sanitary landfill. 94

Watershed - Bids awarded to Farm Equipment Company for one diesel powered tractor with 6 ft. extension mower with 15 ft. reach to be used at this Asheville Watershed. 107

Wyoming Road Relocation Project - Authorization of condemnation of property in the Kenilworth Park Project and this relocation project. 111

Water Line - Mayor and City Manager authorized to execute agreement to replace the I-40/US 74 water line. 111

Westall Avenue - Petition presented by the Red Cross for improvements to Edgewood Road and this road. 142

Watershed - Bids awarded to Matthews Motors for 1 pick-up truck with 4 wheel drive and wench for this Asheville Watershed. 146

Water Engineering Division - Bids awarded to Dorato Motors for one station wagon for this division. 146

WSIF Funds - Capital Projects Ordinance amended as of March 15, 1978 for these funds. 155

Westwood Place, 285 - Hearing date set relative to demolishing this house - page 159; hearing and 1st reading - page 196; 2nd reading - page 206; 3rd reading - page 220.

Williams, Lloyd and Gloria Ann - A claim was presented by these persons. 160

W & W Contracting Company, Inc. - Mayor authorized to sign a contract with this company for the project known as West Asheville Sanitary Sewer Improvements. 232

West Asheville Sanitary Sewer Improvements - Mayor authorized to sign a contract with W & W Contracting Company, Inc. for this project. 232

Wording Amendment - Hearing date set relative to a wording amendment to Asheville Zoning Ordinance regarding Public Utilities, Transmission Lines and Utility Sub-stations - page 234; hearing and 1st reading - page 320; 2nd reading - page 333 ; 3rd reading - page 334.

Wording Amendment - Hearing date set relative to wording amendment to Asheville Zoning Ordinance regarding Section 30-3-11, G. Minimum Parking Requirements for Miniature Golf Course - page 234; hearing and 1st reading - page 321; 2nd reading - page 334 ; 3rd reading - page 334 .

Williams, W. Earl - Resolution of appreciation to this person for his services as Director of the Asheville Civil Service Board. 275

Watkin, Rushell - A claim was received by this person. 278

Woodrow Place - A petition was received by residents of this street and Mt. Clare Place regarding condition of the streets. 278

Waterline - A repair of an 8-inch waterline at North Fork Dam. 325

W & W Contracting Company - Contract with this company for the project known as Dillingham Circle Water Line. 336

Williams, Joseph M. - A claim was received by this person. 344

Water System - The Fletcher Hills and Franem Acres Water System will be turned over to Henderson County. 344

Young Adult Conservation Corps - The Director of Parks and Recreation was authorized to make an application for these funds. 60

Week of the Young Child - The week of April 1-8, 1978 proclaimed as such. 167

Youth in Government Day - The Asheville-Buncombe County Youth Council has this day. 192

Youth Employment, Conservation and Environmental Education Program - The Director of Parks and Recreation authorized to enter into an agreement with the Dept. of Agriculture and the Dept. of Interior through the Recreation Division of the Dept. of Natural Resources and Community Development of the State of N. C. for this program in the summer of 1978. 209

Zoning - Hearing date set relative to wording amendment to Asheville Zoning Ordinance regarding Public Utilities, Transmission Lines and Utility Substations - page 234; hearing and 1st reading - page 320; 2nd reading - page 333; 3rd reading - page 334.

Zoning - Hearing date set relative to wording amending to Asheville Zoning Ordinance regarding Section 30-3-11, G. Minimum Parking Requirements for Minature Golf Courses - page 234; hearing and 1st reading - page 321; 2nd reading - page 334; 3rd reading - page 334.

Zoning - Hearing date set relative to rezoning property on Sweeten Creek Road, property owned by Mr. John McDuffie and Mr. James Westall, Walls & Thrash Fuel Company, Nova Enterprises, Inc., and W. H. Guthrie - page 336; hearing - pg 15 and 1st reading - page 26; 2nd reading - page 32; 3rd reading - page 43. - Minute Book 45

Zoning - Hearing date set relative to the group development of phase II of an addition to Memorial Mission Hosptial - page 337; hearing and approval - page 16. Minute Book 45

Zoning - Hearing date set relative to amending Ordinance No. 424, "An Ordinance Establishing Regulations for the Development of Real Estate Subdivisions" - page 337; hearing and 1st reading - page 16; 2nd reading - page 26; 3rd reading - page 33. Minute Book 45

Zoning - Hearing and 1st reading of the rezoning request of Perry Alexander to rezone property at the Old VA Hospital - page 17; 2nd reading - page34 ; 3rd reading - page 43 .

Zoning - Hearing and 1st and 2nd readings of the rezoning request of Osborne Hart, to rezone property on Phifer Street and Asheland Avenue - page 20; 3rd reading - page 34.

Zoning - Hearing date set to rezone property on Haywood Terrace requested by Homer Sparks - page 30; hearing and 1st reading - page 92 ; 2nd reading - page 100; 3rd reading - page 109. - hearing rescheduled - page 65.

Zoning Ordinance No. 322 - Hearing date set relative to a wording amendment to the Group Development Section - page 31; hearing and 1st reading - page 93; 2nd reading - page 101; 3rd reading - page 110. - hearing rescheduled - page 66.

Zoning - Date set for hearing relative to rezoning property on Fairview Road on property owned by Tom and Betty Donoho - page 67; hearing and 1st reading - page 94 ; 2nd reading - page 102; 3rd reading - page 111.

Zoning - Hearing date set relative to including Ballentree Subdivision in the City's extraterritorial jurisdiction and to zone Ballentree Subdivision properties R-2 - page 92; hearing and 1st reading - page 119; 2nd reading - page 153; 3rd reading - page 164.

Zoning - Mr. Keith Deweese requested that his property be rezoned along with Mr. and Mrs. Donoho's property on Fairview Road. 104

Zoning - Date set relative to rezoning property on Hendersonville Road, requested by Garrett and Garrett - page 121; hearing and 1st reading - page 173 ; 2nd reading - page 185; 3rd reading - page 193.

Zoning - Date set relative to rezoning property on Sweeten Creek Road, requested by Thomwins, Inc. - page 121; hearing and 1st reading - page 193; 2nd reading - page 205 ; 3rd reading - page 220 . - postponed - page 173 and 184

Zoning - Date set relative to amending Section 30-11-2, pertaining to denial of a rezoning - page 122; hearing and 1st reading - page 194; 2nd reading - page 205 ; 3rd reading - page 205 .

Zoning - Date set relative to amending Article II, definitions, Section 30-2-1 - page 122; hearing and 1st reading - page 194; 2nd reading - page 205 ; 3rd reading - page 206.

Zoning - Date set relative to rezoning property on Charlotte Street, requested by Del-Rio, Inc. - page 123; hearing and 1st reading - page ; 2nd reading - page ; 3rd reading - page . - postponed - page 177. - Denied for lack of motion - page 216

Zoning - Date set relative to rezoning property on Tunnel Road near Craig Circle, requested by Mr. Gus Barlas and Ms. Dolly Kalogerakis - page 188; hearing and 1st reading - page 227; 2nd reading - page 240; 3rd reading - page 253.

Zoning - Date set relative to rezoning property on Fairview Road, requested by Mr. and Mrs. Keith DeWeese - page 189; hearing and 1st reading - page 228; 2nd reading - page 240; 3rd reading - page 253.

Zoning - Date set relative to rezoning property on Leicester Highway, requested by Reuben Caldwell - page 211; hearing and 1st reading - page ; 2nd reading - page ; 3rd reading - page . - postponed - page 264, 272 - Denied for lack of motion - page 323

ELECTION OF MAYOR

There being no questions regarding the procedures, the Chairman opened the floor for nominations for the Mayor of the City of Asheville.

Councilman Rainey nominated Councilman Roy M. Trantham as Mayor of the City of Asheville.

Councilman Horton nominated Councilman Ralph D. Morris, Jr., as Mayor of the City of Asheville.

Councilman Michael said he had received petitions containing approximately 800 signatures supporting him for Mayor. However, he said he felt he could serve the citizens of Asheville better as a Councilman rather than as Mayor.

There being no futher nominations the Chairman declared the nominations closed.

The City Clerk then called the roll for Councilman Roy M. Trantham as Mayor of the City of Asheville, the vote being 3-3, with Councilwoman Price, Councilmen Horton and Morris voting "no" and Councilmen Rainey, Trantham and Cole voting "aye" and Councilman Michael "passing".

The Chairman then asked the City Clerk to call for Councilman Michael's vote. Councilman Michael then voted in the affirmative for Councilman Roy M. Trantham as Mayor of the City of Asheville.

The Chairman declared that a roll call vote for Councilman Ralph D. Morris, Jr. was not necessary due to Councilman Trantham receiving four affirmative votes for Mayor, constituting a majority.

The Chairman then declared Councilman Roy M. Trantham as Mayor of the City of Asheville.

ELECTION OF VICE-MAYOR

The Chairman then called for nominations for Vice-Mayor of the City of Asheville.

Councilman Trantham nominated Councilman Rainey as Vice-Mayor of the City of Asheville.

Councilman Morris nominated Councilman Horton as Vice-Mayor of the City of Asheville.

Councilman Michael nominated himself as Vice-Mayor of the City of Asheville.

There being no further nominations the Chairman declared the nominations closed.

The City Clerk then called the roll for Councilman Gene E. Rainey as Vice-Mayor of the City of Asheville, the vote being 4-3 with Councilwoman Price, Councilmen Horton, Michael and Morris voting "no" and Councilmen Rainey, Trantham, and Cole voting "aye".

The City Clerk then called the roll for Councilman Bill B. Horton as Vice-Mayor of the City of Asheville, the vote being 4-3 with Councilmen Michael, Rainey, Trantham and Cole voting "no" and Councilwoman Price, Councilmen Morris and Horton voting "aye"

Thursday - December 1, 1977 - 3 o'clock p. m.

Organizational Meeting

INVOCATION

Mayor Eugene C. Ochsenreiter, Jr., requested Rev. O. T. Toms of the New Mount Olive Baptist Church to give the invocation.

OATHS OF OFFICE

The members of the Council took the oath of office, individually, which oaths were administered by retiring Mayor Eugene C. Ochsenreiter, Jr., as follows:

F. Jack Cole
Bill B. Horton
Otis B. Michael
Ralph D. Morris, Jr.
Norma T. Price
Gene E. Rainey
Roy M. Trantham

Councilman Michael moved to nominate Councilman Cole as temporary chairman for the election of the Mayor and Vice-Mayor of the City of Asheville. This motion was seconded by Councilwoman Price.

Councilman Rainey moved that the nominations for temporary chairman be closed. This motion was seconded by Councilman Trantham and carried unanimously.

Councilman Cole was elected temporary chairman for the election of the Mayor and Vice-Mayor by an unanimous voice vote.

Councilman Cole expressed appreciation to retiring Mayor Eugene C. Ochsenreiter, Jr., Councilwoman JoAnn M. Swilling and Councilman J. W. "Red" Hoyle for their services rendered to the citizens of Asheville as Councilmembers. He also expressed appreciation to Rev. O. T. Toms for the invocation and to the citizens of Asheville for their interest in city government.

Councilman Cole suggested that the procedures for the election of Mayor and Vice-Mayor be taken from Robert's Rules of Order, those being:

1) Election to be by roll call vote.
2) City Clerk to call the roll in alphabetical order of the names of the Council members, except that the vote of the chairman to be called last.
3) Candidates to be voted upon in the order nominated.
4) Nominations to be made without a second.

Councilman Rainey moved that the procedures set forth by the Chairman be accepted for the election of the Mayor and Vice-Mayor. This motion was seconded by Councilman Trantham and carried unanimously.

Councilwoman Price moved to accept the recommendation of the City Manager to leave the funds in the Carolina Federal Savings and Loan Association until the maturity date of December 28, 1977. This motion was seconded by Councilman Rainey and carried unanimously.

Upon motion of Vice-Mayor Horton, seconded by Councilman Morris, Resolution No. 77-192 was unanimously adopted.

Complete text of Resolution No. 77-192 will be found in Resolution Book No. 10 at page 92.

RESOLUTION NO. 77-193 - RESOLUTION PRESCRIBING THE TIME AND DAY OF THE WEEKLY MEETING OF THE CITY COUNCIL

Consideration was given to a resolution prescribing the time and day of the weekly meeting of the City Council.

The City Manager read the resolution scheduling Thursday at 3:00 o'clock p. m. as the weekly meeting time of the Asheville City Council.

Councilman Rainey said he felt most major cities were now scheduling night Council meetings in order that working people and school children could attend the meetings. He requested the City Manager to write to the major cities in North Carolina to obtain information on the time of their weekly meetings.

Upon motion of Councilwoman Price, seconded by Councilman Morris, Resolution No. 77-193 was unanimously adopted.

Complete text of Resolution No. 77-193 will be found in Resolution Book No. 10 at page 93.

RESOLUTION NO. 77-194 - RESOLUTION OF APPRECIATION TO JOANN M. SWILLING

Consideration was given to a resolution of appreciation to JoAnn M. Swilling.

The City Manager read the resolution.

Upon motion of Councilman Rainey, seconded by Vice-Mayor Horton, Resolution No. 77-194 was unanimously adopted.

Complete text of Resolution No. 77-194 will be found in Resolution Book No. 10 at page 94.

Mayor Trantham presented Mrs. Swilling with a plaque expressing appreciation for her services.

RESOLUTION NO. 77-195 - RESOLUTION OF APPRECIATION TO J. W. "Red" HOYLE

Consideration was given to a resolution of appreciation to J. W. "Red" Hoyle.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, Resolution No. 77-195 was unanimously adopted.

The City Clerk then called the roll for Councilman Otis B. Michael as Vice-Mayor of the City of Asheville, the vote being 6-1, with Councilwoman Price, Councilmen Rainey, Trantham, Cole, Morris and Horton voting "no" and Councilman Michael voting "aye".

The Chairman then asked the City Clerk to re-call the vote for Councilman Gene E. Rainey as Vice-Mayor of the City of Asheville, the vote being 4-3 with Councilwoman Price, Councilmen Horton, Michael and Morris voting "no" and Councilmen Rainey, Trantham and Cole voting "aye".

The Chairman then asked the City Clerk to re-call the vote for Councilman Bill B. Horton as Vice-Mayor of the City of Asheville, the vote being 4-3 with Councilmen Michael, Rainey, Trantham and Cole voting "no", and Councilwoman Price, Councilmen Horton and Morris voting "aye".

At the request of Councilman Rainey, the Chairman called for a five (5) minute recess.

The Chairman called the meeting back to order at 3:55 o'clock p. m. and requested that the City Clerk re-call the vote for Councilman Gene E. Rainey as Vice-Mayor of the City of Asheville, the vote being 5-2 with Councilwoman Price, Councilmen Horton, Michael, Morris and Cole voting "no" and Councilman Rainey and Trantham voting "aye".

The Chairman then asked the City Clerk to re-call the vote for Councilman Bill B. Horton as Vice-Mayor of the City of Asheville, the vote being 4-3 with Councilwoman Price, Councilmen Horton, Morris and Cole voting "aye" and Councilmen Michael, Rainey and Trantham voting "no".

The Chairman then declared Councilman Bill B. Horton as Vice-Mayor of the City of Asheville.

At this time, Mayor Trantham presided over the meeting and expressed his appreciation to the members of Council for his election as Mayor of the City of Asheville.

RESOLUTION NO. 77-192 - RESOLUTION DESIGNATING BANKING DEPOSITORIES FOR CITY FUNDS

Consideration was given to a resolution designating banking depositories for city funds.

The City Manager read the resolution. He said Councilman Cole had requested that Carolina Federal Savings and Loan Association be deleted from the banking depositories of the City to avoid any conflict of interest. He said the resolution was prepared in this manner, however, the City presently has a $100,000 certificate of savings in the Carolina Federal Savings and Loan Association entitled "General Employees Retirement Trust Fund" which yields a 6.75 per cent interest rate. He said the funds were invested last year with the maturity date being December 28, 1977 and if the funds are withdrawn at this time the City would lose a considerable amount of money. He recommended that the funds be left in the Carolina Federal Savings and Loan Association until the maturity date of December 28, 1977.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Ralph D. Morris, F. Jack Cole, Gene E. Rainey, Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

APPROVAL OF MINUTES

1. Approval of minutes of the November 17, 1977 meeting.

Vice-Mayor Horton and Councilman Rainey noted several typographical errors in the minutes of the November 17, 1977 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Price, the minutes of the November 17, 1977 meeting were approved as amended.

ORDINANCE NO. 1007 - AN ORDINANCE RENUMBERING SECTIONS 28-81.1 THROUGH 28-84 OF ARTICLE IV (SPEED REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, AMENDING NEWLY RENUMBERED SECTIONS 28-81.2, 28-81.3 AND 28-81.4 AND ADDING A NEW SECTION 28-81.1.

2. Consideration was given to the third and final reading of Ordinance No. 1007, an ordinance renumbering Sections 28-81.1 through 28-84 of Article IV (Speed Regulations) of the Code of Ordinances of the City of Asheville, amending newly renumbered Sections 28-81.2, 28-81.3 and 28-81.4, and adding a new Section 28-81.1.

The City Manager explained that the ordinance would not be re-read in its entirety. He said the ordinance dealt mainly with approving speed regulations on certain streets and adding certain streets in specific speed zones in the City of Asheville.

On a roll call vote of 6-0, Ordinance No. 1007 passed on its third and final reading.

Complete text of Ordinance No. 1007 will be found in Ordinance Book No. 8 at page 72.

ORDINANCE NO. 1011 - AN ORDINANCE REPEALING SECTIONS 5-7 AND 5-8 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE AND REPLACING THEM WITH NEW SECTIONS 5-7, 5-8, AND 5-9

3. Consideration was given to the second reading of Ordinance No. 1011, an ordinance repealing Sections 5-7 and 5-8 of the Code of Ordinances of the City of Asheville and replacing them with new Sections 5-7, 5-8 and 5-9.

Complete text of Resolution No. 77-195 will be found in Resolution Book No. 10 at page 95.

Mayor Trantham presented Mr. Hoyle with a plaque expressing appreciation for his services.

RESOLUTION NO. 77-196 - RESOLUTION OF APPRECIATION TO EUGENE C. OCHSENREITER, JR.

Consideration was given to a resolution of appreciation to Eugene C. Ochsenreiter, Jr.

The City Manager read the resolution.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 77-196 was unanimously adopted.

Complete text of Resolution No. 77-196 will be found in Resolution Book No. 10 at page 96.

Mayor Trantham presented Mayor Ochsenreiter with a plaque expressing appreciation of his services.

Adjournment.

Ray M. Trantham
MAYOR

Norman J. Malcolm
CITY CLERK

Councilwoman Price moved to schedule a public hearing on the matter for December 22, 1977. This motion was seconded by Councilman Cole and carried unanimously.

Complete text of Resolution No. 77-198 will be found in Resolution Book No. 10 at page 98 .

ORDINANCE NO. 1013 - ORDINANCE AMENDING THE CITY OF ASHEVILLE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 TO REFLECT THE EAST RIVERSIDE URBAN RENEWAL (R-48) DEFICIT PAYMENT

6. Consideration was given to an ordinance amending the City of Asheville General Fund Budget Ordinance of 1977 to reflect the East Riverside Urban Renewal (R-48) deficit payment.

The City Manager read the ordinance. He explained that the income from the sale of land in the East Riverside Urban Renewal Project was to be used in the payment of the project. However, the sale of the land is going so slowly that HUD determined that in order to catch up with the project the City owed the federal government $1,911,000 and suggested that a portion of each years Community Development funds be taken until it is paid off. He said when the land is sold in the East Riverside Urban Renewal Area the money would be used in the Community Development program. He said this ordinance would reflect the bookkeeping of such actions in the budgets.

Vice-Mayor Horton moved for the adoption of Ordinance No. 1013. This motion was seconded by Councilman Cole.

On a roll call vote of 6-0, Ordinance No. 1013 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1013. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1013 passed on its second reading.

Councilman Michael moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1013. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1013 passed on its third and final reading.

Complete text of Ordinance No. 1013 will be found in Ordinance Book No. 8 at page 82 .

ORDINANCE NO. 1014 - ORDINANCE AMENDING THE CITY OF ASHEVILLE CAPITAL PROJECTS ORDINANCE TO INCLUDE A COMMUNITY DEVELOPMENT BLOCK GRANT APPROPRIATION OF $104,000 FOR DEAVERVIEW PARK IN THE FEDERAL CAPITAL PROJECTS FUND

7. Consideration was given to an ordinance amending the City of Asheville capital projects ordinance to include a Community Development Block Grant appropriation of $104,000 for Deaverview Park in the Federal Capital Projects Fund.

The City Manager said that this ordinance would change the present regulations regarding dogs that are not restrained. It would prescribe how the dog shall be restrained and the penalties for violation of the ordinance. He said this ordinance would provide an additional penalty for each animal that is impounded more than one time within a twelve month period, the fee for taking up and impounding such animal shall be increased $5.00 for each time of impoundment during said year.

The City Manager recommended deleting the word "physical" in Sections (a) and (b) to eliminate the concern of Council that a dog could be restrained by a voice command as well as physical restraint. However, the Corporation Counsel said he felt the word "physical" was needed in order to receive a conviction. He said the ordinance would not contain strong enough language without it.

The City Manager said at the request of Vice-Mayor Horton he had checked with the Animal Shelter and determined that stray dogs are kept seven (7) days before being disposed of and unwanted dogs are kept according to space and adoption.

Mr. John Burnham of 14 Melrose Avenue said he felt the ordinance should state the purpose of controlling the dog and some regulation should be worked out to reduce the number of dogs in the City. He suggested a dog head tax or the limiting of poundage of dogs one family may have.

The City Manager suggested that Council pass the ordinance on second reading and consider the suggestions made by Mr. Burnham as well as amendments that Council members may have.

On a roll call vote of 6-0, Ordinance No. 1011 passed on its second reading.

RESOLUTION NO. 77-197 - RESOLUTION APPOINTING A MEMBER TO THE PLANNING AND ZONING COMMISSION FOR THE CITY OF ASHEVILLE (Mrs. Pauline Tennant replacing Mrs. Norma Price)

4. Consideration was given to a resolution appointing Mrs. Pauline Tennant as a member to the Planning and Zoning Commission to fill the unexpired term of Mrs. Norma Price, term expiring August 14, 1979.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 77-197 was unanimously adopted.

Complete text of Resolution No. 77-197 will be found in Resolution Book No. 10 at page 97.

RESOLUTION NO. 77-198
PUBLIC HEARING SCHEDULED - ADOPTION OF ORDINANCE RELATING TO PERMIT FEES- INSULATION PERMITS

5. Consideration of a motion setting a public hearing for the adoption of an ordinance relating to amending Section 8-12 of Chapter 8, Article I of the Code of Ordinances, entitled Permit Fees.

The City Manager explained that this ordinance would amend Chapter 8, Section 8-21 of the Code of Ordinances entitled Building Permit Fees in order to include insulation in the permit fee schedule for the construction, reconstruction, alteration, or repairing of buildings. He said this action was necessary in order to comply with N. C. State law which takes effect January 1, 1978. He recommended the scheduling of the public hearing for December 22, 1977.

Upon inquiry of Councilman Michael, the City Manager said he had checked with Mr. Jerry VeHaun regarding any problems with minorities qualifying for contract work under this Disaster Relief Program and he said he had found no problems.

Councilman Michael said the Affirmative Action Program should be adhered to even if it requires going outside the City Limits to find the contractors.

RESOLUTION NO. 77-200 - RESOLUTION AFFIRMING ACTIONS OF CITY MANAGER REGARDING FLOOD DAMAGE

9. Consideration was given to a resolution affirming actions of the City Manager regarding flood damage.

The City Manager read the resolution and explained that the funds used to correct damages resulting from flooding would be reimbursed to the City by the federal government.

Upon motion of Councilman Michael, seconded by Councilman Cole, Resolution No. 77-200 was unanimously adopted.

Complete text of Resolution No. 77-200 will be found in Resolution Book No. 10 at page 101.

RESOLUTION NO. 77-201 - RESOLUTION AUTHORIZING DIRECTOR OF FINANCE TO SELL SURPLUS PROPERTY

10. Consideration was given to a resolution authorizing Director of Finance to sell surplus property.

The City Manager read the resolution and explained that the Water Production and Quality Control Department has indicated that there is a surplus 4,000 gallon tank at the Northfork Reservoir and the Town of Forest City has made a formal offer of $500 for the tank. He said this resolution would authorize the Director of Finance to sell the 4,000 gallon tank to the Town of Forest City for $500. He said O'Brien and Gere Consulting Engineers and Calgon Coporation estimated the current value of the tank to be between $400 and $600.

Upon motion of Councilman Morris, seconded by Councilman Cole, Resolution No. 77-201 was unanimously adopted.

Complete text of Resolution No. 77-201 will be found in Resolution Book No. 10 at page 102.

APPOINTMENT OF CHIEF OF POLICE - MELVIN TUCKER

The City Manager announced the appointment of Melvin Tucker as the Chief of Police for the Asheville Police Department. He said Mr. Tucker would begin his duties on January 16, 1978.

CLAIM - MRS. RICHARD WOOTEN - 21 COLEMAN AVENUE

The City Manager presented a claim received from Mrs. Richard Wooten of 21 Coleman Avenue.

Mayor Trantham presented the claim to the Corporation Counsel for investigation and recommendation.

The City Manager read the ordinance. He explained that the acquisition and development of approximately a ten acre tract of land located on Deaverview Road, presently owned by the YMCA, was proposed and supported by Community Development area residents as a future park site and HUD in a communication to the Mayor, dated November 1, 1977, stated that the site was eligible and would serve primarily low and moderate income families. The total amount required for the purchase and preliminary development of the Deaverview park site property is $104,000. He said this ordinance would amend the Capital Projects Ordinance by deleting the Woodlawn Street Park by $25,000 and decrease the Contingency-1977 by $79,000 in order to appropriate funds for the Deaverview Park.

Mr. Kisiah, Parks and Recreation Director, said the development of the Park would cost approximately $60,000.

Councilman Michael said in his opinion, the City of Asheville cannot afford another park that would serve primarily residents outside the City limits.

Vice-Mayor Horton said this property is now being used by Little League ball players all over the City.

Councilman Michael also questioned the maintenance of the future park.

Mr. Delany, Community Development Coordinator, said there were going to be some left over funds from the first three years of appropriations and he would have the left over funds assessed by next week with a proposed list of projects. He said he felt Council should take a look at the left over funds and the proposed list of projects before appropriating the funds for the Deaverview Park. He said although he supported the need for parks there are further needs such as upgrading of water lines in West Asheville and the need for demolition in the blighted areas as well as economic needs for miniority citizens in Asheville.

The City Manager suggested that Council pass this ordinance on first reading and take into consideration the comments of Mr. Delany before the second reading.

Councilman Cole moved for the adoption of Ordinance No. 1014. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 6-0, Ordinance No. 1014 was passed on first reading.

RESOLUTION NO. 77-199 - RESOLUTION DESIGNATING AN AGENT FOR THE CITY OF ASHEVILLE TO OBTAIN FEDERAL FINANCIAL ASSISTANCE UNDER THE DISASTER RELIEF ACT

8. Consideration was given to a resolution designating William F. Wolcott, Jr. as the agent of the City of Asheville to sign the federal forms necessary to receive funds under the Disaster Relief Act.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 77-199 was unanimously adopted.

Complete text of Resolution No. 77-199 will be found in Resolution Book No. 10 at page 99 .

We direct your attention to G. S. 62-180, which authorizes utility companies to construct, maintain and operate its lines along any public highway but they must be so constructed and maintained as not to obstruct or hinder unreasonably the usual travel on such highway. Thus we do not believe that the municipality, pursuant to G.S. 160A-269(6) could prohibit the utility company from placing its poles, wires, fixtures, etc., in the right-of-way, but the municipality would have the power to regulate the placing therein of such facilities.

As to your second question, we do not think the time of acquisition of the right-of-way by the municipality and the utility company would change the application of G.S. 160A-269(6) except to the extent the question of compensation between the parties would arise depending on who had the right-of-way first.

As to your third question, we do not know what the additional burden to the easement held by the utility company would be which is inconsistent with that easement, but G.S. 62-180 only authorizes the construction, maintenance and operation of lines along the public highways, whereas G.S. 160A-269(6) extends to fixtures and appliances which may be regulated, licensed and prohibited. In any event, it would seem that the power to regulate public streets still resides within the municipality. We do not address the question of compensation for the additional burden on the easement, but refer you to the case of BROWN v ELECTRIC CO., 138 NC 533, which discusses the question in detail.

Yours very truly

Rufus L. Edmisten
Attorney General

James F. Bullock
Senior Deputy Attorney General"

Mr. Moore said the answer regarding the regulating of the installation of power poles were unclear and he had asked the attorneys to submit another set of questions to be addressed to the Attorney General.

Councilman Rainey said the Planning Division had prepared a proposed ordinance relative to power poles and he requested that the ordinance be submitted to the Planning and Zoning Commission for review and recommendation.

PROCEDURE FOR ELECTION OF MAYOR

Councilman Michael expressed concern about the animosity created by the manner in which the Mayor is chosen. He requested the City Manager to draw up a resolution asking state legislators to allow the voters to select the Mayor.

Mayor Trantham, Councilmen Cole and Rainey agreed with Councilman Michael. However, Councilman Morris cautioned against acting too quickly. He said he felt there was a great difference between popularity and ability of candidates and the preson who won the election may not make the best Mayor. He said if an election is held for Mayor it should be held separately from the election of Council, giving those running for Mayor a chance at also running for Council. He said this issue should be carefully studied before any decisions are made.

Mayor Trantham solicited the support of all Council members and asked that Council join together in an effort of cooperation.

CLAIM - MR. W. W. BRAME

The City Manager presented a claim received from Mr. W. W. Brame.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - MISS JANICE C. WILSON

The City Manager presented a claim received from Miss Janice C. Wilson.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - MRS. JULIAN C. JOHNSON

The City Manager presented a claim received from Mrs. Julian C. Johnson.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

POWER POLES - LAKESHORE DRIVE

Corporation Counsel William C. Moore reported that, as directed by Council, he submitted to the N. C. Attorney General's office certain questions regarding the installation of power poles on Lakeshore Drive, that were addressed to the Council by Attorneys Gary Rowe and Gary Dodd.

The answer from the Attorney General's office is as follows:

"28 November 1977

Mr. William C. Moore
City Attorney
Post Office Box 7625
Asheville, North Carolina 28807

RE: Power Poles.

Dear Bill:

In your letter of November 22 you pose the following questions:

1. Assuming that a municipality has a valid road right-of-way within which a public utility company is proceeding to place power poles, wires and transmission lines, what action can the municipality take under the provisions of N.C.G.S. 160A-296(6)?

2. Does the fact that the municipality obtained its right-of-way prior to, at the same time of or subsequent to the easement granted to the utility company influence its action under N.C.G.S. 160A-296(6)?

3. Assuming that the municipality and the public utility company both have easements over the same property, can the municipality proceed under N.C.G.S. 160A-296(6) when the utility company is adding an additional burden to the easement granted said utility company which is inconsistent with that easement?

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Ralph D. Morris, Jr., F. Jack Cole, Gene E. Rainey and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Gene E. Rainey.

APPROVAL OF MINUTES

1. Approval of minutes of the December 1, 1977 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the December 1, 1977 meeting were approved as submitted.

ORDINANCE NO. 1011 - AN ORDINANCE REPEALING SECTIONS 5-7 AND 5-8 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE AND REPLACING THEM WITH NEW SECTIONS 5-7, 5-8 AND 5-9

2. Consideration was given to the third and final reading of Ordinance No. 1011, an ordinance repealing Sections 5-7 and 5-8 of the Code of Ordinances of the City of Asheville and replacing them with new Sections 5-7, 5-8 and 5-9.

Mayor Trantham said the ordinance was previously read on first and second readings and members of Council were furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

The City Manager said Council had discussed several requested amendments to be considered prior to the third and final reading of the ordinance.

After discussion of the proposed amendments, Councilman Cole moved to amend Ordinance No. 1011 as follows:

"Section 5-7. Dogs running at large.

(a) No person owning or having possession, charge, custody or control of any animal shall cause, permit or allow the animal to stray or in any manner to run at large in or upon any public street, sidewalk or park or upon the property of another, if such animal is not under sufficient physical restraint to allow the animal to be controlled or is not sufficiently near the owner or handler to be under his direct restraining control and is not obedient to that persons commands.

(b) Every person owning or having possession, charge, care, custody or control of any dog shall keep such dog exclusively upon his own premises; provided, however, that such dog may be off such premises if it be under the control of a competent person and restrained by a chain or leash or other means of adequate physical control or is sufficiently near the owner or handler to be under his direct restraining control and is obedient to that persons commands."

LINE ITEM SUMMARY OF REVENUE SHARING TRUST FUND

Upon inquiry of Vice-Mayor Horton, the City Manager said he would have a line item summary of the Revenue Sharing Trust Fund available the first of the year.

Adjournment.

Ray M. Hartman
MAYOR

Norman J. Wolcott
CITY CLERK

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission had recommended approval of the site plan subject to the following:

1) That the developer provide additional information as requested by the Water and Sewer Department and comply with their recommendations and requirements for installation and connection of lines;

2) Compliance with City of Asheville Erosion Control Ordinance;

3) Submission of a completed environmental impact statement as required by the City of Asheville Zoning Ordinance; and

4) That a 8' chain link fence with slats be provided on the eastern and western property lines abutting residential areas.

He said these conditions have been agreed to by the developer and the Erosion Control Plan has been submitted to the Inspection Division for review and approval.

Mr. Emrick said the proposed shopping center, to be located on U. S. Highway 70 at Oteen, is to have 75,400 square feet of retail floor space and is to include a new Ingles Market, Sky City store and a drug store.

Mr. Emrick presented a map showing the location of the proposed shopping center. (Map is referenced on Page 17)

Several residents of Grandview Place and Oteen Park Place requested that the developer provide a fence to extend around to the private driveway on the western boundary to keep pedestrian traffic from entering the shopping center from the rear. (See attached map on page 17)

Mrs. Dorothy Green of 33 Oteen Park Place said erosion had covered approximately 50' of Oteen Park Place due to the grading being done in the area.

The City Manager advised that Mrs. Green's problem would be investigated.

Upon inquiry of Vice-Mayor Horton, Mr. Emrick said all the storm water would be put into new or existing storm lines and that there would be no water flowing onto adjacent property owners.

Mayor Trantham closed the public hearing at 4:04 o'clock p. m.

Councilman Michael moved to approve the site plan for the proposed Oteen Shopping Center subject to the conditions recommended by the Planning and Zoning Commission and further that the developer provide fencing to close off at the rear of the new Sky City Building and extended on the east side to the present building, as shown on the attached map. This motion was seconded by Councilman Morris and carried unanimously.

PUBLIC HEARING - REZONING PROPERTY AT OLD VA HOSPITAL - PERRY ALEXANDER

ORDINANCE NO. 1015 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, " AS AMENDED

4. A public hearing was held relative to rezoning property at the Old VA Hospital from LI Light Industrial to OI Office Institutional District, petitioned by Mr. Perry Alexander.

"Section 5-8. Redemption of impounded dog.

Any dog which shall be found in violation of Section 5-7 shall be immediately seized and taken and impounded at the place kept and maintained for this purpose. Any time within seven days thereafter the owner, keeper or custodian of said dog may redeem the same by paying a fee of $5.00 for the 1st day or part thereof of impounding plus an additional $1.00 per day thereafter, upon proof that the license and privilege tax requirement for said dog have been met. For each animal that is impounded more than one time within a twelve (12) month period, the fee for taking up and impounding such animal shall be increased five dollars ($5.00) for each time of impoundment during said year. If the dog is not redeemed by the owner, keeper or custodian, as aforesaid, any person desiring the dog may redeem it on the same fee schedule. Should said dog not be redeemed within the time prescribed hereinbefore, it may be put to death by the dog control officer in a humane manner and thereafter disposed of by him or his assistants."

This motion was seconded by Vice-Mayor Horton and carried unanimously.

Upon inquiry of Councilman Rainey, the City Manager said this ordinance would change the present dog control ordinance to impose the penalty upon the owner of the dog rather than on the dog and the additional penalty of $5.00 for each time of impoundment during a 12 month period would be added. He said these changes should help with the enforceability of the ordinance, however, a case would have to be tested in court before the City could perceive its enforceability.

Luke Atkinson of Delaware Avenue, asked Council to be liberal with the ordinance, particularly referring to the restraint of the dog and the imposing of the additional $5.00 penalty for each time the dog is impounded during a 12 month period.

John Burnham, of 14 Melrose Avenue, suggested the following language to the ordinance: "Dogs shall be sufficiently restrained so that they shall not comprise a hazard to pedestrains or vehicles in the public right of way, to property other that the owners or to public sanitation." He said the citizens should know what they are going to be fined for that their dogs do rather than how to restrain their dogs.

Councilman Rainey said he felt a list of dog crimes should be spelled out in the ordinance.

On a roll call vote of 6-0, Ordinance No. 1011 passed on its third and final reading.

Complete text of Ordinance No. 1011 will be found in Ordinance Book No. 8 at page 79.

PUBLIC HEARING - SITE PLAN - OTEEN SHOPPING CENTER

3. A public hearing was held relative to the approval of the site plan of the proposed Oteen Shopping Center to be located on U. S. Highway 70 at Oteen.

Mayor Trantham opened the public hearing at 3:35 o'clock p. m.

Mayor Trantham opened the public hearing at 4:10 o'clock p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said Mr. Perry Alexander, Jr., had requested that Ward 21, Sheet 84, Lot 1 be rezoned from LI Light Industrial District to OI Office Institutional District to accommodate a proposed housing complex. He said the Planning and Zoning Commission, after reviewing the matter, recommended the approval of the request. It was their further recommendation that adjoining property, being Tax Lots 2, 3, 4, 5, and 6, Sheet 84, Ward 21 and also property owned by the Veteran's Administration (bounded on the east and north by the Blue Ridge Parkway right-of-way, on the west by portions of Riceville Road, La Mancha property and the Asheville-Swannanoa Township Boundary, and on the south by U. S. Highway 70) be rezoned from Light Industrial to Office-Institutional pending notification of owners prior to the public hearing by City Council. He said adjacent property owners indicated support of the rezoning. He said the rezoning of this additional property will place property similarly situated in the area in the same category and the rezoning would better accommodate existing uses within the area. The character of the existing area would not be adversely affected by the zoning change.

By the use of a map, Mr. Emrick reviewed the location of the property in question.

Mayor Trantham closed the public hearing at 4:15 o'clock p. m.

The City Manager read the ordinance rezoning the property as recommended by the Planning and Zoning Commission.

Councilman Morris moved for the adoption of Ordinance No. 1015. This motion was seconded by Councilman Michael.

On a roll call vote of 6-0, Ordinance No. 1015 passed on its first reading.

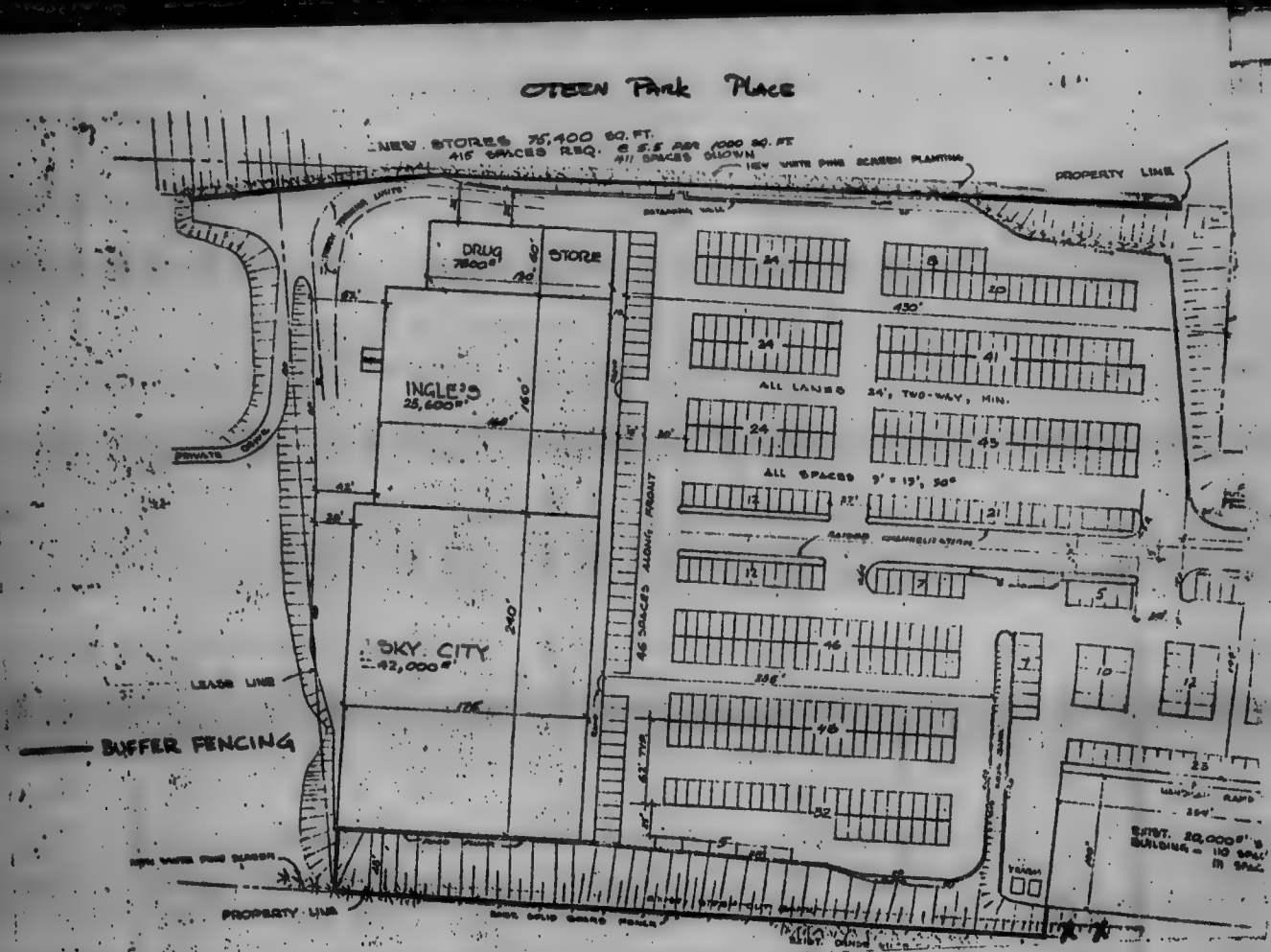
PUBLIC HEARING - CLOSING PORTIONS OF ALLINE STREET, FAGG STREET, HORSE SHOE CURVE, JERE STREET, LYMAN STREET, TENIE STREET AND TIERNAN STREET AND ALL OF LINK STREET

RESOLUTION NO. 77-202 - RESOLUTION TO CLOSE PORTIONS OF ALLINE STREET, FAGG STREET, HORSE SHOE CURVE, JERE STREET, LYMAN STREET, TENIE STREET, AND TIERNAN STREET AND ALL OF LINK STREET

5. A public hearing was held relative to closing portions of Alline Street, Fagg Street, Horse Shoe Curve, Jere Street, Lyman Street, Tenie Street and Tiernan Street, and all of Link Street.

Mayor Trantham opened the public hearing at 4:20 o'clock p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication. He also presented an affidavit from Charles E. Vess, Jr. of the Asheville Housing Authority, stating that the property in question had been prominently posted with copies of the resolution of intent to close said streets.


OTEEN Park Place
NEW STORES 75,400 SQ. FT.
416 SPACES REQ. @ 5.5 PER 1000 SQ. FT
411 SPACES SHOWN
NEW WHITE PINE SCREEN PLANTING
PROPERTY LINE
DRUG STORE
7800 SF
INGLES
25,600 SF
SKY CITY
42,000 SF
ALL LANES 24', TWO-WAY, MIN.
ALL SPACES 9' x 19', 90°
46 SPACES ALONG FRONT
LEASE LINE
BUFFER FENCING
PROPERTY LINE

Mayor Trantham closed the public hearing at 4:35 o'clock p. m.

The City Manager read the ordinance rezoning the property as requested.

Councilman Michael moved for the adoption of Ordinance No. 1016. This motion was seconded by Councilman Morris.

On a roll call vote of 6-0, Ordinance No. 1016 passed on its first reading.

Councilman Michael said he had received a request to have three readings on the ordinance at today's meeting.

It was Council's consensus to have two readings on the ordinance at today's meeting and the third reading at next week's Council meeting.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1016. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1016 passed on its second reading.

RESOLUTION NO. 77-203 - RESOLUTION SUPPORTING THE CONTINUATION OF EFFORTS TO GAIN REGIONAL SUPPORT OF THE AIRPORT

7. Consideration was given to a resolution supporting the continuation of efforts to gain Regional support of the airport.

The City Manager read the resolution. He also read the following letter from Mayor Trantham to Mr. John B. Veach, President of the Asheville Area Chamber of Commerce:

December 6, 1977

Mr. John B. Veach, President
Asheville Area Chamber of Commerce
Post Office Box 1011
Asheville, North Carolina 28802

Dear Jack:

On December 5, 1977, I understand that Dr. Otis Michael, Ken Michalove, and other City staff members met with the Chamber of Commerce Aviation Committee and the topic of the regional value of the airport was discussed.

The development of the regional concept of the airport began through the efforts of Dr. Michael and Gene Ochsenreiter in 1977 and I would like to see that effort continued and expanded. In order to develop this further in an orderly manner, I would like for the Committee assigned to seeking the funding of the Airport Runway Extension to plan to meet with me, Dr. Michael, Ken Michalove, and representatives of the Buncombe County Commissioners in early January 1978.

Very truly yours,

/s Roy M. Trantham

Roy M. Trantham
Mayor

Mr. Larry Holt, of the Asheville Housing Authority, said the closing of these streets would be in keeping with the East Riverside Redevelopment Plan previously approved by Council through a cooperation agreement between the City of Asheville and the Asheville Housing Authority. He said the Housing Authority proposes to begin site preparation for disposition and proper development of Disposal Parcel 96 which requires the closing of said streets. He said this would provide a clear title to the School Board and would allow the dedication of property to the City for property for Murray Hill Park. He said the Housing Authority is the owner of all property adjoining said streets with the exception of Lot 131, Sheet 9, and Lot 4, Sheet 5, in Ward 4. He said most of the streets had never been improved or used by the City of Asheville. He said he had a letter from the adjacent property owner indicating that he had no objection to the closing of the streets.

Mayor Trantham closed the public hearing at 4:25 o'clock p. m.

The City Manager read the resolution closing the streets as requested by the Asheville Housing Authority.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, Resolution No. 77-202 was unanimously adopted.

Complete text of Resolution No. 77-202 will be found in Resolution Book No. 10 at page 103.

Councilman Michael said he had received a request from Mr. Anderson and Mr. Young on Beech Street for a turn around to be put in on the street to allow the garbage trucks to turn around.

Mr. Holt said he had been working with the City on this matter.

PUBLIC HEARING - REZONING PROPERTY - PHIFER STREET AND ASHELAND AVENUE - OSBORNE HART

ORDINANCE NO. 1016 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

6. A public hearing was held relative to rezoning property on Phifer Street and Asheland Avenue from R-3 Residential District to CS Commercial Service District, requested by Osborne Hart.

Mayor Trantham opened the public hearing at 4:30 o'clock p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, after reviewing the matter, recommended the approval of the rezoning request for the following reasons: 1) That portions of property in close proximity to Osborne Hart property are already zoned CS Commercial Service District. Including this property in that Commercial Service zoning would not put it in non-conformity with the surrouding area; 2) the rezoning would be in conformity with the over all plan for the area, according to the Asheville Housing Authority. He said Mr. Hart is now building a new mortuary and needs the property proposed to be rezoned for a parking lot.

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CITY OF ASHEVILLE

ASHEVILLE, NORTH CAROLINA

December 6, 1977

Roy M. Trantham
Mayor

Mr. John B. Veach, President
Asheville Area Chamber of Commerce
Post Office Box 1011
Asheville, North Carolina 28802

Dear Jack:

On December 5, 1977, I understand that Dr. Otis Michael, Ken Michalove, and other City staff members met with the Chamber of Commerce Aviation Committee to discuss the problems we have encountered with the federal funding of the Airport Runway Extension.

On behalf of the City of Asheville, I would appreciate the support of the Asheville Area Chamber of Commerce in assisting the City of Asheville in encouraging the Federal Aviation Administration to commit full funding to this project in this fiscal year.

Very truly yours,

Roy M. Trantham
Mayor

RMT/msm

CC: Dr. Otis B. Michael
Mr. K. M. Michalove

ALL ASHEVILLE LIVING

Councilman Michael said it was his opinion that the FAA had reduced the funding available for the Airport Runway Extension because they felt the Airport was only a municipal service rather than a regional service for Western North Carolina. He said he felt the efforts behind this resolution would provide the FAA with a different approach.

Upon motion of Councilman Michael, seconded by Councilwoman Price, Resolution No. 77-203 was unanimously adopted.

Complete text of Resolution No. 77-203 will be found in Resolution Book No. 10 at page 108.

RESOLUTION NO. 77-204 - RESOLUTION REQUESTING THE SUPPORT OF THE FEDERAL AVIATION ADMINISTRATION FINANCING OF THE AIRPORT RUNWAY EXTENSION

8. Consideration was given to a resolution requesting the support of the Federal Aviation Administration financing of the Airport Runway Extension.

The City Manager read the resolution.

The City Manager, in reviewing the background for funding of the Airport Runway Extension, said that in 1972 the City's consulting engineers presented a runway extension plan to the federal government which would have cost approximately $3 million dollars and since that time the City has been working to comply with environmental and residential requirements for the airport runway extension. Some of these things that were required were general airport improvements before they could approve the application. Some required negotiations with property owners around the airport and in the course of time the cost of the runway extension had increased from $3 million dollars to $5 million dollars. He said the City submitted the application in final form in late August and were promised that the City would receive the funding of the runway extension in Fiscal Year 1977. However, the application did not clear all the federal requirements and the federal government was required to appropriate all the funds, so the City's appropriation did not go through. He said about 30 days ago the City was contacted by the FAA informing the City that they were setting aside funds for the City in the amount of $1 million dollars and wanted to know how the City felt about beginning the project with the use of $1 million dollars in discretionary funds plus implanement funds of approximately $3 million dollars. He said it was the City's opinion that after looking at the amount of money the federal government was going to provide in the beginning it would not be a good idea to start the project with that amount of money and no more of a commitment for federal funding, particularly since legislation before the Congress would change the federal match on this grant from 90% to 80% match. He said the City's reply to the FAA was that the City felt they should reconsider the grant and provide the City with the full funding. He said the City has not received a reply from the FAA and he felt this resolution of support would help in some way. He said the City has made contacts with the legislators and the Chamber of Commerce in gaining their support.

The City Manager then read the following letters:

Upon motion of Vice-Mayor Horton, seconded by Councilman Michael, Resolution No. 77-204 was unanimously adopted.

Complete text of Resolution No. 77-204 will be found in Resolution Book No. 10 at page 109.

RESOLUTION NO. 77-205 - RESOLUTION AUTHORIZING THE DISPOSITION OF MUNICIPAL RECORDS AS SCHEDULED

9. Consideration was given to a resolution authorizing the disposition of municipal records, as scheduled.

The City Manager read the resolution and explained that this would authorize the disposition of municipal records, set forth in the resolution, in compliance with N.C.G.S. 121-5 and the stipulations set forth in the Municipal Records Manual. He said the North Carolina Department of Cultural Resources had issued an approval for the disposition of these records.

Upon motion of Councilman Rainey, seconded by Councilman Morris, Resolution No. 77-205 was unanimously adopted.

Complete text of Resolution No. 77-205 will be found in Resolution Book No. 10 at page 110.

AGREEMENT WITH BUNCOMBE COUNTY RESCUE SQUAD - TRANSPORTATION FOR HOSPITAL PERSONNEL

10. Consideration was given to a motion relative to an agreement with the Buncombe County Rescue Squad providing transportation during snow storms.

The City Manager said the Buncombe County Rescue Squad had agreed to provide transportation to hospital personnel during snow storms and the City would provide gas to the Rescue Squad for such transportation.

Vice-Mayor Horton moved to authorize an agreement with the Buncombe County Rescue Squad for providing transportation to hospital personnel during snow storms. This motion was seconded by Councilwoman Price and carried unanimously.

RESOLUTION NO. 77-206 - RESOLUTION APPOINTING MEMBERS TO THE BOARD OF DIRECTORS OF THE ASHEVILLE-BUNCOMBE COMMUNITY RELATIONS COUNCIL (Reappointing Libby Ramsey-James M. Pressley)

11. Consideration was given to a resolution reappointing Mrs. Libby Ramsey and Mr. James M. Pressley as members to the Board of Directors of the Asheville-Buncombe Community Relations Council.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 77-206 was unanimously adopted.

Complete text of Resolution No. 77-206 will be found in Resolution Book No. 10 at page 112.

CITY OF ASHEVILLE

ASHEVILLE, NORTH CAROLINA

December 7, 1977

Otis B. Michael, M. D.
Councilman

Mr. Langhorne Bond, Administrator
Federal Aviation Administration
800 Independence Avenue, S. W.
Washington, D. C. 20591

Dear Mr. Bond:

On behalf of the members of the Aviation Committee of the Chamber of Commerce and the City Council, I wish to implore you to use every means possible to reinstate the five million dollars appropriated that we have depended on and was set aside for Runway Extension bringing our airport up to FAA standards and improving our facility.

The Asheville Municipal Airport is in reality a regional facility that serves 500,000 people. It is the largest and only commercial airport in North Carolina. We sincerely need this appropriation, and we appreciate anything you can do to help us reacquire it.

Yours very truly,

Otis B. Michael, M. D.
Councilman

OBM/[redacted]

CC: The Honorable Lamar Gudger
The Honorable Robert Morgan
The Honorable Jesse Helms
The Honorable James Hunt
The Honorable Roy M. Trantham
Mr. John B. Veach
Mr. William Hendon
Mr. K. M. Michalove

ALL ASHEVILLE LIVING

RESOLUTION NO. 77-209 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH LYDA ASSOCIATES

15. Consideration was given to a resolution authorizing the City Manager to enter into an agreement with Lyda Associates.

The City Manager read the resolution and explained that the City from time to time needs engineering services to supplement City staff and this resolution would authorize him to use Lyda Associates on an on-call basis. He said he would also be negotiating other contracts with other engineers in the future.

Upon motion of Councilman Michael, seconded by Councilman Cole, Resolution No. 77-209 was unanimously adopted.

Complete text of Resolution No. 77-209 will be found in Resolution Book No. 10 at page 115 .

ORDINANCE NO. 1017 - ORDINANCE AMENDING, REALLOCATING AND APPROVING COMMUNITY DEVELOPMENT PROJECT FUNDS SET FORTH IN THE CITY OF ASHEVILLE FEDERAL CAPITAL PROJECTS FUND FOR 1975-76

16. Consideration was given to an ordinance amending, reallocating and approving Community Development Project funds set forth in the City of Asheville Federal Capital Projects fund for 1975-76.

The City Manager read the ordinance and explained that when bids were taken for the Montford Public Works Project it was determined that insufficient funds were designated for the project in the amount of $12,000. He said the Community Development Coordinator had researched the Community Development funds and found funds to fund the project in full. He said this ordinance would amend the Capital Projects fund to cover these transactions.

Councilman Rainey moved for the adoption of Ordinance No. 1017. This motion was seconded by Councilman Cole.

On a roll call vote of 6-0, Ordinance No. 1017 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1017. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1017 passed on its second reading.

Councilman Michael moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1017. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1017 passed on its third and final reading.

Complete text of Ordinance No. 1017 will be found in Ordinance Book No. 8 at page 88 .

BIDS - ESTIMATED SIX (6) MONTHS REQUIREMENT FOR WATER MAIN PIPE

12. Consideration was given to bids received November 28, 1977 for estimated six (6) months requirement for Water Main pipe.

The City Manager read a memorandum from the Purchasing Agent which recommended the over-all low bid submitted by Lynchburg Foundry Company for all base bid items. He said the bids are firm for the six (6) month period from date of award and shall apply to the City of Asheville Purchase Orders to be issued on an as-needed basis.

Councilman Rainey moved to accept the recommendation of the Purchasing Agent by awarding the bid to the low bidder, Lynchburg Foundry Company for all base bid items. This motion was seconded by Councilman Morris and carried unanimously.

Bidders	Bid
American Cast Iron & Pipe Company	$226,456.00
Lynchburg Foundry	217,036.00
Griffin Pipe Products Company	222,664.00

RESOLUTION NO. 77-207 - RESOLUTION DECLARING DECEMBER 23, 26 AND 27, 1977 AS FREE PARKING DAYS FOR DOWNTOWN ASHEVILLE

13. Consideration was given to a resolution providing free parking from 7:00 a. m. December 23, 1977 to 7:00 a. m. December 28, 1977 in any on-street metered parking space, in any metered or un-metered parking space in a City parking lot, or for daily parking in any space in the Downtown Parking Garage.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 77-207 was unanimously adopted.

Complete text of Resolution No. 77-207 will be found in Resolution Book No. 10 at page 113 .

RESOLUTION NO. 77-208 - RESOLUTION AUTHORIZING THE CHIEF OF THE ASHEVILLE POLICE DEPARTMENT TO SIGN THE CONTRACT FOR THE ASHEVILLE TRAFFIC MANAGEMENT COURSE

14. Consideration was given to a resolution authorizing the Chief of the Asheville Police Department to sign the contract for the Asheville Traffic Management Course.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilman Cole, Resolution No. 77-208 was unanimously adopted.

Complete text of Resolution No. 77-208 will be found in Resolution Book No. 10 at page 114 .

the $104,000 would be appropriated by deleting the Woodlawn Street Park by $25,000 and decreasing the Contingency-1977 by $79,000.

Mr. Ray Kisiah, Parks and Recreation Director, and Logan Delany, Community Developer Coordinator answered general questions from members of Council about the need for the Deaverview Park and what facilities would be available in the Park.

Councilman Michael said he could not vote for appropriating money for the acquisition of a park when no funds are available for the development of the park.

On a roll call vote of 5-1, Ordinance No. 1014 passed on its second reading, with Councilman Michael voting "no".

Vice-Mayor Horton moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1014. This motion was seconded by Councilman Rainey, which motion carried with Councilman Michael voting "no"

On a roll call vote of 5-1, Ordinance No. 1014 passed on its third and final reading.

Complete text of Ordinance No. 1014 will be found in Ordinance Book No. 8 at page 84.

RESOLUTION NO. 77-211 - RESOLUTION TO REALLOCATE COMMUNITY DEVELOPMENT SURPLUS FUNDS IN SUPPORT OF NEW AND CONTINUING PROJECTS

19. Consideration was given to a resolution to reallocate Community Development Surplus funds in support of new and continuing projects.

The City Manager read the resolution and explained that this resolution would put the Federal government on notice that if they decide to change the regulations and requirements for the use of Community Development funds by December 15, 1977 the City intends to spend any money that is surplus in the First, Second and Third Action Years on the projects listed in the resolution. He said Council could change the projects or delete them if they so desired, however, the staff tried to be inclusive. He said some of the projects were listed specifically but in the language of the resolution it was further stated that the priority will be given to those projects initiated in the First, Second, and Third Action Years of the Community Development Program. Therefore, in addition to whatever is on the list other projects that were started in the First, Second and Third Action Years that do not have enough funds to complete the project will be given priority. He informed Council that all the projects could not be funded with the surplus money, but the staff did not attempt to rate the projects in terms of priority.

After discussion Councilwoman Price moved for the adoption of Resolution No. 77-211. This motion was seconded by Councilman Michael and carried unanimously.

Complete text of Resolution No. 77-211 will be found in Resolution Book No. 10 at page 117..

CLAIM - HOWARD LYDA - LYDA TRUCK SERVICE

The City Manager presented a claim received from Howard Lyda, Lyda Truck Service.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

RESOLUTION NO. 77-210 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH RUCKMAN BROTHERS OF ENKA, NORTH CAROLINA FOR THE PROJECT KNOWN AS MONTFORD AREA PUBLIC WORKS

17. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Ruckman Brothers of Enka, North Carolina for the project known as Montford Area Public Works.

The City Manager read the resolution and a memorandum from the Utilities Operations Coordinator recommending the low bidder, Ruckman Brothers in the amount of $72,713.30. He said this project would include street paving, sidewalks, and other work necessitated by the proposed construction in the Montford Area.

Upon motion of Councilman Cole, seconded by Councilman Rainey, Resolution No. 77-210 was unanimously adopted.

Complete text of Resolution No. 77-210 will be found in Resolution Book No. 10 at page 116.

Upon inquiry of Councilman Rainey, the City Manager advised that the contractor would have to adhere to the Davis Bacon Act and the Affirmative Action Program. He said the contract was aware of this stipulation.

BIDDERS	BID
Ruckman Brothers	$72,713.30
Paving Enterprises	73,190.50
Warren Brothers	86,913.50
Perry Alexander	89,695.50

ORDINANCE NO. 1014 - ORDINANCE AMENDING THE CITY OF ASHEVILLE CAPITAL PROJECTS ORDINANCE TO INCLUDE A COMMUNITY DEVELOPMENT BLOCK GRANT APPROPRIATION OF $104,000 FOR DEAVERVIEW PARK IN THE FEDERAL CAPITAL PROJECTS FUND

18. Consideration was given to the second reading of Ordinance No. 1014, an ordinance amending the City of Asheville Capital Projects Ordinance to include a Community Development Block Grant appropriation of $104,000 for Deaverview Park in the Federal Capital Projects Fund.

Mayor Trantham said the ordinance was previously read on its first reading and members of Council have been furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

The City Manager explained that this ordinance deals with appropriating funds from the Third Action Year to the Deaverview Park. The property is now owned by the YMCA and is presently being leased by the City of Asheville for the use by Little League ball players. He said the project was approved by City Council for the Third Action Year but in the course of explaining the project to the Federal government they declined the use of the funds for the park. Consequently, the City Council by action several months ago used the money set aside for this park for another project. However, the Council did ask the staff to have the Federal government reevaluate the park and in the course of that reevaluation, with some stipulations, they have said that the City could consider the park. He said this ordinance would appropriate $104,000 for the acquisition and development of the park. However, an additional $60,000 would have to be appropriated to properly fund and improve the park. He said

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Ralph D. Morris, Jr., F. Jack Cole, Gene E. Rainey and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilwoman Norma T. Price.

APPROVAL OF MINUTES

1. Approval of minutes of the December 8, 1977 meeting.

Upon motion of Councilman Rainey, seconded by Councilman Cole, the minutes of the December 8, 1977 meeting were approved as submitted.

APPROVAL OF CONSENT AGENDA

2. The City Manager explained that the items on the consent agenda are of a routine nature and have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff any single item scheduled for approval on the consent agenda may be considered separately.

Items on the consent included:

A. Scheduling of a public hearing relative to a rezoning request of Mr. Homer Sparks to rezone property on Haywood Terrace in West Asheville from R-3 Residential District to CH Commercial Highway District for January 12, 1978

HIGHLIGHTS: The Planning and Zoning Commission recommended approval of this request for the following reasons:

1) That portions of property in close proximity to the Homer Sparks' property are already zoned CH Commercial Highway District; and

2) That rezoning the property would not adversely affect the surrounding neighborhood.

BUNCOMBE COUNTY YOUTH COUNCIL - PROBLEM OF YOUTHS ATTENDING "R" AND "X" RATED MOVIES

Councilman Rainey requested that the Buncombe County Youth Council address itself to the problem of youths attending "R" and "X" rated movies. He said their judgement would be of help to the City Council.

Vice-Mayor Horton suggested that an ordinance be prepared for Council's consideration which would regulate the enforcment of youths attending "R" and "X" rated movies.

SENIOR OPPORTUNTIES CENTER - COUNCIL MEMBERS INVITED - DECEMBER 20, 1977 - 12:30 P.M.

Mrs. Roy Rogers, with the Senior Opportunity Center, invited Council members to the Center on December 20, 1977 at 12:30 p. m.

Adjournment.

Ray M. Lapsley
MAYOR

Frances J. Walsatter
CITY CLERK

This resolution designates the Asheville Planning and Zoning Commission to serve as the Historic Properties and District Commission for the City of Asheville and authorizes the Commission to act as the City's agent in carrying out the responsibilities, duties and powers assigned to Historic Properties and Districts Commission in G. S. 160A, 395-399.13.

E. Approval of bids received December 12, 1977 for estimated 12 months requirements for water meters.

HIGHLIGHTS: Quantities used in this bid are approximate, based on estimated requirements for the next twelve (12) months. Recommended unit prices, firm for the twelve month period from date of award, shall apply to City of Asheville purchase orders to be issued on as as-needed basis.

Superintendent of Water Maintenance Division and Purchasing Agent recommended acceptance of low bidder on a per item basis:

Badger Meter, Inc.

Item # 1 - Approx. 1800 5/8" meters per specifications totaling $44,802.00

Item # 2 - Approx. 100 3/4" meters per specifications totaling $3,855.00

Neptune Water Meter Co.

Item # 3 - Approx. 100 1" meters per specifications totaling $5,857.00

Grand Total, based on estimated quantities: $54,514.00

Funding: Water and Sewer Department Operations Warehouse Inventory, Account No. 30-140

F. Approval of bids received December 12, 1977 for five (5) pre-fabricated park picnic shelters in various sizes for the Parks and Recreation Department.

HIGHLIGHTS: Three (3) bids were received for the Park picnic shelters. The lowest bid, submitted by Quality Industries, Inc. failed to meet specifications, with regard to size of shelters and construction materials and was, therefore, not recommended.

Director of Parks and Recreation and Purchasing Agent recommended acceptance of the lowest responsive bidder on a per item basis:

A. P. Hubbard Wholesale Lumber Company

Item #1 - 2 30 x 60 shelters for Recreation Park $14,100.00

Item #4 - 1 30 x 60 shelter for East Riverside Park $7,050.00

B. Scheduling of a public hearing relative to amending Section 30-6-1, Group Developments Section of the Asheville Zoning Ordinance #322 for January 12, 1978.

HIGHLIGHTS: The Planning and Zoning Commission considered a proposed amendment to the Zoning Ordinance which would include the review of utility substations under the Group Development Section.

The wording amendment, recommended by the Planning and Zoning Commission, would be to amend the second sentence of the first paragraph of Section 30-6-1, GROUP DEVELOPMENTS by inserting after "or five (5) or more units", the words: "or electrical transmission substations, or gas regulating and measuring substations,"

The amended sentence would read: "Where more than one principal building or use is proposed to be constructed on a lot or tract of land, or any building with a gross floor area of 25,000 square feet, or more, or five (5) or more units, or electrical transmission substations, or gas regulating or measuring substations, the provisions of this Section shall apply."

C. Scheduling of a public hearing relative to the submission of a grant application under Section 5 of the UMTA Act of 1964, as amended for January 26, 1978.

HIGHLIGHTS: This grant is an annual grant applied for by the City, through UMTA under Section 5 of the UMTA Act of 1964. This project would be for the period of July 1, 1977 until June 30, 1978 and will assist in the operational cost of the Asheville Transit Authority. The net project cost is estimated at $617,321, with the Federal share being $308,660. The local share is estimated at $308,661 to be derived from the general operating budget of the City of Asheville.

D. Resolution designating the Asheville Planning and Zoning Commission as the local Historic Properties and Historic District Commission for the City of Asheville.

HIGHLIGHTS: N.C.G.S. 160A - Sections 396 and 399.2 authorized cities of the State, within their respective zoning jurisdictions and by means of listing, regulation and acquisition to: 1) Safeguard the heritage of the City by preserving any property therein that embodies important elements of its cultural, social, economic, political or architectural history; and 2) Promote the use and conservation of such property for the education, pleasure and enrichment of the residents of the City and State as a whole.

Mayor Trantham said the ordinance was previously read on first reading and members of Council were furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1015 passed on its second reading.

ORDINANCE NO. 1016 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Rezoning property corner of Phifer Street and Asheland Avenue)

4. Consideration was given to the third and final reading of Ordinance No. 1016, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended rezoning property at the corner of Phifer Street and Asheland Avenue, requested by Mr. Osborne Hart.

Mayor Trantham said the ordinance was previously read on first and second readings and members of Council were furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1016 passed on its third and final reading.

Complete text of Ordinance No. 1016 will be found in Ordinance Book 8 at page 87 .

PUBLIC HEARING - SITE PLAN OF THE PROPOSED ARROWHEAD APARTMENTS

5. A public hearing was held relative to the approval of a site plan of the proposed Arrowhead Apartments to be located on Wood Avenue.

Mayor Trantham opened the public hearing at 3:15 o'clock p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said that Alco Properties, Inc. has proposed a project that will involve the construction of 116 living units with 8.3 acres to be developed near the existing Oak Knoll complex. It is planned that 100 of these units will be restricted to elderly occupancy and 12 of which will be designed for handicapped occupants. He said this project is being financed through Section 8 of the Housing Act of 1974. He said the Planning and Zoning Commission reviewed the plan and recommended approval subject to the following:

1. That the developer comply with requests and recommendations of the Water and Sewer Department.
2. Compliance with Department of Natural and Economic Resources, Land Quality Section's requirements for erosion control; and
3. That the City Council grant a variance to reduce the parking requirements from 2 spaces per unit (232) to 1 space per unit (116).

By the use of a map, Mr. Emrick reviewed the location of the proposed apartment complex. He said the main objection during the Planning and Zoning hearing was the close proximity to the Oak Knoll Apartment Complex.

Koppers Company, Inc.

Item #2 - 1 20 x 28 shelter for Hall Fletcher Park
$2,767.00
Item #3 - 1 20 x 44 shelter for Murphy-Oakley Park
$3,915.00

Funding: Community Development Funds
Item #1 - Recreation Park, Account No. 65-652.0073
Item #2 - Hall Fletcher Park, Account No. 65-659.0073
Item #3 - Murphy-Oakley Park, Account No. 65-651.0073
Item #4 - East Riverside Park, Account No. 65-653.0073

Sufficient funds are available for above expenditures.

G. Approval of bids received December 12, 1977 for one (1) 12 passenger van for use at the Senior Opportunity Center, Parks and Recreation Department.

HIGHLIGHTS: Three (3) bids were received for the passenger van. The lowest bid, submitted by Dorato Motors, Inc. failed to meet front and rear axle specifications, and was, therefore, not recommended. Specifications called for:

Specifications	Exceptions by Bidder
Front Axle - minimum 3900 lbs.	3300 lbs.
Rear Axle - minimum 6000 lbs.	5500 lbs.

Superintendent of Motor Transport Division, Director of Parks and Recreation Department and Purchasing Agent recommended the acceptance of the fully responsive second low bid submitted by Apple Tree Chevrolet, Inc. in the amount of $6,712.82. Total difference in the two bids $19.82.

Funding: Revenue Sharing Trust Fund
Account No. 50-501.0074 - budgeted $17,500.00

H. Resolution appointing Councilman F. Jack Cole to the Asheville Police and Fire Pension Fund Board of Trustees.

HIGHLIGHTS: Appointing Councilman F. Jack Cole to replace JoAnn Swilling as a member of the Asheville Police and Fire Pension Fund Board of Trustees.

Upon motion of Councilman Morris, seconded by Councilwoman Price, the consent agenda was unanimously approved.

ORDINANCE NO. 1015 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Rezoning property in Oteen)

3. Consideration was given to the second reading of Ordinance No. 1015, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended rezoning property in Oteen from Light Industrial to Office Institutional District.

Vice-Mayor Horton said the former Mayor's Legislative and Finance Committee had recommended this increase with strict enforcement.

After discussion, Vice-Mayor Horton moved for the adoption of Ordinance No. 1018. This motion was seconded by Councilman Michael.

On a roll call vote of 5-1, Ordinance No. 1018 passed on its first reading, with Councilman Rainey voting "no".

The City Manager advised that this ordinance needed to be adopted before January 1, 1978 to let the agency know what to charge for the registration stickers.

Vice-Mayor Horton moved to suspend the rules and proceed to the second reading of Ordinance No. 1018. This motion was seconded by Councilman Cole, which motion carried on a voice vote of 5-1, with Councilman Rainey voting "no".

On a roll call vote of 5-1, Ordinance No. 1018 passed on its second reading, with Councilman Rainey voting "no".

RESOLUTION NO. 77-214 - RESOLUTION RATIFYING SELECTION OF LOW BIDDERS FOR E.D.A. GRANT PROJECTS

7. Consideration was given to a resolution ratifying selection of low bidders for E. D. A. Grant Projects.

The City Manager read the resolution and explained that in order to meet federal regulations and dead lines the contracts were awarded to the following:

Project	Bidder	Amount
Deaverview Bridge	Hickory Construction Company	$182,900
Patton Avenue-Smith Bridge Water Line	Huntley Construction Company	185,002
Smith Mill Creek Sewer Line	Hobson Construction Company	201,186
West Asheville Fire Station	L. P. Cox Company	177,200
	Rogers Plumbing & Heating Co.	33,400
	20th Century Heating Company	16,750
	R. W. Johnson, Inc.	14,900
		$242,250

He said the bids were all awarded to low bidders and the amounts were within the grant funds. He said this resolution would ratify the selection of the low bidders.

Upon motion of Councilman Morris, seconded by Councilwoman Price, Resolution No. 77-214 was unanimously adopted.

Complete text of Resolution No. 77-214 will be found in Resolution Book No. 10 at page 122.

PETITION - MIDDLE GRASSY BRANCH ROAD

The City Manager presented the following petitions from residents of Middle Grassy Branch Road.

After discussion of the proposed project, Mayor Trantham closed the public hearing at 3:35 o'clock p. m.

Councilman Michael moved for the approval of the site plan of the proposed Arrowhead Apartments to be located on Wood Avenue. This motion was seconded by Councilman Cole and carried unanimously.

ORDINANCE NO. 1018 - AN ORDINANCE AMENDING ARTICLE VII, SECTION 28-154 OF THE CITY OF ASHEVILLE CODE OF ORDINANCES

6. Consideration was given to an ordinance amending Article VII, Section 28-154 of the City of Asheville Code of Ordinances increasing fees for Motor Vehicle registration from $1.00 to $5.00 per year.

The City Manager read the ordinance and explained that the 1977 General Assembly authorized municipalities to increase fees for Motor Vehicle registration from $1.00 to $5.00 per year and this increase was approved in estimated revenues in the City's Fiscal 1977-78 Annual Operating Budget.

A citizen said he did not think all Ashevillians buy the registration stickers and the law was not strictly enforced.

Councilman Rainey spoke in opposition to the ordinance stating that a 5 cent increase in taxes was put into effect and he did not feel an increase in the motor vehicle registration would be necessary.

Vice-Mayor Horton said he felt the ordinance would be a means of spreading out the burden of financing the services provided by the City, rather than through ad valorem taxes. He urged Council to support the ordinance.

Councilman Michael spoke in support of the ordinance stating that this additional revenue would help provide city services.

Councilman Rainey said it was his understanding that the original intent of the $1.00 motor vehicle registration fee was to finance new buses for the transit system after which time the fee would be deleted.

Councilman Morris took exception to Councilman Rainey's statement. He said this was never spelled out in the minutes of any Council meeting.

The City Manager advised that if Council did not approve the $5.00 increase the budget would have to be cut accordingly, that being by $110,000.

Upon inquiry of Councilman Rainey, the City Manager said the agency that sells the state license plates is responsible for selling the city stickers. He said the cost of collection would be 12¢ for each sticker sold.

The City Manager said the operation for the transit system is subsidized by the City for transporting school children and citizens who cannot afford an automobile. He said the transit deficit last year amounted to $481,365 which was offset by a federal grant of $168,000 leaving a deficit of $320,000. He said this increase in motor vehicle registration would not even sustain the transit deficit. He said he felt the increase was fair because it placed the burden on the user.

The City Manager said this project would come under the Water System Improvement Fund and he would have the staff investigate the problems.

REPORT - OTEEN PARK PLACE - DRAINAGE

J. E. Johnson, Director of Inspections, reported that at last week's meeting Mrs. Dorothy Green of Oteen Park Place advised Council that part of Oteen Park Place was covered over with dirt due to the construction of a shopping complex. He said he had investigated the matter and did, in fact, find the road covered over by about 50 ft. He said after research it was determined that the road is maintained by the City and he had scheduled a meeting with the developer of the shopping complex to have the situation corrected.

REPORT - MEETING WITH FAA- RE: FUNDING OF AIRPORT RUNWAY EXTENSION

The City Manager said Mayor Trantham, Councilman Michael, County Commissioner Bill Oglesby, Jim Ellis, Director of Chamber of Commerce and Bill Cox, consulting engineer, with the assistance of Senator Morgan's office, met with the Federal Aviation Administration officials in Washington on December 14, 1977 regarding the need for full funding of the Airport Runway Extension in the current fiscal year. He said the City's problems were shared with the officials. He said about all they offered was the possiblity of multi-year funding using grant monies that are currently available to the City over a 3 year period as well as the possibility that as other airports perhaps don't meet their construction plans some monies would be available through those sources. He said Council would be studying, within the next two weeks, what effect the use of these enplanement funds would have over the next 3 years. He said the City would be back in contact with the FAA within the next 30 days.

POLICE DEPARTMENT REQUESTS - SALARY INCREASES TO STATE LEVEL - FINANCIAL ASSISTANCE FOR TUITION AND OTHER SCHOOL EXPENSES

Cecil Burnette, President of Fraternal Order of Police, said the new Chief of Police was being started out at the state salary level which is a 20% increase above the former Police Chief's salary. He said the Fraternal Order of Police is requesting that their salary also be brought up to the state level. He said Council's serious consideration would be appreciated as soon as possible. He said the state level salaries should begin at the same time the new Chief of Police begins his duties.

Several police officers spoke in support of this salary increase.

Gary B. Foster also presented a petition requesting financial assistance for tuition and other school expenses for officers interested in obtaining a college education in the field of law enforcment. (Copy of petition on Page 39)

The City Manager expressed concern that the patrolmen used the Council meeting to express their concerns. He said he had used an open administration policy since becoming City Manager and he was not aware of the concerns of the Police officers. He said the expressions of the officers will be reviewed. He said the City is constantly looking at pay increases to state salary levels in comparable cities for all city employees.

After discussion of the police officers concerns, Mayor Trantham thanked the patrolmen for coming to Council and said the Council would be meeting to discuss their problems.

The People of Middle Grassy Branch Road

TO: ~~MILTON EUGENE GEORGE~~ Roy Trantham

We the residents of Buncombe County, Middle Grassy Branch Road, Route 2, Asheville, N.C., would like to bring to your attention the fact that there are 21 families living in this community, and we have very little water pressure, often no pressure at all. Seven of these families paying water bills are all on one ½ inch water line. This ½ inch line was installed by one family more than thirteen years ago. Since that time, six other families have been connected to this same ½ inch line. The water department installed new meters for these families. We have installed check valves on recommendation from the installer of the meters. Even with the check valves, we keep burning out water heaters due to lack of water. It is a common thing to be in the shower for half an hour waiting for water to rinse off. It takes hours to wash a load of clothes, and some people have even sold their dishwashers because of this problem.

We just don't have enough water and would really appreciate anything you can do to improve the situation. If you wish to do so, you may contact any of the following people who are affected.

Rev. Kenneth Ridings - 298-2075
Ann Ridings - 298-2075
Wade H. Nelson 298-3387
Isaac L Mayton 298 7784
Sheila Mayton 298-5025
Dennie & Kay Mayton
Billy Ogle 298-2460
Patricia Ogle 298-2460
Mr. + Mrs. Robert King 298-3503
Mr. + Mrs. Harby P. Stephenson - 298-7704
Helen Mayton 298-7784
David Mayton 298-7784
Angeline Wyatt 298-7957
Earl Wyatt
Wray Tippett 298-7259
Alice McKinney 298-5245
Rachel Jones 298-5245

Willie [illegible]
Grady Foster - [illegible]
[illegible]
Be Kent Hampton
Philip C. Wallin
Clarence Wallin 298-7249
Susan Wallin
Howard A. Wallin
Wanda L. Sauls
Vicki W. Hampton

Adjournment.

Ray M. Hartman
MAYOR

Herman J. Nolcott
CITY CLERK

December 10, 1959

: TO City Manager

: FROM Police Officers, City of Asheville

and/or trustees

Anyone interested in earning a Bachelor's Degree (B.S.) in Criminology, place name on this paper. It is hoped that financial assistance for tuition and other school expenses, where needed, could be furnished from some source. This petition is being produced to inform the city manager, council, Chief of Police and Director of Personnel of the amount of interest of Asheville Police officers in obtaining a college education in the field of law enforcement.

1. Gary B. Foster
2. Lan W. Ball
3. B P Lee
4. J. CROUCH
5. Bobby L. Mashburn
6. James T Ratcliff
7. DAVID A. SHROAT
8. S. W. Lewis
9. J. Clark
10. Charles Laird
11. W.T. Dickens
12. C.M. Calloway
13. Jim Moore
14. [illegible]
15. C. Wilson
16. J.R. Cotton
17. Geo. L. Reagan
18. T H [illegible]
19. Mike Bowen
20. [illegible]
21. D.S. Tate
22. RAY Bahelor
23. [illegible]
24. [illegible]
25. [illegible]
26. W.H. DAYTON JR.
27. Tim Smith
28. Luck [illegible]
29. P.V. Fowler
30. H.R. Kuykendall
31. Wm Hilchey
32. J Moore
33. W L Rice
34. T.L. Miller
35. J Queen
36. P. Bumpus
37. M Walsh
38. W. Conner
39. M.L. Alexander
40. W.H. Bailey
41. Jack O Elder
42. M.B. Blankenship
43. J.W. Lambert
44. J m Bigg
45. A C. Boyd
46. J.L. Lasley
47. H.R. Bell
48. H.C. Hall Jr.
49. J. N. Rose
50. [illegible]
51. J.A. Lawson
52. W L Masters
53. L D Summey
54. R.H. Bell
55. W.N. Collier
56. T.E. Ziller
57. E.W. Fuller
58. J.P. Wade
59. J.D. Moore
60. W.T. Conner
61. W.H. Costello
62. R.M. Watson
63. Ron Hanwood
64. J.B. Thompson
65. R.L. CARVER
66. W.C. Roberts
999. Alfredo Flores

C. Resolution authorizing Mayor to execute a lease with First Union National Bank of North Carolina for use in the operation of a communications facility by the City of Asheville.

HIGHLIGHTS: This lease would be for property on Peach Knob where the City intends to build a new communication facility in order to improve the quality of the Radio Transmission for the public works and water utility radio bands. The lease is for $100 per year, lease terminating April 30, 1978 with the option of renewal. $6,000 was budgeted for the construction of the facility.

D. Approving the sale of Disposal Parcels 70, 137, and 177 in the East Riverside Urban Renewal Project.

HIGHLIGHTS: The Housing Authority has received the following bids for disposal parcels in the East Riverside Urban Project.

Parcel	Reuse	Established Price	Amount Bid	Redeveloper
70	Residential	2,200.00	2,200.00	Larry Christoper
137	Residential	1,800.00	1,800.00	H. C. Wilkes
177	Residential	1,700.00	1,700.00	Theodore Orr

All the redevelopers are proposing to purchase the respective parcels under the Incentive Housing Program. The Christophers and the Orrs plan to construct a single family residence. The Wilkes propose to move an existing single family structure onto the lot and rehabilitate the structure to the minimum property standards. In each case the redevelopers will be owner-occupants.

E. Resolution authorizing the Mayor to sign a lease agreement with the Opportunity Corporation of Madison-Buncombe Counties for the use of Burton Street Recreation Center.

HIGHLIGHTS: City of Asheville owns the facility known as the Burton Street Center and the Opportunity Corporation of Madison-Buncombe County desires to lease the Burton Street Center for use as a recreation center. Lease is for $5.00 to continue from January 1, 1978 to December 31, 1978.

F. Scheduling of a public hearing to consider an ordinance providing for the regulation of utility lines within the rights of way of public streets within the City of Asheville for January 12, 1978.

Upon motion of Councilman Morris, seconded by Councilwoman Price, the consent agenda was unanimously approved.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Ralph D. Morris, Jr., F. Jack Cole, Gene E. Rainey and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman F. Jack Cole.

APPROVAL OF MINUTES

1. Approval of the minutes of the December 15, 1977 meeting.

Upon motion of Councilman Cole, seconded by Vice-Mayor Horton, the minutes of the December 15, 1977 meeting were approved as submitted.

APPROVAL OF CONSENT AGENDA

2. The City Manager explained that the items on the consent agenda are of a routine nature and have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff any single item scheduled for approval on the consent agenda may be considered separately.

Items on the consent agenda included:

A. Resolution requesting Buncombe County to license insulation contractors.

HIGHLIGHTS: This resolution would request that Buncombe County license insulation contractors rather than having contractors obtain separate license from the City and the County. The County license would include a county-wide license.

B. Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for a water line on Louisiana Avenue in Asheville, North Carolina.

HIGHLIGHTS: This 8-inch line will be part of a fire line loop. It will start at Louisiana Avenue and Patton Avenue and will intersect with a proposed 6-inch line to be installed on Hazel Mill Road to the intersection on Patton Avenue.

This installation will afford fire protection on Louisiana Avenue and on Hazel Mill Road. Also, this will give a direct loop to the 16-inch water line in Patton Avenue which will furnish more water to support the water lines in the Emma section.

Upon inquiry of Councilman Rainey, Corporation Counsel Moore said the City could not charge the motor vehicle registration fee to people who work in the City but live in the County. He said it would be charged to everyone who has an automobile registered in the City of Asheville which includes all types of businesses.

Councilwoman Price moved to amend the ordinance to require a registration fee of $1.00 for vehicles weighing less than 300 pounds.

Councilman Morris asked Councilwoman Price to accept an amendment to her motion which would allow for "no charge for vehicles weighing less than 300 pounds."

Councilwoman Price accepted the amendment and Councilman Morris seconded the motion, which motion carried.

Councilwoman Price said the citizens of Asheville owning automobiles use the city streets and the motor vehicle registration fee revenue would not be enough to maintain the city streets. She said she felt this increase was needed.

The City Manager stressed the need for the increase referring to observations in the budget letter of May 30, 1977. He said the City staff is presently reviewing the need for a seat tax at the Civic Center, increasing rates at the Airport and tennis court fees. He reported that during the period of January, 1977 to November, 1977, 50 arrests were made for violation of the motor vehicle registration ordinance. He said there were approximately 20-25 check points during this period. He said he was in the process of working with the Buncombe County Tax Office to see if this fee could be collected through automobile property tax.

Councilman Cole said he would like to see the motor vehicle registration fee placed on to the automobile property tax through the Buncombe County Tax Collector. He said this would be a more equitable way of enforcement.

After discussion, Mayor Trantham called for a roll call vote on the ordinance as amended.

On a roll call vote of 5-1, Ordinance No.1018 passed on its third reading with Councilman Rainey voting "no".

Complete text of Ordinance No. 1018 will be found in Ordinance Book No. 8 at page 89.

PUBLIC HEARING - ORDINANCE INCLUDING INSULATION PERMIT FEES

ORDINANCE NO. 1019 - AN ORDINANCE AMENDING SECTION 8-12 OF CHAPTER 8, ARTICLE I OF THE CODE OF ORDINANCES, ENTITLED PERMIT FEES

5. A public hearing was held relative to an ordinance amending Section 8-12 of Chapter 8, Article I of the Code of Ordinances, Entitled Permit Fees.

Mayor Trantham opened the public hearing at 4:15 o'clock p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

ORDINANCE NO. 1015 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Rezoning property in Oteen)

3. Consideration was given to the third reading of Ordinance No. 1015, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended rezoning property in Oteen from Light Industrial to Office Institutional District.

Mayor Trantham said the ordinance was previously read on first and second readings and members of Council were furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1015 passed on its third and final reading.

Complete text of Ordinance No. 1015 will be found in Ordinance Book No. 8 at page 86.

ORDINANCE NO. 1018 - AN ORDINANCE AMENDING ARTICLE VII, SECTION 28-154 OF THE CITY OF ASHEVILLE CODE OF ORDINANCES

4. Consideration was given to the third and final reading of Ordinance No. 1018, an ordinance amending Article VII, Section 28-154 of the City of Asheville Code of Ordinances increasing fees for Motor Vehicle registration from $1.00 to $5.00 per year.

Mayor Trantham said the ordinance was previously read on first and second readings and members of Council were furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Mrs. Ruth Berney, 15 Colonial Place, spoke in opposition to the proposed ordinance. She requested Council to postpone the third reading until the new members of Council had an opportunity to review the increase and determine if it is really needed.

Mrs. Edith Miller also spoke in opposition to the ordinance, stating that citizens on fixed incomes could not afford an increase in taxes as well as an increase in the motor vehicle registration fee.

Mr. Dick Covington, 2 Greystone Road, said he felt the proposed ordinance is unjustifiable as well as "double taxation".

Mr. Don Taylor, State Farm Insurance Agency, spoke in opposition to the ordinance. He said "honesty" plays a big part in the purchasing of the stickers. He said all citizens of Asheville, owning an automobile, do not purchase the stickers. He contested that County residents use the facilities that the citizens of Asheville pay for by such taxes. He suggested that the people who use the services pay for them such as a seat tax at the Civic Center and fees for tennis courts.

Councilman Rainey said he felt more people would have come to Council in opposition to the ordinance if the Council meeting were held at night and if two readings of the ordinance had not been held at last weeks meeting. He said he was against this increase because a tax rate increase was put into the budget after the registration fee increase was put in as a revenue. He said this along with a water rate increase in the past year was too much, particularly for people on fixed incomes.

ORDINANCE NO. 1020 - AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

6. Consideration was given to an ordinance amending the operating budget for the City of Asheville for Fiscal Year 1977-78.

The City Manager read the ordinance and explained that this ordinance would amend the operating budget by transferring $14,815 from the Non-Departmental Contingency line item to the Police Activity. He said this transfer would provide a local match for a L.E.A.A. grant for an automated police information system which would provide: 1) P.I.N. and N.C.I.C. Communication; 2) On-Line Wants and Warrants Information; 3) Property Control Information; and 4) Manpower Utilization Information. The total cost of such a project is estimated to be $297,500 with L.E.A.A. grant funding of 95%. The application does not commit the City and no commitments will be made until the following steps have been taken: 1) A full evaluation of the needs of local law enforcement agencies; 2) A full evalution of systems available to determine the best suitable application for local use; and 3) a joint funding agreement among local agencies to be negotiated by the respective governing boards. He said this grant was discussed with the Buncombe County Commissioners at a meeting on December 21, 1977. He said the City was applying as prime sponser for the grant. He also said Mel Tucker, Chief of Police, had recommended that the application be submitted.

Councilman Michael suggested that a total evaluation be made of the equipment as far as annual operating costs are involved.

Councilman Morris moved for the adoption of Ordinance No. 1020. This motion was seconded by Councilman Michael.

On a roll call vote of 6-0, Ordinance No. 1020 passed on its first reading.

Councilman Michael moved to suspend the rules and proceed to the second reading of Ordinance No. 1020. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1020 passed on its second reading.

Councilman Michael moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1020. This motion was seconded by Councilman Rainey and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1020 passed on its third and final reading.

Complete text of Ordinance No. 1020 will be found in Ordinance Book No. 8 at page 90.

COUNCIL MEETING - CANCELLED - DECEMBER 29, 1977

Mayor Trantham announced that the Asheville City Council would not be meeting on December 29, 1977. The next Asheville City Council meeting will be held on January 5, 1978.

J. E. Johnson, Director of Inspections, said the 1977 General Assembly passed House Bill 10003, known as an Energy Ordinance, which requires that all new structures be insulated. He said this bill allows for tax credits for the installation of insulation and storm windows. However, the work must be certified by a building inspector before a tax credit is allowed, therefore, a permit must be issued for the work. He said this ordinance would include a fee for insulation permits. He said this was a consumer protective bill in that the Building Inspector must inspect the installation of insulation and storm windows. He said after January 1, 1978 a license would be required for those installing insulation for compensation.

Council questioned the language of the state law as to whether one must have an inspectors certificate before receiving a tax credit for the installation of insulation and storm windows.

Councilman Rainey requested that Council be furnished a copy of the state law before the second reading of the ordinance.

Upon inquiry of Councilman Rainey, Mr. Johnson said a homeowner could do the work theirselve but a building permit would have to be issued.

Councilman Rainey suggested that the ordinance be amended to allow for "no charge for a permit for insulation and storm windows costing up to $200.00." He said this would not penalize the private home owner but would protect the consumer.

Councilman Morris said the state law would require the City to make such inspections for the consumers own protection. He contended that the cost of inspection would be the same for any amount of work.

Vice-Mayor Horton said he would like to have an interpretation of the state law before the second reading of the ordinance.

The City Manager said the state law requires that on or after January 1, 1978, no person, firm or corporation may for a consideration install, alter, or restore within the City of Asheville any insulation or other materials or energy utilization equipment designed or intended to meet the State Building Code requirements for insulation and energy utilization standards who is not either (a) licensed as a contractor to do the proposed work under Chapter 87 of the General Statutes, (b) working under the supervision of a registered architect or professional engineer, (c) an owner working upon his own buidling, or (d) licensed as hereinafter described.

Vice-Mayor Horton said he felt this law should apply to contractors but not to homeowners doing their own work. He said the homeowner should be free from obtaining a permit and having his work inspected.

The City Manager suggested that Council pass the ordinance on first reading and review the provisions of homeowners doing their own work before the second reading of the ordinance.

Mayor Trantham closed the public hearing at 4:38 o'clock p. m.

The City Manager read the ordinance.

Councilman Michael moved for the adoption of Ordinance No. 1019. This motion was seconded by Councilman Morris.

On a roll call vote of 6-0, Ordinance No. 1019 passed on its first reading.

3.

That on or about March 13, 1975, a public hearing was held upon the proposed Red Cross building before the City Council of the City of Asheville, as shown by the minutes of said meeting, a copy of which is attached hereto as Exhibit B.

4.

As disclosed by the minutes of the said public hearing, a motion was made to approve the site plan subject to the recommendations of the Planning and Zoning Commission; subject to your petitioner's dedicating the necessary rights-of-way from its property; and subject to your petitioner's reimbursing the City of Asheville for the cost of improvements to Westall Drive and Edgewood Road along its property lines. This motion was seconded and carried unanimously.

5.

That the effect of the approval by City Council was to burden your petitioner with a cost for paving, curbing and other street improvements to an amount which was estimated by the Planning and Zoning Commission to be $24,192.00.

6.

That your petitioner's representative at the public hearing was not prepared to discuss the question of who should bear the cost of street improvements but did state, according to

PETITION - RED CROSS - SITE PLAN

The City Manager presented the following petition from the American National Red Cross, Asheville Area Chapter:

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

BEFORE THE CITY COUNCIL OF THE CITY OF ASHEVILLE

IN RE:)
AMERICAN NATIONAL RED CROSS,) PETITION
ASHEVILLE AREA CHAPTER)

TO: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE

The American National Red Cross, Asheville Area Chapter, respectfully petitions you and shows as follows:

1.

That on or about February 6, 1975, your petitioner submitted a request to the Asheville Planning and Zoning Commission for the purpose of obtaining approval of a proposed Regional Red Cross blood center to be constructed at the corner of Edgewood Road and Westall Drive, Asheville, North Carolina.

2.

That on or about February 12, 1975 the Asheville Planning and Zoning Commission reviewed the petition of your petitioner and made recommendations to the City Council of the City of Asheville, a copy of the staff report of the group development being attached hereto as Exhibit A.

new Regional Blood Center will inure to and for the benefit of said citizens; that it is unfair, unreasonable and inequitable to require your petitioner to pay for the cost of widening and improving public streets the use of which will inure to the entire community.

11.

That if your petitioner is required to pay for street improvements in order to construct its building, that your petitioner will necessarily be required to further diminish the size and quality of its proposed building or to borrow funds at interest and that neither of said alternatives are in the best interest of the citizens and residents of Asheville.

12.

That the plans and specifications of your petitioner for the construction of a new building have been prepared to the end that the widening of roads is not necessary to the construction of the building and that such changes to the roads as are required for the purpose of drainage have been designed with your petitioner's paying for the same.

13.

That the widening of Edgewood Road may likely be desirable from the public's standpoint and that your petitioner is willing to dedicate a reasonable part of its land for the purpose of widening said road.

the minutes, that it was his opinion that the building could be constructed on the site without widening the road. Your petitioner was at that time and remains prepared to dedicate the portion of its property necessary for improving the roadways.

7.

That the public hearing of March 13, 1975 was closed at the time the motion to approve the site plan subject to your petitioner's paying for the cost of improvements to Westall Drive and Edgewood Road was made and adopted.

8.

That your petitioner has not had an opportunity to address this Council on the question of who should bear the cost of improvements to Edgewood Road and Westall Drive.

9.

That your petitioner has had a building fund campaign and has raised substantially all of the monies necessary for the construction of a Regional Blood Center upon the site in question, said funds having been solicited from industry, business and individuals throughout western North Carolina, northern Georgia and eastern Tennessee.

10.

That your petitioner performs a valuable and necessary service to and for the citizens of Asheville and that your petitioner's

Councilman Michael also suggested that the Community Development Coordinator apply for a grant for Minority Businesses and the 4-1 Loan Grant for development of minority businesses through the SPA. He said these grants might also be discussed during the public hearing.

Councilman Morris moved to schedule a public hearing on the matters for January 19, 1978 at 7:00 o'clock p. m. This motion was seconded by Vice-Mayor Horton and carried unanimously.

AIRPORT RUNWAY EXTENSION - COMMENTS BY COUNCILMAN MICHAEL

Councilman Michael in commenting on the trip to Washington to meet with FAA officials regarding funding of the Airport Runway Extension, said the City was almost assured of receiving funding over the next four or five year period. However, unless the City could receive cooperation and final commitments from other counties involved or the FAA funds the City could not obligate itself for the $5 million project. He said it was his opinion that the City would have to have the discretionary funds or commitments from other governing boards rather than using enplanement funds.

Vice-Mayor Horton said this matter needs to be followed up immediately with plans to take in the follow up.

The City Manager advised that it was agreed upon in a meeting with the County Commissioners on December 21, 1977 that the Mayor would write a letter to the FAA outlining the manner in which the City of Asheville feels that the FAA should respond to the runway extension. He said a reply would be expected from the FAA in the next two to three weeks, after which time Council would have the stage set for the options.

HERMAN MEDDLER - POLICE DEPARTMENT - INCREASE IN FORCE AND SALARIES

Mr. Herman Meddler, 42 Cranford Road, spoke to Council regarding increasing the force at the Asheville Police Department as well as increasing the salaries. He said the police department employees should be in a class by themselves as their job is to protect the citizens of Asheville. He said he felt the citizens of Asheville would be willing to help pay for the increase in force and salaries.

SCHOOL CHILDREN IN ATTENDANCE - COMMENTS BY COUNCILMAN RAINEY

Councilman Rainey commented that three (3) school children were in attendance of the City Council and he felt if the meeting were held at night more school children would have the opportunity to attend a Council meeting.

Mayor Trantham wished every one a very Merry Christmas.

Adjournment.

MAYOR

CITY CLERK

WHEREFORE, YOUR PETITIONER PETITIONS, MOVES AND REQUESTS, that the matter of the requirement that your petitioner pay for any improvements necessary or desirable and which are made to Edgewood Road and Westall Drive in connection with the construction of your petitioner's new Regional Blood Center be reconsidered; that the City of Asheville make any improvements in the nature of widening Edgewood Road as a public expense; and that your petitioner be permitted an opportunity to be heard on the matters raised in this petition.

This 14th day of December, 1977.

AMERICAN RED CROSS
ASHEVILLE AREA CHAPTER

By Marshall Lytton
Chapter Manager

The City Manager advised that the City staff would look into the request and make a recommendation to Council.

PUBLIC HEARING SCHEDULED - COMMUNITY DEVELOPMENT PROGRAM

The City Manager requested that Council schedule a public hearing to discuss the following matters:

1) The appropriation of the surplus funds from the First, Second and Third Action Years of Community Development;
2) The approving of projects and the concept for the use of the Community Development funds for the Fourth, Fifth and Sixth Action Years; and
3) The approving of the application for an Urban Development Action Grant.

Superintendent of Water Production and Quality Control Division and Purchasing Agent recommend award to the low bidder on a per item basis.

Funding: Water and Sewer Operation, Maintenance and Repair Plant Capital Outlay Equipment - Account Code No. 30-753.0074 Single Line Item, Budgeted $13,600.00

B. Approving bids received December 29, 1977 for one Turf Truckster to be used in Parks and Recreation Department. Award to low bidder, Porter Brothers, Inc. in the amount of $3,798.00.

HIGHLIGHTS: Bids opened December 29, 1977 for one Turf Truckster for the Municipal Golf Course, Parks and Recreation Department.

Three bids were received:

Cumberland Vehicles, Inc.	$4,386.00
Goin Equipment Co.	4,250.00
Porter Brothers, Inc.	3,798.00

Parks and Recreation Director and Purchasing Agent recommend award to low bidder, Porter Brothers, Inc. in the amount of $3,798.00.

Funding: Revenue Sharing Trust Fund Capital Outlay, Account No. 50-504.0074 - budgeted - $3,826.00

C. Approving bids received December 29, 1977 for twenty-four (24) sets bleachers for Parks and Recreation Department. Award to low bidder, Stadiums Unlimited in the amount of $3,672.00.

HIGHLIGHTS: Bids opened December 29, 1977 for twenty-four (24) sets bleachers 5-row - 15 feet long, frames only.

Seven bids were received:

Stadiums Unlimited	$3,672.00
Kane and Associates	6,576.00
Kay Park Rec. Corp.	5,255.04
Miracle Equipment	8,352.00
Play Systems, Inc.	5,814.00
Quality Industries	6,720.00
Cunningham Assoc.	5,184.00

Director of Parks and Recreation and Purchasing Agent recommend award to low bidder, Stadiums Unlimited, Inc. in the amount of $3,672.00

Funding: Community Development Funds- Capital Outlay
10 sets - East Riverside Park-Account Code 65-653.0074 $ 1,530.00
10 sets - Murphy Oakley Park - Account Code 65-651.0074 $1, 530.00
4 sets - Hall Fletcher Park, Account Code 65-659.0074 $ 612.00

Sufficient funds are available to cover above recommended expenditures.

Thursday - January 5, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Ralph D. Morris, Jr., F. Jack Cole, Gene E. Rainey and Otis B. Michael, Corporation Counsel William C. Moore, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: City Manager K. M. Michalove

INVOCATION

The invocation was given by Vice-Mayor Bill B. Horton.

APPROVAL OF MINUTES

1. Approval of the minutes of the December 22, 1977 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Price, the minutes of the December 22, 1977 meeting were approved as submitted.

APPROVAL OF CONSENT AGENDA

2. The Associate City Manager explained that the items on the consent agenda are of a routine nature and have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff any single item scheduled for approval on the consent agenda may be considered separately.

Items on the consent agenda included:

A. Approving bids received December 29, 1977 for water pumps for Water Production and Quality Control Division. Award to low bidder on a per item basis:

Item #1 - Supply Specialties, Inc. @ $2,695 per unit totaling $5,390.00

Item #2 - Tidewater Machinery - 1 unit @ $3,245.00

HIGHLIGHTS: Bids were received December 29, 1977 for water pumps, Goulds Model No. 3316, Peerless, or Equal for Water Production and Quality Control Division.

Two bids were received:

	Supply Spec.	Tidewater
Item #1 - 2 Water Pumps for Roscraggon Pumping Station	$ 5,390	$ 5,730
Item #2 - Water Pump for Peach Knob Pump House	$ 3,456	$ 3,245

Vice-Mayor Horton instructed the Corporation Counsel to review the law and advise Council as to whether an inspection is necessary on an existing building.

FEDERAL DISASTER FUNDS - FLOOD DAMAGE

The Associate City Manager advised that the City had received 75 per cent of the federal disaster funds for flood damage repairs.

KENILWORTH RESIDENTS ASSOCIATION - FIRE HYDRANTS - DEAD TREES - COMPLAINT

Peter Winslow, President of the Kenilworth Residents' Association, read a prepared statement, referring to a house at 22 Normandy Road which burned down because two fire hydrants malfunctioned, requesting that all the hydrants in Kenilworth be inspected immediately and all malfunctioning units be repaired within the month. He also requested that the hydrants be inspected during the winter months rather than the summer as they are now. He also complained about three dead trees which appear as if they may fall down. He said that leaking hydrants and the dead trees have been reported to City officials in past months and nothing has been done. He asked why these things could not be taken care of before the emergencies take place. He mentioned in particular, a hydrant that is located at the intersection of Warwick Road and Forest Hill Drive which has lost both caps. He said the crown is broken and the hydrant is leaking at a rate estimated at 100 gallons per hour. He said the three new hydrants in the vicinity of the fire on Normandy Road are obscured by banks of earth left after the replacement jobs. He asked if the earth could be taken away on the site and made to look respectable.

Water Maintenance Superintendent Bob Brown said the hydrants on Normandy Road were 50 years old and when they were replaced it was found that the drainage hole was filled with rust.

Logan Delany, Community Development Coordinator, explained that the trees referred to by Mr. Winslow were on private property and a release must be obtained from property owners before city workers could go on the property to remove the trees.

Mayor Trantham advised Mr. Winslow that his requests would be reviewed.

The Associate City Manager said Chief Ball, Mr. Bob Brown and the City Manager are going to meet with the Kenilworth residents at 7:30 p. m. January 12, 1977 at Kenilworth Presbyterian Church to discuss city repairs.

Councilman Michael requested that Chief Ball determine the number of hydrants with inadequate water pressure and broken parts. He said he felt there was a number of fire hydrants that go unrepaired year after year.

INVITATION TO CLEAN COMMUNITY SYSTEM PROGRAM

Mr. Jerry Sternberg, President of the Solid Waste Management and Jean Webb, Executive Director of Quality Forward, invited Council members participation in the Clean Community System Program. They said this program would begin by a slide presentation and tour on January 13, 1978 at 9:30 a. m. at the Interchange Building on Woodfin Street.

Upon motion of Councilman Morris, seconded by Councilman Michael, the consent agenda was unanimously approved.

ORDINANCE NO. 1019 - AN ORDINANCE AMENDING SECTION 8-12 OF CHAPTER 8, ARTICLE I OF THE CODE OF ORDINANCES, ENTITLED PERMIT FEES

3. Consideration was given to the second reading of Ordinance No. 1019, an ordinance amending Section 8-12 of Chapter 8, Article I of the Code of Ordinances, entitled Permit Fees.

Mayor Trantham said the ordinance was previously read on first reading and members of Council have been furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Councilman Rainey moved to amend Ordinance No. 1019 by adding a sub-section (d) to read as follows: "(d) Permits. On and after January 1, 1978, no person, firm, or corporation may for a consideration install, alter, or restore any insulation or other materials or energy utilization equipment designed or intended to meet the State Building Code requirement for insulation and energy utilization standards without first securing a permit either from the inspection department with jurisdiction over the work site, or in the absence of such a department, from an energy and insulation inspector with appropriate jurisdiction. No permit shall be required by the individual homeowner and/or property owner who without consideration or fee installs any insulation, in or on his or her own home or property." This motion was seconded by Vice-Mayor Horton and carried unanimously.

Councilman Rainey said this amendment would clarify the fact that property owners who do work on their own property would be excluded from being required to purchase a permit.

Wayne Kinser, President of Kinco Corporation, an insulation contractor, asked for several clarifications of the new law. He said he did not think that the City Inspection Division, which would issue the permits and inspect the work, could enforce the law. He said inspections would be difficult and the City would have to hire additional inspectors to inspect all the buildings being insulated. He said he felt the standards of insulation should be set before a law is passed to inspect such work.

J. E. Johnson, Director of Inspections, said the law which went into effect January 1, 1978 was aimed at protecting consumers from fly-by-night contractors. He said the law would be reviewed by the state legislature in one year to determine its effectiveness. He said this law would also allow tax credits provided the work is certified by the inspector.

It was the consensus of Council that because it is a state law on the books, which is already in effect, they had no other choice but to approve the ordinance.

Mr. Kinser suggested that permits be made available by telephone to save time and money.

Mr. Johnson answered general questions from Mr. Kinser and members of Council relative to qualifications of contractors and standards of inspections.

On a roll call vote of 5-1, Ordinance No. 1019 as amended passed on its second reading, with Councilman Cole voting "no".

MOTOR VEHICLE REGISTRATION FEE - COMPLAINT BY EDWARD CLARK

Mr. Edward Clark of 355 Beaucatcher Road, complained to Council about the recent increase in the motor vehicle registration fee from $1.00 per year to $5.00 per year. He said he has a large number of citizens who are willing to sign a petition stating that they will not do any trading with any business in the City of Asheville until this action is rescinded. He suggested that Council find other means of revenues such as fees at the tennis courts, seat tax at the Civic Center, and increased fees at the golf course. He asked that Council rescind their action on this matter.

Councilman Rainey moved to rescind the $4.00 increase in the motor vehicle registration fee. This motion died for the lack of a second.

Councilman Morris explained the need for the increase in the registration fee. He said if Council had not appropriated the revenues from the increase they would have had to increase the tax rate by an additional 2 cents.

MRS. ROY ROGERS - SENIOR OPPORTUNITY CENTER

Mrs. Roy Rogers of the Senior Opportunity Center thanked members of Council for coming to the Center during the Christmas season.

Councilman Rainey asked when the new van is to be delivered to the Senior Opportunity Center.

The Associate City Manager said he would find out when the delivery date is going to be.

Adjournment.

Ray McSmith — William F. Wallace

MAYOR — CITY CLERK

This resolution would authorize the Director of Finance to sell or otherwise dispose of the items of surplus property.

B. Resolution authorizing Director of Parks and Recreation to make application for Young Adult Conservation Corps funding.

HIGHLIGHTS: Congress has established program providing for employment of young adults in parks and recreation and conservation, known as the Young Adult Conservation Corps. This program would provide employment opportunities for several youth in the Asheville Area and would benefit the City of Asheville Parks System. It is anticipated that between $100,000 and $200,000 may be allocated to the City for this program. It is planned, at the present, to use these people in the establishment of a nursery for trees at Bee Tree Lake, the further development of Bee Tree Lake camping areas, nature trails, and related facilities, at the Recreation Park for continued improvement in the park, particularly in landscaping and horticulture, one crew of three men for ballfield maintenance and related park maintenance projects, particularly landscaping the new park areas, such as Shiloh, Montford, etc., and two men to work in beautification of the Riverside Cemetary.

C. Resolution appointing member of the Metropolitan Sewerage District Board.

HIGHLIGHTS: This resolution will re-appoint C. LeRoy Robinson as a member of the Metropolitan Sewerage District Board for a term of three years, beginning January 19, 1978.

Upon motion of Councilman Morris, seconded by Councilwoman Price, the consent agenda was unanimously adopted.

MAYOR'S COMMUNITY DEVELOPMENT COMMITTEE REPORT

4. Vice-Mayor Horton reported that the Mayor's Community Development Committee, consisting of Councilwoman Price, Councilman Michael, and himself, met with staff members and the consultant regarding the use of First, Second and Third Action Year Surplus Funds; use of Fourth Action Year Project funds and recommendations for the Urban Development Action Grant Proposal. He said the geographic boundary of the Community Development area is being changed drastically. He said the Community Development area would be confined to the three central areas of the City which includes the special target area for the revised program. He said this would be a three year program rather than the originally proposed final two year program. He said the discussion of the committee centered around the surplus funds from the First, Second and Third Action Years which the City can use until the guidelines become effective.

Logan Delany, Community Development Coordinator, said the committee was working with 14 requests totaling $1.7 million, but there was only $238,764 in surplus funds available. He said the committee recommended that the surplus funds be used as follows: Deaverview Park Project (development cost) $60,000; Senior Opportunity Center Program $90,000; Demolition and Code Enforcement $50,000; Buncombe County Child Development $30,000 and the Dodge Street Fire Line $8,764.

Thursday - January 12, 1978 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Ralph D. Morris, Jr., F. Jack Cole, Gene E. Rainey and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Otis B. Michael.

APPROVAL OF MINUTES

1. Approval of the minutes of the January 5, 1978 meeting.

Upon motion of Councilman Cole, seconded by Vice-Mayor Horton, the minutes of the January 5, 1978 meeting were approved as submitted.

PRESENTATION OF CERTIFICATES TO GRADUATING FIRE CADETS

2. Mayor Trantham presented certificates to ten (10) graduating fire cadets.

APPROVAL OF CONSENT AGENDA

3. The City Manager explained that the items on the consent agenda are of a routine nature and have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff any single item scheduled for approval on the consent agenda may be considered separately.

Items on the consent agenda included:

A. Resolution authorizing Director of Finance to sell surplus property.

HIGHLIGHTS: The following surplus property is stored on the mezzanine of the City Hall building:
A B Dick 580 Thermofax
Rex Rotary R-15 Bohn Business Machine
Ditto - Model 18D70
Pitney-Bowes Addresser Printer
2 NCR Bookkeeping/Posting Machines

All City departments and divisions were contacted regarding the availability of this equipment and no indication of interest or usefulness of this equipment has been received. Article V, Section 32 (d) of the City Charter provides that no sale or other disposition of surplus personal property of the City of Asheville having a replacement cost in excess of $100 shall be made by the Director of Finance unless direction by made by the Council by resolution.

At the request of Vice-Mayor Horton, Mr. Delany reviewed the background of the Deaverview Park Project. He said as a final result HUD indicated that the project would be eligible if it was used for low and moderate income families.

Further discussions were held relative to the need for funds for the demolition and code enforcement project and the Shiloh Community Center.

Vice-Mayor Horton said the committee also recommended the following appropriations for the 1978 $1.6 million Community Development funds: East End-Valley Street Revitalization - $1,257,000; Community Development Administration $100,000; Citizen Participation $30,000; Planning $50,000; Central Business District $87,000; Hill Street- Cherry Street Revitalization Plan $30,000; Hill Street Area Code Enforcement $38,200; and a Contingency of $83,800; total recommended $1,676,000.

The City Manager said these recommendations would be discussed during the the public hearing scheduled for January 19, 1978 at 7:00 o'clock p. m.

Jesse Ray, Jr., expressed concern that the residents of Shiloh, Montford, and East End are being by passed in terms of consideration for improvements to these areas. He said these areas are in need of improvements particularly referring to the East End improvements to sidewalks, street lights, water drainage, and street widening. He encouraged Council to approve the improvement plan developed for the East End. He expressed the need for the continuation of the Housing Rehabilitation Program. He said the public hearing should have been held prior to the committee making their recommendations.

Virgil McConnell spoke in support of the appropriation of $50,000 for the Shiloh Community Center Equipment. He said funds earmarked for a certain area should not be appropriated for another area until all projects for the area had been completed due to cost overruns, etc. He said the new federal guidelines should include the Shiloh area due to the low income residents in the Shiloh area.

Bob Pitts, of 30 Watauga Street, spoke on behalf of the funding for the Montford Complex Swimming Pool. He said if funds could not be made available through Community Development it was the residents hope that other sources of revenues could be obtained.

Councilman Rainey said that at next week's public hearing he would like to know how much money in the past has been allocated to the Kenilworth Park and a detailed break down on the $60,000 development cost for the Deaverview Park Project.

PUBLIC HEARING - REGULATION OF UTILITY LINES WITHIN RIGHTS OF WAY OF PUBLIC STREETS

5. A public hearing was held relative to an ordinance providing for the regulation of utility lines within the rights of way of public streets within the City of Asheville.

Mayor Trantham opened the public hearing at 4:10 o'clock p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mayor Trantham advised that Council would not vote on the ordinance at this meeting but would merely hear public comments.

At the request of Councilman Michael, Mr. Delany said the following projects were not recommended for funding: YMI Building $150,000; Home Ownership and Credit Counseling $20,000; Meals on Wheels $26,000; Shiloh Community Center Equipment $50,000; Asheville-Buncombe Optional School Child Center Care $11,500; Housing Rehabilitation Project $150,000; Kenilworth Park Project (development) $100,000; Montford Swimming Pool $200,000; and the West Asheville Fire Protection $665,525.

Councilman Michael said he had opposed the purchase of the $104,000 park property and also opposed allocating any money for the development of the park. He said he discussed the park project with Bryan Malthurs of HUD in Greensboro and was told that the Deaverview Park project would not be eligible for the funds unless there was an active outreach program between the Parks and Recreation Department and the Deaverview Housing Project. He said if the Council approves the money for the park and the project is not eligible the City will have to pay the $164,000 back to the Department of Housing and Urban Development. He said there are many more eligible projects that would help low income people that have been completely deleted for a questionable project. He said he did not think it was legal for the City of Asheville to conduct projects for county residents using Community Development funds. He said this would be a misappropriation of taxpayer's funds.

Councilman Michael read the following letter, which he requested be made a part of these minutes:

January 12, 1978

Department of Housing and Urban Development
415 N. Edgeworth Street
Greensboro, N. C. 27401

ATTENTION: Bryon Malthurs

Dear Mr. Malthurs:

A recent meeting of the Mayor's committee of the distribution and allocation of community development funds of which I am a member resulted in a question as to the eligibility of the Deaverview Park project using community development funds.

Relative to our telephone conversation today I am requesting in writing the statement that you made that the Deaverview Park project would not be eligible for CD funds unless there was an active outreach program between the Parks and Recreation Departments and the residents of the Deaverview Housing project.

Also, please confirm that in your opinion unless this is done 51% of the users of the park would not fall into the income level required in areas where CD funds are spent.

My concern is based on the fact that if in the future this park project is declared ineligible the City of Asheville will have to pay back all of the community development funds that we have used for this.

A reply from you as soon as possible would be greatly appreciated.

Yours very truly,

Otis S. Michael, M. D.

OSM/jbr

Gary Rowe, attorney and a resident of the Lakeshore Drive area, said this issue arose in early November when a group of citizens complained to the Council about the "super poles" that were being erected by the Carolina Power and Light Company on Lakeshore Drive to carry high voltage trasmission lines running from the Elk Mountain substation to the Beaverdam substation. He said he had asked the City to pursue what ever remedies were available for the City in enforcing their authority relative to the power poles. He referred Council to G. S. 160A-296.6 which refers to the rights of the City to regulate and prohibit the placement of wires, poles, etc. within its rights of way. He said after several opinions from the Attorney General's office two ordinances were prepared for Council's consideration. One requiring the removal of the poles on Lakeshore Drive and a general ordinance regulating erection of the poles anywhere in the City. He said he would recommend a combination of the two ordinances, if the Council thinks it needs an ordinance at all. He said he was concerned that it is apparently the City's position that nothing can be done about the Lakeshore Drive power poles.

Mr. Rowe said the general ordinance making power of the City is encompassed in G. S. 160A-174 which states that a city by ordinance can define, prohibit, regulate, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the City and may define and abate nuisances. He said G. S. 160A-338 states that electric suppliers are subject to the police power of the City. No provision of this part shall restrict the exercise of the police powers of a City over the erection and maintenance of poles, wires, and other facilities of electric suppliers in streets, alleys and other public ways.

He said on November 20, 1977 a suit was filed in Buncombe County Superior Court requesting the removal of the poles in North Asheville on the basis that Carolina Power and Light Company does not have the right to erect the poles without city approval.

He said one additional section of power authority is included in the Zoning Ordinance in which it also gives the City the authority to regulate the placement of the poles. He requested that Council direct the Inspections Department to enforce the Zoning Ordinance in this regard.

Mayor Trantham said due to the prevailing weather conditions the Council meeting would have to adjourn.

William E. Graham, Jr., Vice-President and General Counsel of Carolina Power and Light Company said he felt it would help to continue the public hearing as the proposed ordinance would also affect telephone companies, gas companies, and other utilities and they may also want to comment on the ordinance.

Vice-Mayor Horton moved to continue all public hearings scheduled for today's meeting until January 26, 1978. This motion was seconded by Councilman Morris and carried unanimously.

Adjournment.

Ray M. Trantham
MAYOR

Frances S. Wolcott
CITY CLERK

B. Rescheduling of a public hearing relative to amending Section 30-6-1, Group Developments Section of the Asheville Zoning Ordinance #322, for February 9, 1978.

HIGHLIGHTS: The Planning and Zoning Commission considered a proposed amendment to the Zoning Ordinance which would include the review of utility substations under the Group Development Section.

The wording amendment, recommended by the Planning and Zoning Commission, would be to amend the second sentence of the first paragraph of Section 30-6-1, GROUP DEVELOPMENTS by inserting after "or five (5) or more units", the words: "or electrical transmission substations, or gas regulating and measuring substations,"

The amended sentence would read: "Where more than one principal building or use is proposed to be constructed on a lot or tract of land, or any building with a gross floor area of 25,000 square feet, or more, or five (5) or more units, or electrical transmission substations, or gas regulating or measuring substations, the provisions of this Section shall apply."

This public hearing was scheduled for January 12, 1978. However, due to inclement weather conditions the public hearing was postponed.

C. Approving the sale of Disposal Parcels 15, 21, 22, 23-24, and 27 in the East Riverside Urban Renewal Project and Civic Project No. 2 in the Civic Redevelopment Project.

HIGHLIGHTS: The following bids for disposal parcels in the East Riverside Urban Renewal Project and the Civic Redevelopment Project were received by the Housing Authority.

Parcel	Reuse	Established Price	Amount Bid	Redeveloper
15	Residential	3,000	3,000	McMillian Homes, Inc.
21	Residential	2,350	2,350	McMillian Homes, Inc.
22	Residential	2,750	2,750	McMillian Homes, Inc.
23-24	Residential	5,400	5,400	Lawrence Gilliam, Sr. et ux
27	Residential	3,500	3,500	Dennis Goode, et ux
Civic Project				
2	Institutional	1,000	1,000	Betty Temple United Methodist Church

The six (6) parcels in East Riverside will be developed as single family residential structures. The one (1) in the Civic Project will be developed as parking. The redeveloper is an adjacent owner.

The Housing Authority of the City of Asheville recommends approval of the bids as submitted.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Ralph D. Morris, Jr., F. Jack Cole, Gene E. Rainey and Otis M. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Ralph D. Morris, Jr.

APPROVAL OF MINUTES

1. Approval of the minutes of the January 12, 1978 meeting.

Upon motion of Councilman Morris, seconded by Vice-Mayor Horton, the minutes of the January 12, 1978 meeting were approved as submitted.

APPROVAL OF CONSENT AGENDA

2. The City Manager explained that the items on the consent agenda are of a routine nature and have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff any single item scheduled for approval on the consent agenda may be considered separately.

Items on the consent agenda included:

A. Rescheduling of a public hearing relative to rezoning property on Haywood Terrace, Ward 5, Sheet 20, Lots 255 and 256, from R-3 Residential District to CH Commercial Highway District, property owned by Mr. Homer Sparks, for February 9, 1978.

HIGHLIGHTS: The Planning and Zoning Commission recommended approval of this request for the following reasons:

1. That portions of property in close proximity to the Homer Sparks' property are already zoned CH Commercial Highway District; and

2. That rezoning the property would not adversely affect the surrounding neighborhood.

This public hearing was originally scheduled for January 12, 1978. However, due to inclement weather conditions the public hearing was postponed.

G. Approval of bids received December 29, 1977 for playground equipment for Parks and Recreation Department for use in Various Park areas. Bids to be awarded to the responsive low bidders.

HIGHLIGHTS: Director of Parks and Recreation and Purchasing Agent recommends award to all responsive low bidders on a per item basis:

Item #1 (5) 4 Way Climbers - Quality Industries - $319.00
Item #2 10 Bicycle Racks - Quality Industries - $125.00
Item #3 5 Single Trail Blazer Slides - Miracle Equipment - $909.00
Item #4 5 Flying Pony Swing Sets - Miracle Equipment - $791.00
Item #5 6 Basketball Goals & posts - Play Systems, Inc. - $261.30
Item #6 5 Merry Flyer 4 Seat Ride - Miracle Equipment - $485.00
Item #7 5 Buck-A-Bouts - Cunningham Associates - $589.00
Item #8 5 Easy Rider Spring Mate w/rubber - Cunningham Associates - $225.00
Item #9 5 Deep Seat Automate w/rubber Spring Ride - Cunningham Assoc. - $220.00
Item #10 30 Saddle mates - Play Systems, Inc. - $92.42
- Cunningham Associates - $99.00
Item #11 1 Catwalk - American Playground Device - $756.70
Item #12 1 Rainbow Climber - Quality Industries - $377.00
Item #13 1 Muscle Bar - Quality Industries - $89.00
Item #14 1 Health Ladder - Quality Industries - $197.00
Item #15 1 Bell Buoy -Cunningham Associates - $260.00
Item #16 2 Circular Equip. Storage Boxes - Cunningham Associates - $499.00
Item #17 45 prs. Bent Angel Leg Benches - Cunningham Associates - $32.00
Item #18 1 Double Step-N-Slide - Miracle Equipment - $1,340.00
Item #19 1 Double Spiral Slide - Cunningham Associates - $5,945.00

Total all items - $34,735.74

Funding: Community Development Funds - Sufficient funds are available for above expenditures.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Price, the consent agenda was unanimously adopted.

ORDINANCE NO. 1019 - AN ORDINANCE AMENDING SECTION 8-12 OF CHAPTER 8, ARTICLE I OF THE CODE OF ORDINANCES, ENTITLED PERMIT FEES.

3. Consideration was given to the third reading of Ordinance No. 1019, an ordinance amending Section 8-12 of Chapter 8, Article I of the Code of Ordinances, entitled Permit Fees.

Mayor Trantham said this ordinance was previously read on first and second readings and members of Council were furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Responding to a request of Vice-Mayor Horton, during the January 5, 1978 meeting, J. E. Johnson, Director of Inspections, said it was apparent that House Bill 10003 included the inspection of insulation work on existing structures, since Section 7 of that bill refers to "existing buildings".

D. Scheduling of a public hearing relative to rezoning Ward 7, Sheet 27, Lots 43, 43-1/4, 43-1/2, 43-3/4, 44, 44-1/4, and 44-1/2, property on Fairview Road owned by Tom and Betty Donoho, to be rezoned from R-3 Residential District to LI Light Industrial District for February 9, 1978.

HIGHLIGHTS: The property is presently leased to Asheville Electric Company for warehousing and storage of equipment and material and has been utilized for this purpose, for several years. Upon annexation by the City in 1973, the property was zoned R-3 Residential District placing the existing uses in a nonconforming status. The present use cannot be expanded under this classification.

Planning and Zoning Commission recommended approval of the request for the following reasons:

1. That the property is contiguous with existing Light Industrial zoning to the north;

2. The present usage has existed for several years with no apparent adverse effect upon adjoining properties; and

3. The property abuts the North Carolina Department of Transportation right of way for the interchange of I-40, I-240, and Charlotte Highway. This fact makes the property more desirable for commercial or light industrial activities than for residential use.

E. Resolution adopting the Land-of-Sky Regional Council's Regional Land Use Plan.

HIGHLIGHTS: This resolution would adopt the Land-of-Sky Regional Council's Regional Land Use Plan as it applies to the City of Asheville and is necessary for federal grants. The Planning Board has recommended adoption of the resolution. This plan was developed in close consert with the Asheville Land Use Plan adopted by Council on August 4, 1977 through Resolution No. 77-164.

F. Authorizing the City Clerk to advertise the sale of City of Asheville property known as Ward 4, Sheet 4, Lot 98, located on Roberts Street.

HIGHLIGHTS: In compliance with North Carolina General Statutes Section 160A-269 the City must advertise the sale of property, in order that anyone interested in the property can bid and perhaps upset a bid received from Supply Specialties, Inc. in the amount of $1,500.00.

APPROVAL OF SIGN PERMIT - U-HAUL COMPANY - 387 SWANNANOA RIVER ROAD

5. Consideration was given to a motion approving a sign permit for U-Haul Company to install two (2) wall signs and one (1) free-standing sign at 387 Swannanoa River Road.

J. E. Johnson, Director of Inspections, said this permit requires the approval of City Council pursuant to Section 30-9-3 B7 which states "In addition no sign shall be erected within six hundred (600) feet of the right-of-way of any limited access highway within the jurisdiction of the City of Asheville until permit is submitted to and approved by the Asheville City Council." He said U-Haul Company is proposing to install two (2) wall signs and one (1) free-standing sign at 387 Swannanoa River Road which is part of the I-240 Interchange. He said one (1) wall sign is to be 20 sq. ft., one is to be 232 sq. ft. and the one (1) free-standing sign is to be 36 sq. ft. with a 10' setback. He said U-Haul Company has requested permission for the sign to be 50' high which would be a violation of the Zoning Ordinance. He said the Zoning Ordinance requires that the sign not exceed 40' high.

Larry Bryan presented pictures of the proposed signs. He said the 50' height was needed in order that the sign could be seen from road level.

Councilman Rainey said he had no objections to the signs but felt the Zoning Ordinance relative to signs should be strictly enforced, particularly referring to the 40' height limit.

After discussion, Vice-Mayor Horton moved to approve the sign permit as requested by the U-Haul Company. This motion died for the lack of a second.

Councilman Rainey moved to approve the sign permit, provided the free-standing sign would not exceed 40' high. This motion was seconded by Councilwoman Price and carried unanimously.

BIDS - ONE HUNDRED THIRTY-FIVE (135) DRY TOP TRAFFIC MODEL FIRE HYDRANTS

6. Consideration was given to bids received January 16, 1978 for one hundred thirty-five (135) dry top traffic model fire hydrants.

The City Manager read the following memorandum from the Purchasing Agent relative to the bids for the fire hydrants:

DATE: January 18, 1978

TO: Mr. Ken Michalove

FROM: George Phipps
Purchasing Agent

SUBJECT: Recommendation for Award, Bid Request No. 468-78, "One Hundred Thirty Five (135) Dry Top Traffic Model Fire Hydrants"

Sealed bids were opened and read in the Council Chambers Monday, January 16, 1978, 11:00 A. M. Five (5) bids were received as shown on attached bid summary.

Councilman Rainey noted that it also stated that this bill should not be so construed to pose a burden upon the City or to increase the number of inspectors in the Inspection Department. He said Council should review the ordinance in one year and if it is determined that additional inspectors must be hired then it would be his opinion that the bill should be "overlooked".

After discussion, Mayor Trantham called for a roll call vote on the third reading of Ordinance No. 1019.

On a roll call vote of 6-0, Ordinance No. 1019 passed on its third and final reading.

Complete text of Ordinance No. 1019 will be found in Ordinance Book No. 8 at page 90.

ORDINANCE NO. 1021 - ORDINANCE AMENDING THE CITY OF ASHEVILLE OPERATING BUDGET FOR FISCAL YEAR 1977-78 TO REFLECT COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME

4. Consideration was given to an ordinance amending the City of Asheville Operating Budget for Fiscal Year 1977-78 to reflect Community Development Block Grant Program income.

The City Manager read the ordinance. He said this ordinance would increase the Community Development Block Grant Contingency III by $30,968 which represents the net proceeds from the sale of Disposal Parcel 26 in the Civic Redevelopment Project, N. C. R-13. This is in accordance with the project completion agreement, duly executed by the Housing Authority of the City of Asheville, the City of Asheville and the Department of Housing and Urban Development dated October 21, 1976.

Councilman Morris moved for the adoption of Ordinance No. 1021. This motion was seconded by Councilman Cole.

On a roll call vote of 6-0, Ordinance No. 1021 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1021. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1021 passed on its second reading.

Councilman Michael moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1021. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1021 passed on its third and final reading.

Complete text of Ordinance No. 1021 will be found in Ordinance Book No. 8 at page 93.

Ray Kisiah, Parks and Recreation Director, said the Parks and Recreation Advisory Board of the City of Asheville determined that a user fee should be charged at Aston Park Tennis Courts to defray a portion of the operating and maintenance costs for these courts. He said there are presently eight (8) asphalt courts in the City of Asheville available free of charge and another 12 to 14 under consideration or under construction. He said the hard-surface courts at Aston Park were recommended by the tennis groups.

Mr. Bob Frazanigan, Chairman of the Tennis Subcommittee of the Parks and Recreation Advisory Board, recommended that Council approve the fees as recommended by the Board.

Councilman Michael said he felt the users of the courts should help pay for the expenses of the City for operation and maintenance. He said he felt the majority of the people using the courts were not residents of the park area.

Councilman Rainey suggested excluding residents of the Community Development area since $65,000 of Community Development funds were used to provide the courts.

Dick Covington also supported the resolution, stating that in his opinion 95% of those using the courts were in the middle income or above bracket.

After discussion, Councilman Morris moved to amend the resolution by adding a section stating "the fees would not exceed the fees recommended by the Parks and Recreation Advisory Board". He said this would give the Advisory Board some latitude in exempting the fees for tournaments, etc. This motion was seconded by Councilman Michael.

Councilman Rainey requested that Councilman Morris and Councilman Michael accept an amendment to the motion which would exclude residents of the 1977 Community Development area from paying the fees.

Councilman Morris and Councilman Michael accepted Councilman Rainey's amendment.

On a voice vote, Councilman Morris' motion to amend the resolution carried unanimously.

Councilman Rainey moved for the adoption of Resolution No. 78-5, as amended. This motion was seconded by Councilman Cole and carried unanimously.

Complete text of Resolution No. 78-5 will be found in Resolution Book No. 10 at page 132.

RESOLUTION NO. 78-6 - RESOLUTION INCREASING DAILY GREENS FEES AT THE ASHEVILLE MUNICIPAL GOLF COURSE TO $5 ON WEEKENDS AND HOLIDAYS

8. Consideration was given to a resolution increasing daily greens fees at the Asheville Municipal Golf Course to $5 on weekends and holidays.

The City Manager read the resolution and explained that the Parks and Recreation Advisory Board has recommended raising the daily green fees on weekends and holidays from $4.00 to $5.00. He said this provide a means of acquiring additional funds for maintaining and improving the golf course. He said all other fees are to remain the same.

Silverman Company submitted the lowest over-all base bid at $38,602.50. ITT Grinnell second at $38,712.10; Southern Meter and Supply Company third at $39,228.45.

The Southern Meter & Supply Company bid contains terms discount, "2% 10 Days, Net 30" which, if utilized, will reduce their net offer to $38,443.88, amounting to $158.63 under the Silverman Company bid.

The "terms discount" is worthy of consideration in determining the best offer but other factors should be considered to rule out possible "false economy" in the process. To earn the $158.62, amounting to four-tens (4/10) of one-percent (1%) the City must pay $38,443.88 twenty (20) days sooner than would otherwise fall due under the Silverman offer.

We currently have several hundred K-11 Kennedy hydrants of the type offered by Silverman in the water system and an inventory of spare parts.

There are no Waterous hydrants of the type offered by Southern Meter and Supply Company currently in our water system and no spare parts. A spare parts inventory of $300.00 to $500.00 will be required if the Waterous hydrants are installed.

Bill DeBruhl, Utilities Operations Coordinator; Bob Brown, Superintendent of Water Maintenance Division and I have reviewed the bids and recommend in the best interest of the City, the award be made to second low bidder, Silverman Company.

s/ George Phipps
Purchasing Agent

Funding: Water and Sewer Department Operations
Warehouse Inventory, Account No. 30-140.

The City Manager concurred in the recommendation.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bid to Silverman Company in the amount of $38,602.50. This motion was seconded by Councilman Michael and carried unanimously.

Bid Summary

Bidder	Bid
Southern Meter and Supply Company	$39,228.45 - terms discount $38,443.88
Municipal & Utility Supply Company	$39,420.00
Silverman Company	$38,602.50
Tidewater Supply	$41,998.50
ITT Grinnel Corp.	$38,712.10

RESOLUTION NO. 78-5 - RESOLUTION ESTABLISHING FEES FOR THE USE OF ASTON PARK TENNIS COURTS

7. Consideration was given to a resolution establishing fees for the use of Aston Park Tennis Courts.

The City Manager read the resolution.

Mr. J. W. Byers, a volunteer for the Meals on Wheels Program, also spoke in support of the Meals on Wheels Program.

Dixie Liggett, of the Central Methodist Church, read a letter of support for the Meals on Wheels Program.

Betsy Ivy read a statement from the West Asheville Kiwanis Club, supporting funding for the Meals on Wheels Program.

Jim Hall, of the Asheville Rotary Club, said the Board of Directors asked him to appear before Council on behalf of the funding for the Meals on Wheels Program.

Jim Cheek, President of the National Honor Society of Asheville High School, spoke in support of the funding for the Meals on Wheels Program.

Janice Wilson, of Project on Aging, spoke in support of the funding for the Meals on Wheels Program.

Rev. Warren Boch, of Calvary Presbyterian Church and a staff member of ABCCM, spoke on behalf of the funding for the Meals on Wheels Program.

Dr. John Ledbetter spoke in support of the funding for the Meals on Wheels Program.

A. C. Mitchell, Brick Street, also spoke in support of the Meals on Wheels Program.

Councilman Rainey requested information as to the number of recipients of Meals on Wheels being served in the new boundaries of the Community Development area.

Peter Winslow, President of the Kenilworth Residents Association, read a prepared statement, requesting funding for the development of the Kenilworth Park Project.

Bill Moore, a resident of Kenilworth, also spoke in favor of the funding for the development of the Kenilworth Park.

Marvin Chambers, a resident of Kenilworth, spoke on behalf of the development of the Kenilworth Park.

Barry Owen, spoke in favor of funding the development of the Kenilworth Park.

Wayne Cooper, President of the West Asheville Businessmens' Association, spoke in favor of funding the development of the Deaverview Park Project.

Francis Coyle, 186 Pearson Drive, speaking for the Montford Community Club, requested funding for the swimming pool for the Montford Recreation Center Complex.

Upon motion of Vice-Mayor Horton, seconded by Councilman Cole, Resolution No. 78-6 was unanimously adopted.

Complete text of Resolution No. 78-6 will be found in Resolution Book No. 10 at page 134.

RESOLUTION NO. 78-7 - RESOLUTION AMENDING THE LEASE AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE AIR TERMINAL PARKING COMPANY

9. Consideration was given to a resolution amending the lease agreement between the City of Asheville and the Air Terminal Parking Company.

The City Manager read the resolution and explained that Air Terminal Parking Company has requested rate increases in hourly parking. He said the present rates are:

0 - 2 Hours	$ .40
Each Additional Hour	$ .15
Maximum each 24 Hours	$ 1.75
Weekly	$ 8.75

He said the requested increase is as follows:

0 - 3 Hours	$ .50
Each Additional Hour	$ .25
Maximum each 24 Hours	2.00
Weekly	$10.00

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Price, Resolution No. 78-7 was unanimously adopted.

Complete text of Resolution No. 78-7 will be found in Resolution Book No. 10 at page 135.

PUBLIC HEARING - COMMUNITY DEVELOPMENT

10. A public hearing was held to determine the disposition of surplus fund balances appropriated for Asheville's First, Second and Third Action Year Community Development projects; to approve the geographic boundaries and projected project concept for the Community Development Fourth, Fifth and Sixth Action Years as described and mandated by the revised HUD regulations scheduled for publication in mid-January, 1978; to approve the development of an application for a Community Development-Urban Development Action Grant; and to consider economic development projects, using Community Development funds to provide a source of capital to finance minority businesses.

Mayor Trantham opened the public hearing at 8:40 o'clock p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Robert McGirt, Chairman of the Board of Directors for Meals on Wheels, read a prepared statement, seeking support from the Community Development funds for the continution of the Meals on Wheels Program. (See Attachment #1)

WWNC EASTER PARADE - MARCH 26, 1978

The City Manager presented a letter from Dave Jacobs, Program Director of WWNC requesting permission for WWNC to hold an Easter Parade on Sunday, March 26, 1978 from 2 until 4 o'clock p. m. He said families and individuals would dress up in their finest and actually promenade through and/or in front of the City/County Plaza, the Thomas Wolfe Home, the Sheraton, the County Health Department, YMCA, the Inn on the Plaza, and the Asheville Community Theatre. He said they had also requested City Council to officially declare the day to be "THE FIRST ANNUAL WWNC ASHEVILLE EASTER PARADE DAY".

Councilman Cole moved to grant permission to WWNC to hold an Easter Parade on Sunday, March 26, 1978 from 2 until 4 o'clock p. m. This motion was seconded by Councilman Michael and carried unanimously.

BUNCOMBE COUNTY RESCUE SQUAD - EMERGENCY TRANSPORTATION

The City Manager announced that the City had entered into an agreement with the Buncombe County Rescue Squad to furnish emergency transportation during snow storms. He said the number to call for this service is 253-1208.

APPOINTMENT OF CLARK BROWN - PUBLIC WORKS DIRECTOR

The City Manager announced the appointment of Clark Brown as Public Works Director. He said divisions to be included under the Public Works Director are the Street Division, Sanitation Division, and Traffic Engineering.

APPOINTMENT OF WILLIAM DEBRUHL - UTILITIES OPERATION COORDINATOR

The City Manager announced the permanent appointment of William DeBruhl as Utilities Operations Coordinator.

CLAIM - QUALITY INN/INTOWN

The City Manager presented a damage claim received from Gwynn G. Radeker, Attorney for Quality Inn/Intown.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - CARL R. CORN; STEVE SWANGER; ROBERT JORDAN; MARILYN JORDAN; NORMA JEAN BROWN

The City Manager presented a claim for personal injuries received from Erwin L. Ball, Jr., Attorney for Carl R. Corn, Steve Swanger, Robert Jordan, Marilyn Jordan, and Norma Jean Brown.

REPORT ON FIRE HYDRANTS - COUNCILMAN MICHAEL

Councilman Michael requested a report on the number of inadequate fire hydrants in the City of Asheville.

The City Manager said he would have the report at next week's meeting.

Adjournment.

Ray M. Trantham
MAYOR

William A. Malcolm
CITY CLERK

Logan Delany, Community Development Coordinator, said he had received requests from the Utilities Operation Coordinator for $665,625 to provide fire protection in the Community Development area in West Asheville and $757,890 for the replacement of sanitary sewers in the Community Development area in West Asheville; a $20,000 request from the Historical Preservation Society for the restoration of the Coleman House; and $164,489.48 from Inter-Church Housing Association for the rehabilitation of the apartments at Mountainside Apartments.

Mr. Bob Bennett, of Consumer Credit Counseling, requested funding to continue the Consumer Credit Counseling Program. He said they were seeking funds from creditors for the continuation of the program but needed Community Development funding until funds are obtained from the creditors. (See Attachment #2)

Councilman Rainey requested the number of clients that Consumer Credit Counseling would be serving in the new boundaries of the Community Development area.

Jerry Crowe, also spoke on behalf of funding for the Consumer Credit Counseling Program.

Jesse Ray, Jr.,of the East End/Valley Street Improvement Committee, requested that Council approve the preliminary design of the East End/Valley Street Community Development and Improvement Plan and the allocation of 75% of the Fourth Year Community Development Block Grant funds. He said Council should not combine the public hearings on Community Development funding with the regular Council meetings. He also suggested that the City prepare a pamphlet for the citizens explaining the Community Development programs. (See Attachment #3)

Virgil McConnell, of the Shiloh Residents Committee, requested funding for the equipment for the Shiloh Community Center. He also requested that any surplus funds appropriated for the Shiloh area be used in that particular area.

Mike Coxe, Vice-President of the Preservation Society, requested $20,000 of Community Development funds for the acquisition and restoration of the Coleman House on Montford Avenue and Cherry Street.

Betty Ryans also spoke in support of the funding for the acquisition and restoration of the Coleman House.

Verl Emrick, Planning Director, explained the grant application of the Community Development-Urban Development Action Grant. He presented a map showing the geographical area to be included in the grant (bordered on the west by Biltmore Avenue, on the East by Valley Street, on the north by Marjorie Street and Pack Square and on the south by Carroll Avenue). He said the grant funds would amount to $2,778,280 and would be used for the economic revitilization of these areas. He said the development package relates to economy rehabilitation of the area and two alternatives are available. Each presents a mechanism which has the potential to leverage complimentary funding from the Small Business Administration at a ratio of 4-1. The alternatives are 1) utilization of local lending institutions, or 2) utilize an approved miniority small business investment company (MESBIC).

Mayor Trantham closed the public hearing at 10:52 o'clock p. m.

ATTACHMENT #1

A Presentation by
Meals On Wheels of Asheville - Buncombe County
for
The City Council of Asheville, North Carolina

THE RECIPIENTS

A. Who: Any individual who is medically certified by a physician as needing the service provided by Meals On Wheels is eligible. In the month of October 1977 (this month is used because it was October that we were instructed to make our request for the amount of money we needed from Community Development Funds), Meals On Wheels delivered between 92-107 per day. Sixty-seven of those meals were in the Community Development Area. The reason this number is not more consistent is that our roll of recipients is in a constant state of flux. The total number of meals served in October was 2,028.

B. What: One hot meal is delivered to the recipient at the recipient's home each of the five weekdays. The meal is nutritionally balanced, and is in accord with the physician's requirements concerning diet. The meals are delivered on all holidays, and only three times in the last two years have the meals not been delivered-this was because of the weather. Each recipient is provided with an emergency meal in case delivery is impossible.

C. When: The meals are delivered each weekday at noon throughout the year.

D. Where: The meals are delivered in the Community Development Area, in the city of Asheville, and in other parts of Buncombe County.

E. How: The meals are purchased from Servomation, Inc., a private food catering enterprise, for $1.60 per meal. The meals are delivered in individual serving units to the Meals On Wheels office at 40 Church Street. From this point our volunteers deliver the meals to the homes of the recipients. Each applicant is screened by a committee of the Board of Directors, made up of community experts who volunteer their time. At present the screening committee consists of three social workers, a public health nurse, and a certified therapist. The purpose of the screening is to: (1.) determine more precisely the nature of the need certified by a physician, (2.) to determine if someone other than Meals On Wheels is better able to prepare and deliver the meal, and (3.) to determine if the applying recipient is able to make a contribution towards the cost of the meal.

SCOPE OF THE PROGRAM

A. In September 1977, Meals On Wheels served 2,328 meals. This figure represents the 100-120 individuals who were served in that month. In the three-and-a-half years of our management of the program there have been more than 500 recipients.

B. Our present cadre of volunteers numbers more than 150. In the course of our history, more than 750 volunteers have contributed to our program. The present cadre of volunteers serve Meals On Wheels in the following four basic ways:

1. The delivery of meals-each day 25 volunteers drive approximately 190 miles from the point of pick up to deliver those meals. Approximately 65 of these miles are in the Community Development Area.
2. The Board of Directors (a complete explanation of the number, function, and procedure governing the Board of Directors is included in the By-Laws of this tax exempt service organization and are available at the office of Meals On Wheels, Inc., 40 Church Street, Asheville, NC).
3. Accounting and other office assistance.
4. Miscellaneous help. (screening, other similar, special tasks, etc).

I. THE FINANCING OF MEALS ON WHEELS, INC.

A. Community Development Funds-$36,400 has been requested for the next fiscal year to serve 70 meals per day at a cost of $2.00 per meal for 260 serving days in the Community Development Area.

B. Contributions from the Community institutions, individuals, clubs, and businesses netted us $30,724 for fiscal year 1976. We would hope for at least a similar performance from the private sector.

C. Revenue collected from the recipients who are able to help towards the cost of their meal has amounted to $2,582.70 for the first six months of this fiscal year. Forty (40) of the present recipients are contributing ranging from $.10 to $1.60 per meal.

D. Meals On Wheels is provided office space rent free in one of the downtown institutions.

E. Meals On Wheels has, in addition to the expense of the purchase of a meal, the administrative cost of the delivery of the meal. The primary expense in the administration of the cost of the meal is the fact of a hired coordinator, Mrs. Ethelene Brasington. Her duties are briefly outlined below:
   1. The recruitment and maintainence of a corps of volunteers.
   2. The management of the office of Meals On Wheels.
   3. The reception of all applications and distribution of meals between meetings of the screening committee.
   4. The response to all contributions.
   5. Numerous other responsibilities that are part and parcel of a coordinators' function.

F. Mrs. Brasington has a secretary-assistant who presently is funded through the Emergency Jobs Program.

FOOD ARRANGEMENTS:

A. The food is presently purchased from Servomation, Inc., at a unit cost of $1.60. For the purpose of this meeting before City Council, we asked officials of Servomation to share with us their profit margin per unit of food. Their response was "six to eight per cent."

B. Servomation is able to work with Meals On Wheels to meet the diet requirements of our recipients as those requirements are suggested by a physician.

C. The meals are delivered to the recipients as outlined above.

IMPLICATIONS IF THIS SERVICE IS DISCONTINUED OR CURTAILED

A. This service is absolutely essential, and these needs would have to be met in some fashion.

B. This service allows many of our recipients to maintain themselves in their homes as opposed to the visibly apparent alternatives of rest homes or nursing homes. A recent set of statistics indicates that a per day cost for a rest home is $14.00 and for nursing home care is $26.00.

C. The total well being of an individual is presently felt to be better served by home maintainence if that is a possibility. Certainly cost to the community are significantly reduced.

D. Meals On Wheels believes we contribute with more efficiency, and at less cost than anything previously attempted or suggested. Our per unit cost of meal delivery is slightly over two dollars. When this program was under the auspices of Model Cities, the per unit cost was more than five dollars.

E. Meals On Wheels believes that far more than a balanced meal each day is at issue before council:

1. Each recipient has a daily contact with a volunteer who delivers the meal. The implications of this fact are incalcuable: the recipient has outside contact,and the volunteer is able to physically observe the well being of the recipient. If that well being appears negative, other community resources can be quickly and personally sought to relieve the situation.
2. Here in this program, a use of public and private resources have been used in such fashion as to engender in our recipients a certainty of concern about their well being. A prudent use of public and private monies bares testimony more than 100 times each day, proving that the public and private sectors can work together efficiently, and with reasonable cost.
3. Private dollars and public dollars join together with private volunteers to to provide a valuable service far beyond its cost.
4. Because of high cost of prepared food, home-delivered by any other apparent process, because of the high cost of institutional care both to the individual and to the community, because we who are gathered before you tonight, and because we speak for countless others who could not join us, but share in this opinion with us that City Council is deeply concerned for the needs of all its citizens, and is especially eager to support programs which work with such effectiveness, we ask City Council to vote against any measure which would remove Meals On Wheels from Community Development Funding, and rather vote to honor the budget requests of Meals On Wheels in its entirety.

ATTACHMENT #2

CONSUMER CREDIT COUNSELING SERVICE REPORT FOR 2 Year PERIOD

HAVE COUNSELED 337 FAMILIES

148 From Community Development 370%

89 City of Asheville

93 Buncombe County

7 Other

CONDUCTED ADDITIONAL COUNSELING SESSIONS FOR 384 Families 57%

219 From C.D. Area

Total of 721 COUNSELING SESSIONS 367 SESSIONS WERE C.D. CLIENTS 51%

EDUCATIONAL PROGRAMS 167 Conducted 104 WERE IN C .D. AREA 12%

such as: SENIOR OPPORTUNITY, MAN POWER, SHILO COMMUNITY CENTER, LIVINGSTON STREET ASHEVILLE HI, A.B. TECH, WIN GROUP, DEPT. OF SOCIAL SERVICES, SOUTH FRENCH BROAD JR. HIGH,

HELPED 130 ADDITIONAL C.D. FAMILIES THROUGH REFERRALS TO OTHER AGENCIES

ONE CLIENT FROM C.D. AREA ATTEMPTED SUICIDE BECAUSE OF FINANCIAL PROBLEMS, WAS BROUGHT FROM LOCAL HOSPITAL BY NURSE TO C.C.C.S FOR COUNSELING. FINANCIAL PROBLEMS STRAIGHTENED OUT. CLIENT NOW DOING WELL.

3 FAMILIES FROM C.D. AREA SEPERATED BECAUSE OF FINANCIAL PROBLEMS NOW BACK TOGETHER AFTER FINANCES STRAIGHTENED OUT.

ELDERLY DISABLED COUPLE FROM C.D. AREA HAD LEGAL PAPERS SERVED & NOTICE OF HOME UP FOR SALE DUE TO 15 YEARS DELINQUENT TAX. C.C.S. WORKED OUT PAYMENT PLAN WITH TAX DEPT. & PREVENTED SALE.. ASSISTED COUPLE IN GETTING FOOD STAMPS & MEDICAL ASSISTANCE.

TAINED APARTMENT FOR 81 YEAR OLD LADY (WITH NO LIVING RELATIVES) AT OAK KNOLL APARTMENT R $11.00 MONTH RENT. HER INCOME $113.00 MONTH. CITY HAD CONDEMNED HOUSE. CCCS HELPED HER MOVE AFTER OFFICE HOURS, AND FOUND A VOLUNTEER TO CHECK HER DAILY, GET HER GROCERIES, TAKE HER TO DOCTOR, SHOPPING, ETC.

CCCS WORKS VERY CLOSELY WITH LEGAL AID AND HAS REFERRED MANY C.D. CLIENTS WITH LEGAL PROBLEMS TO THEM.

BANKRUPTCY DROPPED 18% LAST YEAR IN THE CITY OF ASHEVILLE. MANY CLIENTS WHO HAD GONE TO ATTORNEYS TO FILE BANKRUPTCY WERE REFERRED TO CCCS BY ATTORNIES AND THEIR FINANCIAL PROBLEMS WORKED OUT THROUGH CCCS. (WHAT THIS MEANS TO CITY AND ALSO CLIENTS)

ASSISTED FAMILY WITH 2 EPELETIC CHILDREN SECURE MEDICAL AID, FOOD, CHRISTMAS GIFTS FOR CHILDREN, ONE CHILD ENROLLED IN HEAD START AND OBTAINED A VOLUNTEER TO TEACH MOTHER OF FAMILY TO READ, ENABLEING HER TO FIND PART TIME JOB.

PREVENTED FORECLOSURES ON HOMES FOR 6 FAMILIES IN C.D. AREA BY WORKING WITH LENDERS IN CLIENTS' BEHALF.

PREVENTED CLIENT FROM LOSING JOB BECAUSE OF CREDITOR CALLS TO PLACE OF EMPLOYMENT. EMPLOYER BROUGHT EMPLOYEE TO CCCS AND WORKED WITH CCCS THROUGH PAYROLL DEDUCTION UNTIL EMPLOYEE'S FINANCES WERE STRAIGHTENED OUT.

ASSISTED ONE C.D. CLIENT SECURE AN EDUCATIONAL GRANT TO CONTINUE EDUCATION.

THROUGH CCCS, A LOCAL DOCTOR AGREED TO DISCOUNT ALL DOCTOR BILLS 50% TO ASSIST A FAMILY THAT HAS A CHILD WITH A TERMINAL ILLNESS.

PREVENTED REPOSSESSION IN MANY INSTANCES BY WORKING WITH CREDITORS. IN ONE INSTANCE WAS ABLE TO GET CLIENT'S CAR BACK EVEN AFTER REPOSSESSION, ENABLING CLIENT TO HAVE TRANSPORTATION TO LOCATE JOB. (JOB WAS FOUND, CLIENT"S FINANCES NOW STRAIGHTENED OUT)

INTERNAL REVENUE WORKS WITH CCCS ON PAYMENT PLAN FOR CCCS CLIENTS THAT OWE DELINQUENT INCOME TAXES.

RECENTLY WORKING WITH A DEAF MUTE COUPLE THROUGH DEBT MANAGEMENT PLAN.

WORKED OUT AGREEMENTS AND PAYMENT PLANS WITH THE HOUSING AUTHORITY FOR 2 C.D. FAMILIES PREVENTING EVICTION.

PRE RELEASE & AFTERCARE: EX-PRISIONER ON D.M. PAYING OFF OLD BILLS & RESTORING GOOD CREDIT RATING.

HAVE WORKED WITH SHERRIFF'S DEPARTMENT ON 2 C.D. CASES ON PREVENTING JUDGEMENTS BEING EXECUTED, AFTER CCCS WORKED OUT PAYMENT PLAN.

ACCOMPANIED 2 C.D. CLIENTS TO SMALL CLAIMS COURT. JUDGE ACCEPTED CCCS PROPOSAL ON PAYMENT.

WORK WITH CLERK OF COURTS OFFICE IN PAYING OFF JUDGEMENTS.

MERCHAN'TS ASSOCIATION ACCEPTS ALL CCCS PROPOSALS IN RESTORING CLIENTS CREDIT AFTER CLIENT SUCCESSFULLY COMPLETES DEBT MANAGEMENT PROGRAM. BY RESTORING CREDIT, 2 CLIENTS HAVE BEEN ABLE TO PURCHASE HOME.

ATTORNEY GENERAL'OFFICE NOW REFERRING CLIENTS TO CCCS.

NOW HAVE 78 CLIENTS ON DEBT MANAGEMENT PROGRAM AND ARE PAYING THEIR BILLS FOR THEM. 43 ARE C.D. RESIDENTS.

$8,813.00 RETURNED TO COMMUNITY THROUGH CCCS.

$10,751.00 Contributed by Creditors to funding of CCCS (10% Amount)

2,500.00 Through Membership

$13,251.00

FILES LOCATED AT 40 CHURCH STREET TO VERIFY FACTS & FIGURES.

ATTACHMENT #3

January 19, 1978

Honorable Mayor
City Council Members
Ladies and Gentlemen:

The East End/Valley Street Community is the most physically deteriorated area of the city. The area has been neglected and received hardly any improvements over the past decade.

However, the opportunity to improve and revitalize the East End/Valley Street community is available through the Community Development and Block Grant.

In August of 1977, steps were initiated to design a comprehensive plan to address the needs of East End.

The Housing Authority of the City of Asheville contracted with Butler Associates, Consulting Engineers, to prepare a comprehensive community development and improvement plan in direct coordination with East End residents.

A committee (East End/Valley Street Improvement Committee) of eight residents was formed, as a representative body of the community, to provide an opportunity for citizen participation in the design of the overall plan.

The committee has attended ten planning sessions and reported back to the residents through four community meetings; a total over five hundred hours of citizen participation.

The East End/Valley Street Improvement Committee recommends and encourages the City Council to approve the preliminary design of the East End/Valley Street Community Development and Improvement Plan and the allocation of 75% of the 4th year Community Development Block Grant funds.

We must begin now to rehabilitate and improve the area. We must make it an attractive and pleasant community for residents to live.

The allocation of community development funds to the area will benefit the entire city. It will stabilize the eroding tax base and increase property values. It will create a positive image about our city.

Let us commit ourselves to work together to make a change. We must reduce and ultimately eliminate the blight of our city.

Respectfully submitted,
East End/Valley Street Improvement Committee
Members: Warren Bock, Ralph Brown, Sr., Juanita Hennessee, Oscar McCoy, Charles R. Mosley, Jesse G. Ray, Jr., Robert Smith, James Turman

PURPOSE OF EAST END/VALLEY STREET IMPROVEMENT COMMITTEE

The committee, composed of eight members, is a representative body of the community, therefore:

1. Providing for a means to obtain and exchange information between residents, city officials and planning consultants.

2. Providing direct citizen participation in the design of community development and improvement plans.

3. Suggesting community oriented goals and proposals to coincide with the overall objectives of the community development and improvement project.

4. Reviewing specific proposals as designed by the consultants and reporting same to community-at-large to provide for response.

5. Monitoring and evaluating the implementation and progress of the community development and improvement project and thus providing continuity of citizen participation through all stages of the project.

OBJECTIVES OF THE COMMUNITY DEVELOPMENT AND IMPROVEMENT PROJECT

I. To generally improve the physical condition and appearance of the area with the least amount of disruption to the present community.

II. To provide an adequate and standard storm drainage system.

III. To improve substandard streets by grading, widening, resurfacing and adding curbs, sidewalks, and adequate street lighting.

IV. To provide a through, all weather street from South Valley to Poplar.

V. To improve residential living by the removal of substandard structures and the rehabilitation of deteriorated structures.

VI. To acquire vacant land for the resale as lots and initiate an ongoing home building program.

VII. To provide adequate parks and play areas.

VIII. To provide adequate parking for churches.

IX. To provide some clustered type apartments for elderly.

X. To relocate residents within the neighborhood if at all possible.

XI. A connector from Biltmore Avenue to Carroll Avenue.

B. Resolution regarding auditing contract.

HIGHLIGHTS: This resolution would authorize the City Manager to execute a contract with A. M. Pullen and Company for an audit of the financial accounts and records of the City of Asheville for the fiscal year ending June 30, 1978, pursuant to the N.C.G.S. 159-34.

C. Scheduling of a public hearing relative to amending the City of Asheville Revenue Ordinance for February 16, 1978.

HIGHLIGHTS: This proposed amendment would increase the City of Asheville privilege license tax fees on all business classifications by twenty-five per cent (25%) excluding those that are controlled by Schedule B of the North Carolina Revenue Statutes.

This increase, if approved by Council, will generate approximately $35,000 in additional revenues to the City of Asheville.

D. Resolution appointing a member of the Asheville Transit Authority.

HIGHLIGHTS: This resolution will appoint H. H. Queen as a member of the Asheville Transit Authority.

E. Resolution appointing members of the Asheville Area Civic Center Commission.

HIGHLIGHTS: This resolution will re-appoint John Jerose, Ray Spells, and the President of the Asheville-Buncombe County Youth Council as members of the Asheville Area Civic Center Commission.

F. Resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish 15-17 Blake Street, and 19 Buffalo Street for February 16, 1978.

HIGHLIGHTS: 15-17 Blake Street and 19 Buffalo Street have been found to be unfit for human habitation, unsafe and dangerous to life. Owners have not complied with orders to repair said structures or to have them demolished and removed. Pursuant to N.C.G.S. 160A-364, a public hearing is required and an ordinance adopted to direct the Housing Officer to proceed with the demolition and removal of the dwelling houses.

G. Resolution calling for a public hearing for the adoption of an ordinance adopting the 1978 edition of the North Carolina Electrical Code as the Electrical Code for the City of Asheville for February 16, 1978.

HIGHLIGHTS: The State Building Code Council has amended the North Carolina Electrical Code by adopting by reference the 1978 Edition of the National Electrical Code of the National Fire Protection Association as the 1978 Edition of the North Carolina Electrical Code and it becomes necessary to amend Section 11-68 of the Code of Ordinances of the City of Asheville in order to conform with the provisions of said model code as amended. Pursuant to N.C.G.S. 160A-364 a public hearing is required and an ordinance adopted adopting the 1978 Edition of the North Carolina Electrical Code as the electrical code of the City of Asheville.

Thursday - January 26, 1978 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Ralph D. Morris, Jr., F. Jack Cole, Gene E. Rainey, and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Mr. Glenn Ford, Vice-President of the Full Gospel Businessmen's Association.

APPROVAL OF MINUTES

1. Approval of the minutes of the January 19, 1978 meeting.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, the minutes of the January 19, 1978 meeting were approved as submitted.

APPROVAL OF CONSENT AGENDA

2. The City Manager explained that the items on the consent agenda are of a routine nature and have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff any single item scheduled for approval on the consent agenda may be considered separately.

The City Manager reviewed the items on the consent agenda.

Councilman Rainey moved to remove Item B, "Resolution authorizing condemnation of property in the Kenilworth Park Project area," from the consent agenda. This motion was seconded by Councilman Cole and carried unanimously.

Items on the consent agenda included:

A. Resolution authorizing the Mayor to execute an agreement for street and highway system responsibilities between the City of Asheville and the North Carolina Board of Transportation.

HIGHLIGHTS: The City of Asheville and the North Carolina Board of Transportation adopted an Asheville Thoroughfare Plan in 1975. The responsibilities of the Board and the City for streets and highways inside the municipal corporate limits are set forth in General Statutes 136-66.1. The proposed agreement is required by General Statutes 136-66.2 in order to establish which existing and proposed streets and highways included in the Thoroughfare Plan will be part of the state highway system and which streets will be part of the city street system.

Russell Brannon, attorney representing Carolina Power and Light Company, said the proposed ordinances contained several "legal shortcomings". He said N.C.G.S. 160A-174(b) states that ordinances must be consistent with the Constitution and laws of North Carolina and the Constitution and laws of the United States. He said this particular proposed ordinance is not consistent with these laws in that the ordinance makes unlawful an act, omission, or condition which is expressly made lawful by state and federal laws.

Mr. Brannon cited N.C.G.S. 62-180 which, he said, clearly gives the Carolina Power and Light Company the right to install power lines on a public right of way. He said it is Carolina Power and Light Company's position that the City's right to regulate the utility poles within the rights of way in the City is limited to the power to regulate those lines so as not to obstruct or interfere with the street as a means of travel. He said in his opinion the proposed ordinance goes beyond the intent of the legislature to regulate such utility poles. He said the ordinance is extremely broad, unspecific and probably unlawful.

He said the ordinance refers to the hazard of high voltage transmission lines, being over 110,000 volts. He questioned whether or not these lines, erected along Osborne Road and Lakeshore Drive, constitute any more hazard than the previous poles which existed in the same location for many years. He said the ordinance also refers to the fact that no correspondence was made with the City regarding the erection of these lines. He said in 1973 Carolina Power and Light Company corresponded with the City Engineer regarding the transmission lines relative to any conflict of any other utilities or easements within the rights of way. He said plans for this construction were also submitted to the City Manager in 1973 and again in the summer of 1977 prior to the construction work.

Mr. Brannon agreed with the proponents of the ordinance that the poles are unattractive in the residential areas, however, Carolina Power and Light Company must provide a means of electricity to all areas and the company felt the installation of the lines along Lakeshore Drive was the only parctical and economical method of providing the electricity to this area. He said the proposed ordinance contains vague general terms and is not specific in giving the Planning Officer or the City Engineer guidance in approving the installation of transmission lines as proposed by the ordinance. He said it also gives no guidance to Carolina Power and Light Company or any utility company in erecting such lines.

He said in his opinion the installation of transmission lines are not covered by the City's Zoning Ordinance as stated by the proponents.

In his final arguments, Mr. Brannon said the ordinance constitutes an unlawful delegation of the City's legislative authority.

William E. Graham, Jr., General Counsel for Carolina Power and Light Company, said the public relations, in installing the lines along Lakeshore Drive, was not good, as one of the complaints of those in opposition is that the residents of the area were never notified of the erection of the poles until the construction crews began work. He said the public relations, in the future, could surely be improved.

Mr. Graham said Carolina Power and Light Company went through standard procedures in sited the lines on Lakeshore Drive. He said the most favorable means of providing electricity is through underground wiring, however, it is uneconomical.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, the consent agenda was unanimously adopted.

RESOLUTION NO. _____ RESOLUTION AUTHORIZING CONDEMNATION OF PROPERTY IN THE KENILWORTH PARK PROJECT AREA

3. Consideration was given to a resolution authorizing condemnation of property in the Kenilworth Park Project Area.

The City Manager read the resolution and explained that in accordance with the contract between the City of Asheville and the Housing Authority of the City of Asheville for acquisition and relocation services, the Housing Authority is presently negotiating with the owners of property scheduled to be acquired in the Kenilworth Park Project. It has become necessary to acquire certain parcels by condemnation due to existing title defects. He said the parcels are as follows:

Parcel	Owner	Address
2	Beatty	Wyoming Road
6	Arbogast	Wyoming Road
9	General Mortgage	Warwick Road

He said this resolution would authorize the condemnation of these parcels in order that the City of Asheville might carry out its approved plan of development.

The City Manager also presented a letter from the Housing Authority of the City of Asheville recommending approval of the resolution.

Councilman Michael said he would like to have a statement from the property owners that they wanted to sell their property before adopting such a resolution.

After discussion, Councilwoman Price moved to table the resolution for one week. This motion was seconded by Councilman Morris and carried unanimously.

PUBLIC HEARING - REGULATION OF UTILITY LINES WITHIN RIGHTS OF WAY OF PUBLIC STREETS

4. The public hearing relative to an ordinance providing for the regulation of utility lines within the rights of way of public streets within the City of Asheville continued from the January 12, 1978 meeting.

Mayor Trantham continued the public hearing at 3:20 o'clock p. m.

The City Manager presented the notice to the public rescheduling the public hearing for January 26, 1978 and the affidavit of publication.

Mayor Trantham advised that Council would not vote on the ordinance at this meeting but would merely hear public comments.

Gary Rowe, attorney and a resident of the Lakeshore Drive area, reiterated his statements to Council on January 12, 1978. He again recommended that Council adopt a combination of the two ordinances presented for their consideration, one requiring the removal of the poles on Lakeshore Drive and a general ordinance regulating erection of the poles anywhere in the City. He also appealed to Council to enforce the power of authority included in the Zoning Ordinance which gives the City the authority to regulate the placement of the poles. He urged Council to consider his legal arguments.

PUBLIC HEARING - GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

RESOLUTION NO. 78-14 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

4. A public hearing was held relative to the filing of an application with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as amended.

Mayor Trantham opened the public hearing at 5:35 o'clock p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

The City Manager described the project as follows:

a) The project will be for the period of July 1, 1977 until June 30, 1978. The grant application will be applied for by the City of Asheville for the purpose of assisting the operational cost of the Asheville Transit Authority.

b) The project service area encompasses the City of Asheville, Town of Biltmore Forest, and adjacent neighborhoods served by the Asheville Transit Authority.

c) The net project cost is estimated at $617,321,
The Federal share is estimated at $308,660,
The local share is estimated at $308,661,
and is anticipated to be derived from the general operating budget of the City of Asheville.

d) No persons, families, or businesses will be displaced by this project.

e) No significant environmental impact is expected upon the service area as a result of the project.

f) The project is in conformance with comprehensive land use and transportation planning in the area and is consistent with the adopted programming of projects in the Transportation Improvement Program.

g) The project will take into consideration the special needs of the elderly and handicapped by providing half-fare rates for those persons 65 years or older or those who are handicapped.

It was noted that the funds received from Biltmore Forest and advertising are counted against the local share, thereby reducing the local share to $298,373.

Mayor Trantham closed the public hearing at 5:43 o'clock p. m.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Michael, Resolution No. 78-14 was unanimously adopted.

Complete text of Resolution No. 78-14 will be found in Resolution Book No. 10 at page 144.

Mr. Graham presented photographs of various transmission lines throughout the State of North Carolina.

Mr. Graham said Carolina Power and Light Company would probably be willing to consult with a City Engineer or Planning Director on the placement of transmission lines but could not support the proposed ordinance. He said it was his understanding that a law suit is pending in Superior Court regarding the poles along Lakeshore Drive and Carolina Power and Light Company would have to abide by the courts decision. He said he felt the proposed ordinance was not in the interest of the citizens of Asheville or the consumers.

Louis Higdon, of 399 Lakeshore Drive, spoke in favor of the passage of the proposed ordinance.

Nancy Cory, a Lakeshore Drive area resident, also spoke in favor of the passage of the ordinance.

Charles Dyson, General Manager of Carolina Power and Light Company, referring to the placement of the poles on Lakeshore Drive, said North Asheville is, in the near future, going to experience low voltage. He said this fact was determined by Carolina Power and Light Company and plans were started to correct this situation. He said the company investigated the best means possible of correcting the situation. He said the company considered running the line down Merrimon Avenue or over Reynolds Mountain, but decided against both routes because of the damage to the environment and the cost. He said it was decided that since a line presently existed on Lakeshore Drive it would be the most practical and economical means of providing more voltage to the area. In addition, he said the cost of putting the power lines underground would have cost three times what putting the lines above ground costs. He said putting the lines underground would have caused more environmental damage because trenches would have been dug four feet wide and six feet deep along Lakeshore Drive. He said unless the transmission lines are allowed to go through on Lakeshore Drive, by the winter of 1978, the residents of North Asheville will experience low voltage.

Mr. Dyson said the adoption of the proposed ordinance could place the Carolina Power and Light Company in a position of not being permitted to furnish new industries information about power service.

Councilman Michael suggested that public hearings be conducted by the Planning and Zoning Commission when utility companies go through a residential area to install their lines. He said the poles could also be regulated under the sign ordinance which regulates the height and size of signs inside the City.

Councilman Rainey suggested having the City Planning and Zoning Commission review plans for utility construction and make recommendations to Council. He said "environmental pollution" had become a large concern of the middle class. He supported the regulation of such power poles stating that the power company must face up to the problem of the poles in a residential area.

Mayor Trantham said members of Council would discuss the proposed ordinance in the next few weeks.

Mayor Trantham closed the public hearing at 5:30 o'clock p. m.

Upon motion of Councilwoman Price, seconded by Councilman Morris, Resolution No. 78-16 was adopted on a voice vote of 6-0, with Councilman Rainey voting "Present".

Complete text of Resolution No. 78-16 will be found in Resolution Book No. 10 at page 148 .

Edith Miller, a citizen, said she felt the free parking system would be abused by downtown employees and county residents.

CITY POLICY REGARDING GARBAGE PICK-UP DURING PERIODS OF SNOW AND ICE CONDITIONS

8. The City Manager presented the following city policy regarding garbage pick-up during periods of snow and ice conditions:

"The policy will consist of three plans which may be used depending upon the severity of the weather. It will inform the public of what may be expected in the way of garbage collection, and will help to insure the safety of City employees and equipment during such periods.

Plan A - Residents, except in hardship cases, will place their garbage at the curb. This will tend to protect City employees from injury from traveling icy walks and driveways while setting out or carrying back the containers.

Plan B - Residents, except hardship cases, will place their garbage at the curb. The garbage trucks will make their rounds on those streets that can be safely traveled and will avoid those streets that cannot be safely traveled.

Plan C - No garbage trucks will run at all - due to severity of the weather.

The decision as to which plan to activate will be made by the Sanitation Superintendent and/or Safety Officer who shall inform the City Manager and the Director of Public Works prior to public announcement.

The local radio stations will be asked to place this on the air prior to 6:00 A. M. - Informing the radio stations shall be the responsibility of the Sanitation Superintendent and/or the Safety Officer.

The public may also be informed, by leaflets, in the Fall prior to the snow season that during periods of snow and ice they should listen to their local stations for information on garbage collection.

SURPLUS COMMUNITY DEVELOPMENT FUNDS FROM FIRST, SECOND AND THIRD ACTION YEARS

Councilman Michael said the ordinance reallocating surplus Community Development funds from the first, second and third action years will be on the agenda at next week's meeting. He said Bryan Malthurs, of Housing and Urban Development will be in Asheville on Tuesday to discuss the eligibility of the Deaverview Park Project and the Kenilworth Park Project. He said over the three years the City received over $6,000,000 and 1/3 of that amount went into parks. He said it was his hope that in the 4th, 5th, and 6th Action Years that not so much would go into parks. He said the funds should go to low and moderate income people.

RESOLUTION NO. _____ - RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR URBAN DEVELOPMENT ACTION GRANT FUNDS 1978-79

5. The City Manager advised that pursuant to grant requirements, a public hearing is necessary on the submission of the application for the Department of Housing and Urban Development - Urban Development Action Grant Funds for 1978-79.

Councilman Morris moved to schedule a public hearing on the matter for February 23, 1978. This motion was seconded by Vice-Mayor Horton and carried unanimously.

RESOLUTION NO. 78-15 - RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT FUNDS - 1978-79

6. Consideration was given to a resolution authorizing submission of an application to the Department of Housing and Urban Development for Community Development Block Grant Entitlement funds - 1978-79.

The City Manager read the resolution and explained that this would authorize the submission of an application to the Department of Housing and Urban Development in support of a three year strategy and phased plan for Community Development Block Grant Entitlement Funds in the amount of $1,676,000 for the first year to begin the redevelopment and revitilization of the geographical area to include Census Tract 1, 2, and 7 (Downtown Revitilization area, Cherry Street area, and Valley Street-East End area).

Vice-Mayor Horton noted that,in light of the public hearing on entitlement funds held on January 19, 1978, the designated amounts had been revised to include Meals on Wheels Program at $9,000 and Consumer Credit Counseling Program at $5,000.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Price, Resolution No. 78-15 was unanimously adopted.

Complete text of Resolution No. 78-15 will be found in Resolution Book No. 10 at page 146 .

RESOLUTION NO. 78-16 - RESOLUTION AUTHORIZING LIMITED FREE PARKING WITH A CITY AUTO STICKER AT THE DOWNTOWN PARKING GARAGE

7. Consideration was given to a resolution authorizing limited free parking with a city auto sticker at the Downtown Parking Garage.

The City Manager read the resolution. He said free parking would be available to all automobiles displaying a City Auto Sticker between the hours of 10:00 A. M. and 5:00 P. M. on weekdays. However, the free parking system will be suspended during Civic Center events that occur during the normal hours of operation and the free parking will not be extended to monthly parking customers.

Councilman Rainey noted that since there would be a loss of revenue from the parking garage he would suggest reducing the motor vehicle registration fee by the amount of the loss to be incurred by the limited free parking, thereby giving all motor vehicle owners a break rather than just a portion of the owners.

Thursday - February 2, 1978 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Ralph D. Morris, Jr., F. Jack Cole, Gene E. Rainey, and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman F. Jack Cole.

APPROVAL OF MINUTES

1. Approval of the minutes of the January 26, 1978 meeting.

Councilman Rainey noted a misspelled word on page 80 of the minutes.

Upon motion of Councilwoman Price, seconded by Councilman Michael, the minutes of the January 26, 1978 meeting were approved as amended.

RESOLUTION NO. 78-17 - RESOLUTION ENDORSING THE BUNCOMBE COUNTY OVERALL ECONOMIC DEVELOPMENT PLAN AND REQUESTING THE U. S. ECONOMIC DEVELOPMENT ADMINISTRATION TO DESIGNATE BUNCOMBE COUNTY AS A REDEVELOPMENT AREA UNDER THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

2. Consideration was given to a resolution endorsing the Buncombe County overall economic development plan and requesting the U. S. Economic Development Administration to designate Buncombe County as a redevelopment area under the Public Works and Economic Development Act of 1965.

The City Manager read the resolution. He said copies of the Overall Economic Development Plan had been presented to members of Council.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 78- 17 was unanimously adopted.

Complete text of Resolution No. 78- 17 will be found in Resolution Book No. 10 at page 149.

RESOLUTION NO. 78-18 - RESOLUTION AUTHORIZING CONDEMNATION OF PROPERTY IN THE KENILWORTH PARK PROJECT AREA

3. Consideration was given to a resolution authorizing condemnation of property in the Kenilworth Park Project area.

The City Manager read the resolution. He said in accordance with the contract between the City of Asheville and the Housing Authority of the City of Asheville for acquisition and relocation services, the Housing Authority is presently negotiating with the owners of property scheduled to be acquired in the Kenilworth Park Project. However, it is necessary to acquire certain parcels by condemnation due to existing title defect: They are as follows:

Parcel	Owner	Address
2	Beatty	Wyoming Road
6	Arbogast	Wyoming Road
9	General Mortgage	Warwick Road

CLAIM - MONET NUSSBAUM

The City Manager presented a claim received from Monet Nussbaum.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

Adjournment.

Ray M. Trantham
MAYOR

William P. Nobriga
CITY CLERK

Joe Bland, of the West Asheville Optimist Club, said that the City needs to maintain proper recreational areas in West Asheville as well as throughout the City.

Councilman Morris requested that a member of the Little League Auxiliary furnish the Director of Parks and Recreation a list of young people who play at the Deaverview Park site to substantiate that low and moderate income families use the park area.

Jim Harris, West Asheville Babe Ruth Coach, said he also felt Council should seek an overruling of Mr. Malphurs' decision. He supported the statements made by Mr. Wayne Cooper.

Vice-Mayor Horton said the majority of the Council members have agreed that the Deaverview Park Project should be funded. However, Mr. Malphurs' concerns were that the park should be located closer to Deaverview Apartments and that the park would be for West Asheville rather than for the neighborhood. He said if the Community Development funds are not approved for this project he felt Council would be looking for other means to keep the area in use as a park.

Vice-Mayor Horton then moved that the City Manager and the Mayor be instructed to prepare and submit a formal appeal to HUD to overturn the decision by Bryon Malphurs which declared the Deaverview Park project ineligible for Community Development funding and that this appeal include a restatement in detail of the steps taken thus far to insure compliance with HUD guidelines, copies of all correspondence with and from HUD related thereto, a full statement of the proposed implementation of this project as a Community Development approved project, particularly in regard to an outreach to all nearby low and moderate income familes, and any other pertinent information, facts or plans which may give credence and strength to this appeal request. This motion was seconded by Councilman Rainey.

Councilman Michael said he did not think the City Manager should be included in the motion as this issue should be confined to Council.

On a voice vote, Vice-Mayor Horton's motion carried unanimously.

Dick Covington asked why Council had decided to eliminate the construction of two (2) tennis courts in the Choctaw Street area.

Councilman Michael explained that it was Council's decision to eliminate the tennis courts in this particular area due to the facility being adjacent to a church and a residence. He said it was not Council's intention to sell the property for private investment.

BIDDING PROCESS - COUNCILMAN MICHAEL

Councilman Michael said he had received a complaint from a citizen who said he had been overlooked in the bidding process of the City. He requested that the City's bidding process be monitored and a current list be established to notify persons of upcoming bids.

NIGHT COUNCIL MEETINGS - COUNCILMAN RAINEY

Upon inquiry of Councilman Rainey, the City Manager said he would have a report at next week's meeting relative to the number of cities in North Carolina that are holding night Council meetings.

The City Manager said all the parcels were unimproved.

Upon motion of Councilman Michael, seconded by Councilman Cole, Resolution No. 78-18 was unanimously adopted.

Complete text of Resolution No. 78-18 will be found in Resolution Book No. 10 at page 150.

RESOLUTION NO. 78-19 - RESOLUTION OF RECOGNITION OF JOHN BEST

4. Consideration was given to a resolution of recognition of John Best.

Councilman Michael read the resolution.

Upon motion of Councilman Michael, seconded by Councilman Morris, Resolution No. 78-19 was unanimously adopted.

Complete text of Resolution No. 78-19 will be found in Resolution Book No. 10 at page 151.

CLAIM - ROY W. HAWKINS

The City Manager presented a claim received from Roy M. Hawkins.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - KAREN ROMELLE BRICKHOUSE, RICHARD E. STINES, AND JAMES ROBERT GREENE

The City Manager presented a claim received from John A. Powell, Attorney, representing Karen Romelle Brickhouse, Richard E. Stines, and James Robert Greene.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

DUTY OFFICER PROGRAM

The City Manager reported that he was beginning a new project entitled "Duty Officer Program". He said it had been determined that citizens of Asheville had found it difficult to report an emergency situation after regular business hours. He said with this new system, a duty officer would be available to answer emergency calls after regular hours, on weekends and holidays. He said the program would be on a trial basis for thirty to sixty days.

DEAVERVIEW PARK PROJECT - COMMUNITY DEVELOPMENT SURPLUS FUNDS

Mr. Wayne Cooper, West Asheville Businessmen's Association, said the people of West Asheville are highly disappointed at Mr. Bryon Malphurs' decision, on January 31, 1978, that the Deaverview Park Project was not eligible for Community Development surplus money. He encouraged Council to seek "an overruling of the decision" from higher officials of Housing and Urban Development. He said if the project, in final form, is determined to be ineligible for Community Development funding the City should look into different sources of revenue to fund the development of the park. However, the Community Development funds appropriated for the park project should be used for the dire needs of West Asheville, particularly referring to fire protection.

Thursday - February 9, 1978 - 3:00 o'clock p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Ralph D. Morris, Jr., F. Jack Cole, and Gene E. Rainey, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Otis B. Michael

INVOCATION

Councilwoman Price introduced Mr. Howard Shockley, West Asheville Presbyterian Church, who gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the February 2, 1978 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Price, the minutes of the February 2, 1978 meeting were approved as submitted.

APPROVAL OF CONSENT AGENDA

2. The City Manager explained that the items on the consent agenda are of a routine nature and have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff any single item scheduled for approval on the consent agenda may be considered separately.

Items on the consent agenda included:

A. Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for water mains on State Roads 1266, 1265, 1267, and 1230 in Buncombe County, North Carolina.

HIGHLIGHTS: This encroachment will cover the State roads in which the City shall be laying water lines in conjunction with the Appalachian Way-Huffman Road water line project. Funds for this project have been approved and this easement is conforming to DOT regulations.

B. Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for the relocation of water service lines on Merrimon Avenue, Asheville, North Carolina.

HIGHLIGHTS: The State is going to widen Merrimon Avenue and they have requested the City to move its meters that are in conflict with this construction. These meters are located on the east side between Spears Avenue and Coleman Avenue.

"R" RATED MOVIES - COUNCILMAN RAINEY

Upon inquiry of Councilman Rainey, the City Manager said the Asheville-Buncombe County Youth Council had been requested to review the problem of youths attending "R" rated movies.

COLONIAL INSURANCE POLICY STATEMENT - COUNCILMAN RAINEY

Councilman Rainey requested a policy statement concerning Colonial Insurance. He said a number of City employees are concerned due to lack of payoffs by Colonial Insurance.

The City Manager said a memorandum had been sent to Councilman Rainey concerning Colonial Insurance. He said this would be reviewed by the Employees Benefit Committee.

Councilman Michael said Colonial Insurance and Blue Cross-Blue Shield Insurance should be investigated.

TOM EDGERTON'S SALARY - COUNCILMAN RAINEY

Councilman Rainey requested a breakdown on Tom Edgerton's salary.

Adjournment.

Ray M. Hartman — Marian F. Metcalf

MAYOR — CITY CLERK

Chief of Police and Purchasing Agnet recommend the low bid for three (3) motor vehicles, submitted by Cumberland Vehicles, Inc. in the amount of $10,830.00.

Funding: Revenue Sharing Trust Fund
Police Department - Capital Outlay Equipment
Account Code No. 50-460.0074 (line item budget)
Unencumbered Balance - $25,000.00

F. Scheduling of a public hearing relative to including Ballentree Subdivision in the City's extraterritorial jurisdiction and to zone Ballentree Subdivision properties R-2 Residential District for March 9, 1978.

HIGHLIGHTS: In October, 1977 the City of Asheville received a petition signed by approximately 100 members of the Ballentree Homeowner's Association, Inc. requesting that the Ballentree Subdivision again be included in the City's extraterritorial Zoning and Subdivision Jurisdiction.

Planning and Zoning reviewed the request on February 1, 1978 and voted unanimously to recommend to City Council that the Ballentree Subdivision be included in the City's extraterritorial jurisdiction and that the property be zoned R-2 Residential District.

The Buncombe County Board of Commissioners, by resolution, have approved the inclusion of this property within the City of Asheville Zoning and Subdivision Jurisdiction pending state prescribed public hearings.

PUBLIC HEARING - REZONING PROPERTY ON HAYWOOD TERRACE - REQUESTED BY HOMER SPARKS

ORDINANCE NO. 1022 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

3. A public hearing was held relative to rezoning property on Haywood Terrace from R-3 Residential District to CH Commercial Highway District, property owned by Mr. Homer Sparks.

Mayor Trantham opened the public hearing at 3:10 o'clock p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Verl Emrick, Planning Director, said that the Planning and Zoning Commission, after reviewing the matter, recommended the approval of the rezoning request for the following reasons:

1) That portions of property in close proximity to the Homer Sparks' property are already zoned CH Commercial Highway District; and

2) That rezoning the property would not adversely affect the surrounding neighborhood.

This encroachment will give the City the authority to encroach on the right of way of US Highway 19-23 (Merrimon Avenue) for the purpose of relocating water service lines and water meters in conjunction with State Project 8.7384008.

C. Consideration of bids received January 30, 1978 for one (1) skid steer loader to be used in Parks and Recreation Department.

HIGHLIGHTS: Four (4) bids were received:

Bidder	Bid
Arden Equipment Co.	$7,959.00
Farm Equipment Co.	8,284.75
Model 440 Asheville Const. Equip.	8,645.00
Model 345 Asheville Const. Equip.	7,709.00

Director of Parks and Recreation and Purchasing Agent recommend the low bid, submitted by Asheville Construction Equipment, Inc. in the amount of $7,709.00

Funding: Revenue Sharing Trust Fund
Park Maintenance, Capital Outlay Equipment - Front End Loader - Allocation: $11,000.00

D. Consideration of bids received January 30, 1978 for one (1) 4-inch De-Watering Pump for Water Maintenance Division.

HIGHLIGHTS: Four (4) bids were received:

Bidder	Bid
Supply Specialties	$5,967.00
Mitchell Distributing	5,058.00
Tidewater Machinery	5,495.00
Asheville Const. Equip.	4,676.16

Superintendent of Water Maintenance and Construction Division and Purchasing Agent recommend the low bid, submitted by Asheville Construction Equipment, Inc. in the amount of $4,676.16.

Funding: Water and Sewer Operations, Maintenance and Repair - City Water Section Account Code No. 30-731.0074
Capital Outlay Equipment (line item budget)
Unencumbered balance $31,350.00.

E. Consideration of bids received January 30, 1978 for three (3) police-type enclosed three wheel motor vehicles for use in Police Department.

HIGHLIGHTS: Original bid specified five (5) vehicles. Chief Tucker recommended purchase of three (3) vehicles.

Three (3) bids were received: (Based on five (5) vehicles)

Bidder	Bid	Bid, As Amended
Cumberland Vehicles, Inc.	$19,500.00	($10,830.00)
Porter Brothers, Inc.	20,160.00	
Goin Equipment Sales, Inc.	20,000.00	

PUBLIC HEARING - REZONING PROPERTY ON FAIRVIEW ROAD - REQUESTED BY TOM AND BETTY DONOHO

ORDINANCE NO. 1024 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

5. A public hearing was held relative to rezoning Ward 7, Sheet 27, Lots 43, 43-1/4, 43-1/2, 43-3/4, 44, 44-1/4, and 44-1/2, property on Fairview Road owned by Tom and Betty Donoho, to be rezoned from R-3 Residential District to LI Light Industrial District.

Mayor Trantham opened the public hearing at 3:45 o'clock p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, after reviewing the rezoning request, recommended approval of the request for the following reasons:

1. That the property is contiguous with existing Light Industrial zoning to the north;

2. The present usage has existed for several years with no apparent adverse effect upon adjoining properties; and

3. The property abuts the North Carolina Department of Transportation right of way for the interchange of I-40, I-240, and Charlotte Highway. This fact makes the property more desirable for commercial or light industrial activities than for residential use.

Mr. Emrick said the property is presently leased to Asheville Electric Company for warehousing and storage of equipment and material and has been utilized for this purpose for several years. Upon annexation by the City in 1973, the property was zoned R-3 Residential District placing the existing uses in a nonconforming status. The present use cannot be expanded under this classification.

Mr. Tom Donoho, petitioner and owner of the property in question, spoke in favor of the rezoning.

Mayor Trantham closed the public hearing at 3:47 o'clock p. m.

The City Manager read the ordinance rezoning the property as petitioned.

Councilman Rainey moved for the adoption of Ordinance No. 1024. This motion was seconded by Councilwoman Price.

On a roll call vote of 5-0, Ordinance No. 1024 passed on first reading.

RESOLUTION NO. 78-22 - RESOLUTION AUTHORIZING AND DIRECTING MAYOR AND CITY CLERK TO EXECUTE LEASE WITH WACHOVIA BANK AND TRUST COMPANY, TRUSTEE

6. Consideration was given to a resolution authorizing and directing Mayor and City Clerk to execute lease with Wachovia Bank and Trust Company, Trustee.

The City Manager read the resolution.

Mr. Emrick said no one appeared in opposition to the rezoning at the Planning and Zoning Commission meeting, however, statements were received from Mrs. McIntyre and Mrs. Candler opposing the rezoning.

Mr. Homer Sparks' son-in-law spoke in favor of the rezoning. He said it was their intention to put in a small retail dress shop at the location.

Mayor Trantham closed the public hearing at 3:18 o'clock p. m.

The City Manager read the ordinance rezoning the property as petitioned.

Councilman Morris moved for the adoption of Ordinance No. 1022. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 5-0, Ordinance No. 1022 passed on its first reading.

PUBLIC HEARING - AMENDING SECTION 30-6-1 - GROUP DEVELOPMENTS SECTION - ZONING ORDINANCE ORDINANCE NO. 1023

4. A public hearing was held relative to amending Section 30-6-1, Group Developments Section of the Asheville Zoning Ordinance #322.

Mayor Trantham opened the public hearing at 3:24 o'clock p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Verl Emrick, Planning Director, said that the Planning and Zoning Commission, after reviewing the matter, recommended amending the second sentence of the first paragraph of Section 30-6-1 to read as follows: "Where more than one principal building or use is proposed to be constructed on a lot or tract of land, or any building with a gross floor area of 25,000 sq. ft. or more, or five (5) or more units, or electrical transmission substations, or gas regulating or measuring substations, the provisions of this Section shall apply." He said this would mean that before Carolina Power and Light Company or Public Gas can locate any of their facilities in any zone they would have to submit to the Planning and Zoning Commission and the City Council a site plan for approval which would detail the site, its relationship to the surrounding properties, access to the facility, buffering, fencing, and things related thereto. He said Carolina Power and Light Company communicated to the Planning and Zoning Commission and in essence said they had no opposition to complying with this type of requirement.

Upon inquiry of Council, Mr. Emrick said the routing of transmission lines to the substations are not addressed by this amendment.

After discussion, Mayor Trantham closed the public hearing at 3:40 o'clock p. m.

The City Manager read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1023. This motion was seconded by Councilman Rainey.

On a roll call vote of 5-0, Ordinance No. 1023 passed on its first reading.

Thursday - February 16, 1978 - 3 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Ralph D. Morris, Jr., F. Jack Cole, Otis B. Michael, Gene E. Rainey, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Vice-Mayor Horton introduced Major Kenneth Johnson, Commanding Officer of the Salvation Army, who gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the February 9, 1978 meeting.

Vice-Mayor Horton suggested an addition to the minutes of the February 9, 1978 meeting relative to Resolution No. 78-22. He suggested that the first sentence relative to the matter read as follows: "Consideration was given to a resolution authorizing and directing Mayor and City Clerk to execute lease with Wachovia Bank and Trust Company, Trustee to extend lease on 130 acres of land located in Woodfin to be continued as a City Landfill."

Councilman Michael noted that in the minutes of the February 2, 1978 meeting, he wanted his vote changed from "for the motion" to "against the motion" to instruct the City Manager and the Mayor to prepare and submit a formal appeal to HUD to overturn the decision by Bryan Malphurs which declared the Deaverview Park project ineligible for Community Development funding.

With these amendments, Councilwoman Price moved to approve the minutes of the February 9, 1978 meeting, as amended. This motion was seconded by Vice-Mayor Horton and carried unanimously.

APPROVAL OF CONSENT AGENDA

2. The City Manager explained that the items on the consent agenda are of a routine nature and have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adoption each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff any single item scheduled for approval on the consent agenda may be considered separately.

Items on the consent agenda included:

A. Resolution No. 78-23 - Scheduling of a public hearing relative to closing an unnamed alleyway near the intersection of North Bear Creek Road and the western margin of Patton Avenue for March 23, 1978.

HIGHLIGHTS: Syble N. Hamilton submitted a petition to Council to close an unnamed alley near the intersection of North Bear Creek Road and the western margin of Patton Avenue.

Resolution Book No. 10 Page 155

The City Manager said the lease would be for a ten year period with an aggregate basic rent of $77,548.30. He said the lease covered an option to renew or cancel.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 78-22 was unanimously adopted.

Complete text of Resolution No. 78-22 will be found in Resolution Book No. 10 at page 154.

CLAIM - DR. MARGARET BURNS

The City Manager presented a claim received from John W. Mason, attorney representing Dr. Margaret Burns.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

COUNCIL MEETINGS - OPEN TO PUBLIC

Mayor Trantham emphasized the fact that the Council meetings are open to the public.

Adjournment.

Ray M. Trantham
MAYOR

Norman A. Wolcott Jr.
CITY CLERK

PUBLIC HEARING - ADOPTION OF 1978 EDITION OF THE NORTH CAROLINA ELECTRICAL CODE AS THE ELECTRICAL CODE FOR THE CITY OF ASHEVILLE

ORDINANCE NO. 1025 - AN ORDINANCE AMENDING SECTION 11-68 OF CHAPTER 11, OF THE CODE OF ORDINANCES, ENTITLED STATE ELECTRICAL CODE ADOPTED

3. A public hearing was held relative to the adoption of the 1978 Edition of the North Carolina Electrical Code (North Carolina State Building Code, Volume IV, Electrical) as the Electrical Code for the City of Asheville.

Mayor Trantham opened the public hearing at 3:18 o'clock p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

J. E. Johnson, Director of Inspections, explained that the State Building Code Council has amended the North Carolina Electrical Code by adopting by reference the 1978 Edition of the National Electrical Code of the National Fire Protection Association as the 1978 Edition of the North Carolina Electrical Code and it becomes necessary to amend Section 11-68 of the Code of Ordinances of the City of Asheville in order to conform with the provisions of said model code as amended.

Councilman Michael recommended that the ordinance be amended to allow citizens to do their own electrical work if it is approved by the City Electrical Inspectors.

After discussion, Mayor Trantham closed the public hearing at 3:30 o'clock p. m.

The City Manager read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1025. This motion was seconded by Councilman Morris.

On a roll call vote of 6-0, Ordinance No. 1025 passed on its first reading.

Councilman Michael requested that the City Manager investigate the feasibility of changing the law to allow non-licensed electrical work and non-licensed plumbing work with an inspectors review and to relieve inspectors from reviewing the work of licensed electrical and plumbing contractors.

PUBLIC HEARING - DEMOLITION OF 15-17 BLAKE STREET AND 19 BUFFALO STREET

ORDINANCE NO. 1026 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 15-17 BLAKE STREET AND 19 BUFFALO STREET

4. A public hearing was held relative to the adoption of an ordinance directing the Housing Officer to proceed with the demolition and removal of 15-17 Blake Street and 19 Buffalo Street and otherwise comply with the provisions of the Housing Code of the City of Asheville.

Mayor Trantham opened the public hearing at 3:37 o'clock p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

B. Resolution No. 78-24 - Resolution appointing a committee to study the idea of a Tree Commission for the City of Asheville.

HIGHLIGHTS: Several interested citizens met with the City Manager and Mayor to discuss the idea of appointing a tree commission to study and recommend the most feasible methods of organizing a systematic management program for the trees and plantings in the City of Asheville. The City Council reviewed the idea in a planning session on January 17, 1978 and by this resolution would authorize a study by volunteers of the need for such a commission.

Resolution Book No. 10 at page 157.

C. Resolution No. 78-25 - Resolution designating the lead planning organization responsible for preparation of the Asheville-Buncombe County Clean Air Quality Plan required by 1977 Clean Air Act Amendments.

HIGHLIGHTS: In accordance with Section 2.2 of the Clean Air Act, Section 174 Guidelines, dated December 1977, this resolution would designate the Transportation Advisory Committee as the Lead Planning Organization designated by the local governments to the Asheville-Buncombe Urbanized Area to carry out the requisite air quality planning and implementation transportation control strategies and for the Planning Director of the City of Asheville to be designated as the agent of the Transportation Advisory Committee for the application and administration of Federal grants associated with air quality planning and implementation of transportation control strategies.

Resolution Book No. 10 at page 158.

D. Resolution No. 78-26 - Resolution authorizing the Mayor to terminate the lease agreement for the property owned by Mildred M. Noell.

HIGHLIGHTS: The City of Asheville and Mildred M. Noell have previously entered into a lease, dated May 2, 1968, for property on Haywood Street and Carter Street. The lease provides that the lease may be terminated and cancelled in the event Mildred M. Noell sold the entire premises. Mildred M. Noell has sold the tract of land and desires that the lease be terminated.

Resolution Book No. 10 at page 161.

E. Resolution No. 78-27 - Resolution authorizing the Mayor to file an application for a federal grant with the North Carolina Division of Law and Order for a regional training grant for the Asheville Police Department.

HIGHLIGHTS: This grant is through LEAA for regional training. This would include necessary training aids such as films, etc. The total amount of the request is $8,790.00 with a matching requirement for the City of Asheville of $439.50. There is sufficient funds in the training and travel account in the Police Department Budget for the local match.

Resolution Book No. 10 at page 162.

The City Manager read the ordinance.

Vice-Mayor Horton moved to insert the following business classification into the ordinance : NEWSPAPER PUBLISHERS.

Monthly, weekly, semi-weekly newspapers per annum	$50.00
Daily newspapers per annum	$200.00

This motion was seconded by Councilman Cole and carried unanimously.

Councilman Michael moved for the adoption of Ordinance No. 1027, as amended. This motion was seconded by Councilwoman Price.

On a roll call vote of 5-1, Ordinance No. 1027 passed on first reading, with Councilman Cole voting "no".

RESOLUTION NO. 78-28 - RESOLUTION AUTHORIZING THE SALE OF PROPERTY LOCATED N/W ROBERTS STREET AND PARK AVENUE

6. Consideration was given to a resolution authorizing the sale of property located N/W Roberts Street and Park Avenue.

The City Manager read the resolution. He also presented an affidavit of publication authenticating the advertisement of such sale pursuant to North Carolina General Statutes 160A-269. He said this property would be sold to Supply Specialties for $1,500.00. He said no upset bids were received.

Upon motion of Councilman Rainey, seconded by Councilwoman Price, Resolution No. 78-28 was unanimously adopted.

Complete text of Resolution No. 78-28 will be found in Resolution Book No. 10 at page 164 .

ORDINANCE NO. 1022 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Rezoning Property on Haywood Terrace)

7. Consideration was given to the second reading of Ordinance No. 1022, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville", as amended, rezoning property on Haywood Terrace from R-3 Residential District to CH Commercial Highway District, property owned by Mr. Homer Sparks.

The City Manager advised that the ordinance was previously read on first reading and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1022 passed on second reading.

ORDINANCE NO. 1023 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Including Review of Utility substations under the Group Development Section)

8. Consideration was given to the second reading of Ordinance No. 1023, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville", as amended, to include the review of utility substations under the Group Development Section.

J. E. Johnson, Director of Inspections, said 15-17 Blake Street and 19 Buffalo Street have been found to be unfit for human habitation, unsafe and dangerous to life. He said the owners have not complied with orders to repair the structures or to have them demolished and removed. He said due process of law has been followed to have the structures demolished.

Mayor Trantham closed the public hearing at 3:45 o'clock p. m.

The City Manager read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1026. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 6-0, Ordinance No. 1026 passed on first reading.

PUBLIC HEARING - CITY OF ASHEVILLE REVENUE ORDINANCE AMENDMENT

ORDINANCE NO. 1027 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1978 AND ENDING JUNE 30, 1979

5. A public hearing was held relative to amending the City of Asheville Revenue Ordinance to reflect an amendment to increase the City of Asheville privilege license tax fees on all business classifications by twenty-five per cent (25%) excluding those that are controlled by Schedule B of the North Carolina Revenue Statutes.

Mayor Trantham opened the public hearing at 3:47 o'clock p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

The City Manager said this increase, if approved by Council, will generate approximately $35,000 in additional revenues to the City of Asheville, which represents 1/2 cent on the tax base. He said this recommendation resulted from a budget conference last spring during the budget process. He said the Finance Study Committee of the Council had reviewed the proposed increase in the past few weeks. He said the privilege taxes of the City have not been increased for a number of years.

Council discussed the possibility of consolidating some of the fee categories in the case of the larger multi-variety stores to relieve department stores, drug stores and others that must pay fees for various licenses because they sell such a wide range of goods. This discussion was brought on by Councilman Cole.

Councilman Michael said some investigation should be made into the businesses doing business in the City Limits but having offices in the County.

Council requested a report on the number of stores affected by the inequities of having to obtain various licenses because they sell a wide range of goods.

Vice-Mayor Horton requested that the Corporation Counsel obtain a list of licenses affected by Schedule B of the North Carolina Revenue Statutes.

Mayor Trantham closed the public hearing at 4:15 o'clock p. m.

He said an ordinance should be prepared to directly address the placement of substations and/or transmission lines, rather than include the regulations in an area of the Zoning Ordinance on landscaping developments.

Mr. Dyson said he wanted the communications between Carolina Power and Light Company and the City of Asheville to be the best possible. He said they would have no objections to reviewing site plans for substations with Council. However, they would object to Council dictating the placement of the substation or the transmission lines.

Mr. Emrick said the Planning and Zoning Commission could also review modifications in a group development plan rather than telling an individual they just could not use a particular piece of property.

On a roll call vote of 4-1, Ordinance No. 1023 passed on second reading with Councilman Morris voting "no" and Councilman Michael absent from the Chambers without permission, which vote is carried as an "aye" vote.

ORDINANCE NO. 1024 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Rezoning Property on Fairview Road)

9. Consideration was given to the second reading of Ordinance No. 1024, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville", as amended rezoning property on Fairview Road from R-3 Residential District to LI Light Industrial District, property owned by Tom and Betty Donoho.

The City Manager advised that the ordinance was previously read on first reading and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1024 passed on second reading.

RESOLUTION NO. 78-29 - RESOLUTION SUPPORTING THE CONTINUATION OF THE BUNCOMBE COUNTY CHILD DEVELOPMENT PROGRAM

10. Consideration was given to a resolution supporting the continuation of the Buncombe County Child Development Program.

The City Manager read the resolution. He said this resolution would be a joint resolution of the Buncombe County Board of Commissioners and the Asheville City Council.

Upon motion of Councilman Morris, seconded by Vice-Mayor Horton, Resolution No. 78-29 was unanimously adopted.

Complete text of Resolution No. 78-29 will be found in Resolution Book No. 10 at page 165.

The City Manager advised that the ordinance was previously read on first reading and it would not be re-read in its entirety unless there was a specific request to do so.

Charles Dyson, District Manager of the Carolina Power and Light Company, asked for a clarification of the proposed amendment. He said it was his understanding that the amendment is aimed at requiring substations to meet requirements on visual aspects such as landscaping and screening. He said if these are the only requirements of getting an approval for a group development site plan Carolina Power and Light Company would have no objection to such requirements. However, if Council assumes they would have the right to dictate the placement of substations or turn down a substation plan because of the transmission lines Carolina Power and Light Company would strongly oppose the amendment.

Verl Emrick, Planning Director, said he felt it was the intent of the Planning and Zoning Commission to adhere strictly to site development. However, Planning and Zoning Commission or City Council could realistically consider the transmission lines in approving a site plan for a substation.

Councilman Rainey said the City staff is in the process of preparing an ordinance specifically for the placement of transmission lines on the City's right of way. However, if that particular ordinance fails to pass, he would consider other factors, including where the transmission lines are placed, rather than just the buffering and landscaping requirements outlined in the Zoning Ordinance when deciding on the approval of a site plan. He said he did not think the site plan could be isolated from other factors which lead into the plan. He said to technically fulfill the requirements of the group development plan will not guarantee Council approval of the site plan. He said his original intent, in requesting the amendment, covered the placement of transmission lines.

Vice-Mayor Horton said this amendment would give Council the opportunity to officially review the total aspects of a proposed substation, prior to Carolina Power and Light Company putting in a substation.

Councilman Rainey said the proposed ordinance on the placement of transmission lines on the City's right of way would be much broader than the amendment to the Group Development Section of the Zoning Ordinance for review of utility substations.

Councilman Michael said he felt the proposed amendment would eliminate the "communication breakdown" between the Carolina Power and Light Company and the City of Asheville in future site plans. He said this would offer Council the opportunity to review the site plan including the most feasible methods of placing transmission lines.

Mr. Dyson said this was not his understanding and if Council assumes they have the right to dictate the placement of transmission lines or the site of a substation Carolina Power and Light Company will strongly oppose the amendment.

Councilman Morris said he felt this amendment would be placing a hardship on Carolina Power and Light Company. He said unlike other developers Carolina Power and Light Company is different in that it is franchised by State law and is required to provide the electric service. He said this amendment would make it hard for Carolina Power and Light Company to find a feasible location for a substation that they were sure Council would approve. He said he felt this amendment needed further study before Council acts upon an issue to cause such an unreasonable hardship.

PROCLAMATION - "BROTHERHOOD WEEK" - FEBRUARY 19-25, 1978

Mayor Trantham proclaimed the week of February 19-25, 1978 as "Brotherhood Week".

PROCLAMATION - ENGINEERING DAY - FEBRUARY 21, 1978

Mayor Trantham proclaimed February 21, 1978 as "Engineering Day".

MONTFORD AREA HISTORIC DISTRICT

The City Manager read a letter from Mr. Larry Tise, State Historic Preservation Officer, advising that the Montford Area Historic District has been entered into the National Register of Historic Places.

CLAIM - MR. JAMES LA FERLA

The City Manager presented a claim received from Mr. James La Ferla.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - MR. RON HARWOOD

The City Manager presented a claim received from Mr. Ron Harwood.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

KEITH DEWEESE - 941 FAIRVIEW ROAD - REZONING REQUEST

Mr. Keith Deweese of 941 Fairview Road requested that his property be rezoned along with Mr. and Mrs. Donoho's property on Fairview Road from R-3 Residential District to LI Light Industrial District.

After discussion, Council decided that this matter could be brought up at next week's meeting along with the third reading of the ordinance to rezone Mr. and Mrs. Donoho's property on Fairview Road.

COUNCILMAN RAINEY - SOLICITATION PERMITS

Councilman Rainey said he had received notice that two persons from the Unification Church had been arrested for soliciting without a permit. He requested that the Corporation Counsel look into a more simplified manner to obtain the solicitation permits. He said the ordinance covering the permits is too complicated.

COUNCILMAN MICHAEL - $6 MILLION BOND ISSUE

Councilman Michael requested the Corporation Counsel to write the Attorney General's Officer to determine why the City of Asheville could not receive 40% of the $6 million bond money for disbursement by the City Council since the citizens of Asheville will have to repay 40% of the bond money. He said none of the projects listed are for the City of Asheville.

Adjournment

MAYOR

CITY CLERK

RESOLUTION NO. 78-30 - RESOLUTION REQUESTING A CHANGE IN THE DESIGNATION OF ASHEVILLE AND BUNCOMBE COUNTY AS A NON-ATTAINMENT AREA FOR PHOTOCHEMICAL OXIDANTS UNDER THE STANDARDS OF THE 1977 CLEAN AIR ACT

11. Consideration was given to a resolution requesting a change in the designation of Asheville and Buncombe County as a non-attainment area for photochemical oxidants under the standards of the 1977 Clean Air Act.

The City Manager read the resolution. He said this resolution would also be acted upon by the Buncombe County Board of Commissioners at their next meeting.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, Resolution No. 78-30 was unanimously adopted.

Complete text of Resolution No. 78-30 will be found in Resolution Book No. 10 at page 166.

RESOLUTION NO. 78-31 - RESOLUTION ENDORSING THE ASHEVILLE REVITALIZATION COMMISSION'S APPLICATION WITH THE NATIONAL ENDOWMENT FOR THE ARTS TO DESIGN DOWNTOWN PUBLIC SPACE

12. Consideration was given to a resolution endorsing the Asheville Revitalization Commission's application with the National Endowment for the Arts to design downtown public space.

The City Manager read the resolution.

Verl Emrick, Planning Director, explained the grant. He said the project will initially concentrate on the public space defined by the Asheville Civic Center, St. Lawrence Church and Asheville-Buncombe Library. He said the project will be coordinated with other ARC planning activities and should prove beneficial to the entire Downtown Improvement Program. He said the Asheville Revitalization Commission has requested $14,000 from the National Endowment for the Arts for the project and the funds to be used for the City's match are from the 1977-78 CDBG monies allocated to the Downtown Project.

Upon motion of Councilman Rainey, seconded by Councilwoman Price, Resolution No. 78-31 was unanimously adopted.

Complete text of Resolution No. 78-31 will be found in Resolution Book No. 10 at page 167.

RESOLUTION NO. 78-32 - RESOLUTION PROCLAIMING THE MONTH OF FEBRUARY AS HUMAN RELATIONS COUNCIL IN ASHEVILLE AND BUNCOMBE COUNTY

13. Consideration was given to a resolution proclaiming the month of February as Human Relations Council in Asheville and Buncombe County.

The City Manager read the resolution.

Upon motion of Councilman Michael, seconded by Councilwoman Price, Resolution No. 78-32 was unanimously adopted.

Complete text of Resolution No. 78-32 will be found in Resolution Book No. 10 at page 168.

C. Bids received February 6, 1978 for two (2) dual hydraulic cylinders for Fire Department.

HIGHLIGHTS: One bid received from E. A. Industries, Inc. in the amount of $7,265.00. E. A. Industries, Inc. is the only known local source with capability to provide work required and a second advertisement would be of no benefit. Fire Chief, Superintendent of Motor Transport, and Purchasing Agent recommend acceptance of bid of E. A. Industries, Inc.

Funding: Revenue Sharing Trust Fund - Fire Department Capital Outlay Equipment - 50-470.0074 for various equipment - budgeted $22,700.00

D. Bids received February 6, 1978 for one (1) diesel powered tractor, Low Center of Gravity to be used in Parks and Recreation Department.

HIGHLIGHTS: Three (3) responsive bids were received.

Bidder	Bid
Farm Equipment Company	$6,703.00
Arden Equipment Company	$6,866.00
Porter Brothers, Inc.	$6,994.57

Superintendent of Parks, Superintendent of Motor Transport Division and Purchasing Agent recommend low bid submitted by Farm Equipment Company.

Funding: Revenue Sharing Trust Fund, Capital Outlay Equipment Account No. 50-502.0074 - budgeted $8,160.00

E. Bids received February 6, 1978 for metal doors, frames, windows, and hardware for renovation of Burton Street Center, Parks and Recreation Department.

HIGHLIGHTS: Three (3) bids were received.

Bidder	Bid
Citizens Hardware	$4,195.00
Alan H. Shaw Company	$3,897.00
Karpen Steel Products, Inc.	$4,990.00

Superintendent of Parks and Purchasing Agent recommend the acceptance of low bid submitted by Alan H. Shaw Company.

Funding: Community Development Funds - Parks and Recreation Department - Capital Outlay Improvement - Code 65-654.0073 (line item budget) Unencumbered balance $54,000.00

Thursday - February 23, 1978 - 3 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen F. Jack Cole, Otis B. Michael, Gene E. Rainey, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Ralph D. Morris, Jr.

INVOCATION

Councilman Otis B. Michael gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the February 16, 1978 meeting.

Upon motion of Councilman Cole, seconded by Vice-Mayor Horton, the minutes of the February 16, 1978 meeting were approved as submitted.

APPROVAL OF THE CONSENT AGENDA

2. The City Manager explained that the items on the consent agenda are of a routine nature and have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City staff any single item scheduled for approval on the consent agenda may be considered separately.

Items on the consent agenda included:

A. Resolution No. 78-33 - Resolution of intent to close Sugg Street and three (3) unnamed alleys and calling a public hearing on the question for March 30, 1978.

HIGHLIGHTS: In accordance with the East Riverside Redevelopment Plan, the Housing Authority requests the closing of Sugg Street and three (3) unnamed alleys. The closing of said street and alleys is necessary for the site preparation and disposition of disposal parcels of the East Riverside Project.

Resolution Book No. 10 page 169 .

B. Resolution No. 78-34 - Resolution appointing a member to the Asheville-Buncombe Community Relations Council.

HIGHLIGHTS: Appointment of Mrs. Gloria Free as a member to the Asheville-Buncombe Community Relations Council to fill the unexpired term of Mr. Ray Lyles, term expiring December 31, 1978.

Resolution Book No. 10 page 172 .

Logan Delany, Community Development Coordinator, said this hearing is to receive comments on the approval of the development of an application for a Community Development - Urban Development Action Grant in the amount of an estimated $2,778,280 for the economic revitalization of the geographical area lying between Census Tracts 1 and 7 bordered on the west by Biltmore Avenue, on the east by Valley Street, on the north by Marjorie Street and Pack Square and on the south by Beaumont Street. He said during the past two weeks meetings have been held with various community groups, including representatives from the Chamber of Commerce, Asheville-Buncombe Human Relations Council, Land-of-Sky Regional Planning Council, Asheville-Buncombe Technical Institute, Asheville Revitalization Commission, Western Carolina Industries, and the City of Asheville Planning Department, to include the private sector in the development of the project to economically revitalize this sector of the City. He said meetings have been scheduled with property owners and businesses in the area to discuss the possiblities of this project in meeting their needs. He said the involvement of the private sector in this project is an intergal parf of the program.

Verl Emrick, Planning Director, by the use of a map, reviewed the location of the proposed project. He said this area was chosen due to it being between two or three on-going revitilization projects. He said this would fill in the gaps in the overall planned development of the entire area. He said the area was in great need as far as structural change.

Mr. Emrick presented four specific design concepts which proposed several different alternate land use schemes. The concepts revolved around the rehabiiitation and development of existing and/or new businesses, housing, governmental uses, and other institutional amenities. He said the intent is to retain the specific cultural charactistics of the area with a logical combination of land usage.

Mr. Emrick re-emphasized the need for the involvement of the private sector in the development of the plan. He said without this commitment the program would be eliminated. He said, in fact, the private commitment is necessary before the application is submitted.

Councilman Michael said this grant will completely rehabilitate this area and compliment the central downtown area without the need for city funding.

Mr. Delany noted that this project would involve the rehabilitation of structures rather than a total clearance such as in the Urban Renewal type programs.

Upon inquiry of Councilman Rainey, the City Manager advised that the removal of the City Sanitation Garage was not a part of this program.

After discussion, Mayor Trantham closed the public hearing at 3:50 o'clock p. m.

The City Manager said since the plan had not been finalized the city staff would be meeting with individuals and groups to stimulate interest on the part of private developers and at such time as the City has the final information on funding and commitments a resolution approving the application would be considered by Council.

F. Bids received February 6, 1978 for one (1) diesel powered tractor with 6 ft. extension mower with 15 ft. reach to be used at the City of Asheville Watershed.

HIGHLIGHTS: Two (2) responsive bids were received:

Bidder	Bid
Farm Equipment Company	$13,888.00
Porter Brothers, Inc.	16,984.95

Superintendent of Water Production and Quality Control Division, Superintendent of Motor Transport Division and Purchasing Agent recommend acceptance of the low bid submitted by Farm Equipment Company.

Funding: Water and Sewer Operation, Water Production and Quality Control Division - Capital Outlay Equipment - Code 50-752.0074 (line item budget) - Unencumbered balance $23,205.00

G. Bids received February 6, 1978 for stacking chairs, folding game tables, and two (2) table trucks for Senior Opportunity Center and Harvest House for Parks and Recreation Department.

HIGHLIGHTS: Two (2) responsive bids were received.

Bidder	Bid
Castt Office Furniture	$3,829.00
Sears Roebuck	3,912.00

Recommendation to award to low bidder, Castt Office Furniture.

Funding: Community Development Funding -19-645.0074 Budgeted $6,260.00

Councilman Cole moved for the adoption of the consent agenda. This motion was seconded by Councilman Michael and carried unanimously.

PUBLIC HEARING - APPROVING DEVELOPMENT OF AN APPLICATION FOR A COMMUNITY DEVELOPMENT-URBAN DEVELOPMENT ACTION GRANT

3. A public hearing was held to approve the development of an application for a Community Development - Urban Development Action Grant.

Mayor Trantham opened the public hearing at 3:10 o'clock p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

ORDINANCE NO. 1023 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Including Review of Utility substations under the Group Development Section)

8. Consideration was given to the third and final reading of Ordinance No. 1023, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville", as amended, to include the review of utility substations under the Group Development Section.

Mayor Trantham advised that the ordinance was previously read on first and second reading and it would not be re-read in its entirety unless there was a specific request to do so.

Mr. Claude Smith, representing Public Service Company, said his company had no objection to the proposed amendment if it applies only to substations built on privately owned property, whether owned or leased by Public Service Company, and does not affect the valves and regulators on the City's right-of-way.

Verl Emrick, Planning Director, said he would interpret the amendment to apply only to substations built on privately owned property.

Councilman Rainey said he did not feel any Council could give the utility companies an automatic approval of their site plan based upon technical adherence to the ordinance provisions. He said they would be classified along with any other developer seeking a group development approval and the impact on the neighborhood would be considered.

Council discussed the requirements of the Public Service Company restoring the streets and sidewalks after putting in a line.

Charles Dyson, General Manager of Carolina Power and Light Company, reiterated his comments made during the meeting of February 16, 1978. He said his company would like to go on record as opposing the amendment due to Councilman Rainey's interpretation of the ordinance that the location of the substation and the transmission lines would be considered when Carolina Power and Light Company seeks an approval of a site plan for a substation. He said his company did not object to meeting the standards setforth in the Zoning Ordinance for group developments.

Councilman Rainey said he did not think Carolina Power and Light Company should oppose an ordinance based on one Council members interpretation. He said his interpretation was on a personal basis. He said he would consider the impact on the neighborhood in approving a substation.

On a roll call vote of 5-0, Ordinance No. 1023 passed on its third and final reading.

Complete text of Ordinance No. 1023 will be found in Ordinance Book No. 8 at page 96.

ORDINANCE NO. 1024 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Rezoning Property on Fairview Road)

9. Consideration was given to the third and final reading of Ordinance No. 1024, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville", as amended rezoning property on Fairview Road from R-3 Residential District to LI Light Industrial District, property owned by Tom and Betty Donoho.

Councilman Michael moved that the City Council approve the solicition of a grant to improve the revitilization of minority business downtown through the Urban Development Action Grant program as presented by the City staff in this public hearing. This motion was seconded by Councilwoman Price and carried unanimously.

ORDINANCE NO. 1025 - AN ORDINANCE AMENDING SECTION 11-68 OF CHAPTER 11, OF THE CODE OF ORDINANCES, ENTITLED STATE ELECTRICAL CODE ADOPTED

4. Consideration was given to the second reading of Ordinance No. 1025, an ordinance amending Section 11-68 of Chapter 11, of the Code of Ordinances, entitled State Electrical Code Adopted.

Mayor Trantham advised that the ordinance was previously passed on first reading and members of Council were furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 1025 passed on its second reading.

ORDINANCE NO. 1026 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 15-17 BLAKE STREET AND 19 BUFFALO STREET

5. Consideration was given to the second reading of Ordinance No. 1026, an ordinance directing the Housing Officer to demolish those dwelling houses known as 15-17 Blake Street and 19 Buffalo Street.

Mayor Trantham advised that the ordinance was previously passed on first reading and members of Council were furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 1026 passed on its second reading.

ORDINANCE NO. 1027 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1978 AND ENDING JUNE 30, 1979

6. The City Manager requested a postponement of the second reading of Ordinance No. 1027 in order to give staff an adequate amount of time to prepare a report on matters relating to the ordinance that have been brought to his attention.

Vice-Mayor Horton moved to postpone the second reading of Ordinance No. 1027 until March 2, 1978. This motion was seconded by Councilman Cole and carried unanimously.

ORDINANCE NO. 1022 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Rezoning Property on Haywood Terrace)

7. Consideration was given to the third and final reading of Ordinance No. 1022, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville", as amended, rezoning property on Haywood Terrace from R-3 Residential District to CH Commercial Highway District, property owned by Mr. Homer Sparks.

Mayor Trantham advised that the ordinance was previously read on first and second reading and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 1022 passed on its third and final reading.

Complete text of ordinance No. 1022, will be found in Ordinance Book 8 page 95.

work and under G. S. 143-129 the conditions would constitute an emergency and allow the City to negotiate and execute agreements with outside contractors to relocate the water line.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 78-36 was unanimously adopted.

Complete text of Resolution No. 78-36 will be found in Resolution Book No. 10 at page 174.

INVITATION - RETIREMENT EVENT OF CAPTAIN JOHN BEST

Council members were invited to a retirement event for Captain John Best at the Holiday Inn West on March 9, 1978.

REQUESTS BY COUNCILMAN RAINEY - GRACE SHOPPING CENTER - SOLICITION BY UNIFICATION CHURCH

Councilman Rainey requested that the Corporation Counsel review the legal procedures for requiring the owner of the Grace Shopping Center to clean up the premises and to determine if the City can require clean up on private property.

Upon inquiry of Councilman Rainey, the Corporation Counsel said he had not received any information from the state on his last inquiry regarding solicition permits.

Councilman Rainey said it was his understanding that the Unification Church officials will be challenging the ordinance.

REQUEST BY COUNCILMAN MICHAEL - OUTREACH PROGRAMS - LIVINGSTON STREET CENTER

Councilman Michael asked the City Manager to obtain a report from the Asheville Housing Authority and the Parks and Recreation Department as to what type outreach programs there are between the three projects surrounding the Livingston Street Center and for the Livingston Street Center.

Adjournment.

Ray M Thomas
MAYOR

Norman J. Horacek, Jr.
CITY CLERK

Mayor Trantham advised that the ordinance was previously read on first and second reading and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 1024 passed on its third and final reading.

Complete text of Ordinance No. 1024 will be found in Ordinance Book No. 8 at page 97.

RESOLUTION NO. 78-35 - RESOLUTION AUTHORIZING CONDEMNATION OF PROPERTY IN THE KENILWORTH PARK PROJECT AND WYOMING ROAD RELOCATION PROJECT

10. Consideration was given to a resolution authorizing condemnation of property in the Kenilworth Park Project and Wyoming Road Relocation Project.

The City Manager read the resolution. He said the Housing Authority has been unable to acquire certain parcels in the projects through negotiations. Therefore, it is necessary to acquire the parcels by eminent domain. The parcels are:

Kenilworth Park Project

Parcel	Owner	Type Property	Address	Reason
10	Evangeline Hall	Vacant Lot	Warwick Road	Price

Wyoming Road Relocation Project

2	Frank Roebuck	Vacant Lot	Wyoming Road	Title.

Upon motion of Councilman Rainey, seconded by Councilman Cole, Resolution No. 78-35 was unanimously adopted.

Complete text of Resolution No. 78-35 will be found in Resolution Book No. 10 at page 173.

Upon inquiry of Mr. Peter Winslow, the Council noted that the Asheville Housing Authority was working on the land acquisition in the two project areas. Mr. Winslow was also advised that the $32,000 to be appropriated for the development of the Kenilworth Park has not been finalized by the entire Council.

Vice-Mayor Horton said he felt the appropriation for the development of the park was being looked upon favorably by the majority of the Council.

RESOLUTION NO. 78-36 - RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AGREEMENT TO REPLACE THE I-40/US 74 WATER LINE

11. Consideration was given to a resolution authorizing the Mayor and City Manager to execute agreement to replace the I-40/US 74 Water Line.

The City Manager read the resolution. He explained that the water line break at the I-40/U.S. 74 interchange has resulted in emergency conditions threatening the health and safety of affected water customers. He said the line is approximately 30 ft. below the surface and it has been the intention of the City to raise the line. However, grant funds to raise the line higher have not been received but are expected in the very near future. He said since the line has broken it would be an ideal time to complete the

ORDINANCE NO. 1026 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 15-17 BLAKE STREET AND 19 BUFFALO STREET

4. Consideration was given to the third reading of Ordinance No. 1026, an ordinance directing the Housing Officer to demolish those dwelling houses known as 15-17 Blake Street and 19 Buffalo Street.

Mayor Trantham advised that the ordinance was previously read on first and second readings and members of Council were furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1026 passed on its third and final reading.

Complete text of Ordinance No. 1026 will be found in Ordinance Book No. 8 at page 100.

ORDINANCE NO. 1027 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1978 AND ENDING JUNE 30, 1979

5. The City Manager requested a postponement of the second reading of Ordinance No. 1027 in order to permit time for additional information to be gathered.

Councilman Morris moved to postpone the second reading of Ordinance No. 1027 until March 16, 1978. This motion was seconded by Councilman Michael and carried unanimously.

RESOLUTION NO. 78-38- RESOLUTION APPOINTING MRS. THOMAS E. RARDIN AS COMMISSIONER NUMBER TWO OF THE SINKING FUND COMMISSION FOR BUNCOMBE COUNTY

6. Consideration was given to a resolution appointing Mrs. Thomas E. Rardin as Commissioner Number Two of the Sinking Fund Commission for Buncombe County to serve the unexpired term of Mr. E. Britney Smith, term expiring January 1, 1979.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, Resolution No. 78-38 was unanimously adopted.

Complete text of Resolution No. 78-38 will be found in Resolution Book No. 10 at page 176.

RESOLUTION NO. 78-39 - RESOLUTION AUTHORIZING THE SALE OF OBSOLETE FIRE EQUIPMENT

7. Consideration was given to a resolution authorizing the sale of obsolete fire equipment.

The City Manager read the resolution which authorized the sale of a 1947 American LaFrance 750 GPM Pumper which is obsolete and no longer of any use to the Fire Department.

Thursday - March 2, 1978 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen F. Jack Cole, Otis B. Michael, Gene E. Rainey, and Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Councilman Ralph D. Morris, Jr. gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the February 23, 1978 meeting.

Upon motion of Councilman Cole, seconded by Councilman Morris, the minutes of the February 23, 1978 meeting were approved as submitted.

RESOLUTION NO. 78-37 - RESOLUTION OF APPRECIATION AND COMMENDATION TO CHARLES R. "BUCK" PINKSTON

2. Consideration was given to a resolution of appreciation and commendation to Charles R. "Buck" Pinkston.

The City Manager read the resolution. He said Mr. Pinkston is retiring after 18 years of service with the City of Asheville.

Upon motion of Councilman Morris, seconded by Vice-Mayor Horton, Resolution No. 78-37 was unanimously adopted.

Complete text of Resolution No. 78-37 will be found in Resolution Book No. 10 at page 175.

ORDINANCE NO. 1025 - AN ORDINANCE AMENDING SECTION 11-68 OF CHAPTER 11, OF THE CODE OF ORDINANCES, ENTITLED STATE ELECTRICAL CODE ADOPTED

3. Consideration was given to the third reading of Ordinance No. 1025, an ordinance amending Section 11-68 of Chapter 11, of the Code of Ordinances, entitled State Electrical Code Adopted.

Mayor Trantham advised that the ordinance was previously read on first and second readings and members of Council were furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1025 passed on its third and final reading.

Complete text of Ordinance No. 1025 will be found in Ordinance Book No. 8 at page 98.

Dick Meehan, Superintendent of Parks and Recreation and Purchasing Agent recommend the low bid submitted by Reinco, Inc. in the amount of $6,247.00.

Funding: Revenue Sharing Trust Fund, Park Maintenance Capital Outlay Equipment, Account No. 50-502.0074 (line item budget) unencumbered balance $38,743.27

Resolution No. 78-40

C. Resolution authorizing the City Manager to sign appropriate agreement which would permit United Airlines to sublease Asheville Airport Terminal Space to Piedmont Airlines.

HIGHLIGHTS: United Airlines is leasing certain space at the Asheville Airport which they no longer need. Piedmont Airlines, needing additional space, has requested that they be permitted to sublease the United Airlines space. This Council action would authorize such use.

Resolution Book 10 page 178

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously approved.

RESOLUTION NO. 78-41 - RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD

9. Consideration was given to a resolution appointing Mr. Walter Boggs as a member to the Metropolitan Sewerage District Board.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilman Morris, Resolution No. 78-41 was unanimously adopted.

Complete text of Resolution No. 78-41 will be found in Resolution Book No. 10 at page 179.

CLAIM - CALVIN HONEYCUTT

The City Manager presented a claim received from Calvin Honeycutt.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

NICK PARDOS - COMPLAINT - PARKING ON PACK SQUARE

Mr. Nick Pardos, owner of the Square Cafe on Pack Square, told Council he had received a traffic violation citation for "double parking" in front of his business. He said the front of his business is the only way to get merchandise into his restaurant and many times there is not a space to park in. He asked Council what could be done to relieve him of this problem.

Councilwoman Price asked about the possibility of a "loading zone" space designated to serve all the businesses in that particular area.

Upon motion of Councilman Michael, seconded by Councilwoman Price, Resolution No. 78-39 was unanimously adopted.

Complete text of Resolution No. 78-39 will be found in Resolution Book No. 10 at page 177

APPROVAL OF THE CONSENT AGENDA

8. The City Manager explained that the items on the consent agenda are of a routine nature and have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City staff any single item scheduled for approval on the consent agenda may be considered separately.

Items on the consent agenda included:

A. Approval of bids received February 6, 1978, for one (1) diesel powered hydraulic wheel loader/backhoe, Public Services - Street Division.

HIGHLIGHTS: Six bids were received.

Bidder	Bid
Farm Equipment Company	$22,870.00
Mitchell Distributing	$30,700.00
Porter Brothers	$19,420.07
Arden Equipment Company	$25,371.00
Bruce Construction	$19,272.95
A. E. Finley	$21,000.00

Clark Brown, Director of Public Works, Jim Parris, Superintendent of Motor Transport and Purchasing Agent recommend the low bid submitted by Bruce Construction in the amount of $19,272.95

Funding: Revenue Sharing Trust Fund, Capital Outlay Equipment Account Code 50-427.0074 budgeted $25,000.00

B. Approval of bids received February 6, 1978 for one (1) hydroseeder, gasoline powered, Skid Mount, Finn Bantam Hydroseeder, or Equal for Parks and Recreation Department.

HIGHLIGHTS: Three responsive bids were received:

Bidder	Bid
Reinco, Inc.	$6,247.00
Farm Equipment Company	$6,575.00
Finn Equipment Company	$6,856.72

Thursday - March 9, 1978 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen F. Jack Cole, Otis B. Michael, Gene E. Rainey, and Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Mayor Roy M. Trantham gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the March 2, 1978 meeting.

Upon motion of Councilman Cole, seconded by Vice-Mayor Horton, the minutes of the March 2, 1978 meeting were approved as submitted.

PUBLIC HEARING - BALLANTREE SUBDIVISION - EXTRATERRITORIAL ZONING JURISDICTION AND ZONING ORDINANCE NO. 1028 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. A public hearing was held relative to including Ballantree Subdivision in the City's extraterritorial jurisdiction and to zone Ballantree Subdivision properties R-2 Residential District.

Mayor Trantham opened the public hearing at 3:05 o'clock p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and affidavit of publication.

Verl Emrick, Planning Director, reviewed the background of the proposed inclusion of the Ballantree Subdivision in the City's extraterritorial zoning and subdivision jurisdiction. He said the Ballantree Subdivision was included in the original city's extraterritorial jurisdictional area; however, upon amending the area in October of 1977 the subdivision was excluded. In October, 1977 the City of Asheville received a petition signed by approximately 100 members of the Ballantree Homeowner's Association, Inc. requesting that the Ballantree Subdivision again be included in the City's Extra-territorial Zoning and Subdivision Jurisdiction. The Asheville Planning and Zoning Commission reviewed the request on February 1, 1978 and voted unanimously to recommend to City Council that the Ballantree Subdivision be included in the City's extraterritorial jurisdiction and that the property be zoned R-2 Residential District. The Buncombe County Board of Commissioners, by resolution, have approved the inclusion of this property within the City of Asheville's Zoning and Subdivision Jurisdiction pending state prescribed public hearings.

Mr. Emrick, by the use of a map, reviewed the location of the subdivision. He said the property owners have deed restrictions but wanted the added protection of the Zoning Ordinance.

Mayor Trantham advised Mr. Pardos that Council would discuss his problem and would advise him of their decision.

R. L. MEDLIN - INSURANCE AGENT FOR SANITATION EMPLOYEES

Mr. R. L. Medlin, a retired agent for Charlotte Liberty Mutual Insurance Company, told Council he had been cashing checks, making loans and selling insurance to City of Asheville employees in the Sanitation Department for several years. He said he had been going to the Sanitation Department on Valley Street at 1 p. m. each Friday to conduct these business transactions. He said the City Manager had recently instructed the Sanitation Supervisor to tell him to discontinue his business on city property. He also said he had met with the City Manager regarding this matter. He requested that Council overrule the City Manager's decision and allow him to continue the practices he had been conducting on Friday afternoons for the past five (5) years on City property.

It was the consensus of Council that this was an administration decision and one with which Council should not get involved.

Councilman Rainey suggested that the loaning practice be stopped but the collection of the insurance payments be allowed to be continued, perhaps in a department office.

Mayor Trantham advised Mr. Medlin that Council would discuss his problem and would advise him of their decision.

Adjournment.

Mayor Trantham — Mayor

Miriam F. Wheeler — CITY CLERK

Ray Kisiah, Parks and Recreation Director, said the Tourists Baseball, Inc. is beginning a new season and suggested that Council move forward in the execution of the lease for the 1978 season. He said the Tourists Baseball, Inc. has a franchise from the Western Carolinas Baseball League and a working agreement with the Texas Rangers Baseball Club. He said the Texas Rangers has requested an improvement in a new or improved lighting system at the McCormick Field. He said Tourists Baseball, Inc. has offered the following two-part lease proposal: 1) For the 1978 season only, they would pay only the $2,000 rental figure stipulated in the lease of the past two years; 2) As soon as the commitment to a new lighting system is made by Council they would propose a four year lease with a four year option that would begin in 1979. This lease would call for them to pay the $2,000 rent each year plus the payment of all utility bills for all games played at McCormick Field up to a set figure (perhaps $6,000) each year.

Mr. Kisiah said by making the improvements and keeping baseball in Asheville, the City not only assures itself of having this family recreational outlet for its citizens but also assures that the utility costs involved for the youth baseball programs using McCormick Field can be met.

Mr. Merrill Eckstein, General Manager of the Asheville Tourists Baseball Club, said the reason for the delaying of the execution of the lease was due to a change in ownership of the Club. He said he had joined with twenty-eight (28) Asheville businessmen to purchase the club from Mr. Fred Nichols, President of Pro-Ball, Inc., its previous owner. He said these negotiations had to be completed before Council could execute the lease. He encouraged Council to take action on the matter as soon as possible as the players are not in their spring training session with the season opening April 14, 1978 and he needed a commitment on the lease particularly for the 1978 season.

It was the consensus of Council that the City has a moral obligation of furnishing professional baseball for its citizens, however, it was strongly felt that the Buncombe County Commissioners should assist in the costs and they felt that the County would be realistic in their decision for assistance.

Councilman Michael's motion died for the lack of a second.

Upon motion of Councilman Rainey, seconded by Councilwoman Price, Resolution No. 78-43 was adopted with Councilman Michael voting "no".

Complete text of Resolution No. 78-43 will be found in Resolution Book No. 10 at page 181.

RESOLUTION NO. 78-47 - RESOLUTION REQUESTING PUBLIC SUPPORT FOR ENERGY CONSERVATION

5. Consideration was given to a resolution requesting public support for energy conservation.

The City Manager read the resolution explaining that curtailing the use of devices and items that depend on coal products were particularly important during this critical period of coal shortages.

Verl Emrick suggested that the outdoor advertising firms be requested to turn the lights off on outdoor advertising signs and to turn the street lights out in low crime areas.

Mr. Charles Patton, a resident of the Ballantree Subdivision, spoke in support of the ordinance to include the Ballantree Subdivision in the City's extraterritorial zoning and subdivision jurisdiction. He said the petition, referred to by Mr. Emrick, contained all the signatures of the homeowners in the subdivision except three or four, which could not be reached. He said he knew of no opposition to the ordinance.

Mayor Trantham closed the public hearing at 3:13 o'clock p. m.

The City Manager read the ordinance.

Councilman Michael moved for the adoption of Ordinance No. 1028. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 6-0, Ordinance No. 1028 passed on its first reading.

RESOLUTION NO. 78-42 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN CONTRACTS FOR CONSULTANT SERVICES

3. Consideration was given to a resolution authorizing the Mayor to sign contracts for consultant services.

The City Manager read the resolution.

Verl Emrick, Planning Director, said the Asheville Revitalization Commission, at a meeting held January 25, 1978, unanimously approved contracting with Alan M. Voorhees and Associates, Inc. as traffic planning consultants in the amount of $15,000.00. He said the Commission also in its February 14, 1978 meeting approved contracting with Hammer, Siler and George Associates, Inc. as marketing and economic consultants in the amount of $23,000.00. He said funds for consultant services are currently available in the 1977-78 Community Development Planning Budget.

Upon inquiry of Council, Mr. Emrick said the firm of Hammer, Siler and George would be working on a specific marketing potential basis. He said the scope of the contract is detailed in the contract.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 78-42 was unanimously adopted.

Complete text of Resolution No. 78-42 will be found in Resolution Book No. 10 at page 180.

RESOLUTION NO. 78-43 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE BETWEEN THE CITY OF ASHEVILLE AND THE TOURIST'S BASEBALL INC.

4. Consideration was given to a resolution authorizing the Mayor to execute a lease between the City of Asheville and Tourist's Baseball, Inc.

The City Manager read the resolution.

Councilman Michael questioned the lease being executed at this time. He said it was his understanding that Council would take action of this matter after requesting the County of Buncombe for assistance in funding the costs of the lease.

Councilman Michael moved to table the resolution until Council had an opportunity to discuss the matter with the Buncombe County Commissioners.

C. Scheduling of a public hearing relative to amending Section 30-11-2. Procedure: General, Item D., as it pertains to denial of a rezoning petition, of Zoning Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended for April 20, 1978.

HIGHLIGHTS: The Planning and Zoning Commission has recommended that the City Council amend Section 30-11-2. Procedure: General, Item D, as it pertains to denial of a rezoning petition, by deleting the second paragraph of Item D and adding the following paragraph:

"If the Planning and Zoning Commission has made a negative recommendation, the petitioner may within thirty (30) days after the written notification of the City Clerk request that a public hearing be held by the City Council. If the petitioner fails to request a public hearing before Council within the allotted thirty (30) day time frame then the denial shall be considered affirmed by Council and the normal administrative remedies provided by this Ordinance satisfied. Further, if the denial of said petition is confirmed by the process set forth above, the Planning and Zoning Commission shall not consider the petition for a period of at least one (1) year, unless the City Council by official action grants the petitioner an extension of time in which to file and request a public hearing on the petition. Advertisement of all public hearings shall be at the applicant's expense. (Underscoring provided to delineate new wording added)

D. Scheduling of a public hearing relative to amending ARTICLE II, DEFINITIONS. Section 30-2-1. General of Zoning Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended for April 20, 1978.

HIGHLIGHTS: The Planning and Zoning Commission has recommended that the City Council amend Article II. Definitions. Section 30-2-1. General to include the following definitions in the alphabetically appropriate places.

"Public Facility. Any structure or land use belonging to the public, purchased or constructed at public expense, maintained at public expense, being under public control and opened to the public or the community at large or being used by a specific governmental or quasi-governmental agency or body whose purpose pertains to or who is engaged in the affairs or providing services to the general public or the community.

Public Utility. Any structure or facility transmitting a service provided by a utility company (to include private systems) such as telephone, electric, water and sewer, gas, power, etc.

Transmission Line. Any apparatus designed specifically for the act, process or instance of power transmission.

Utility Substation. Are herein defined to include electric and gas subsidiary stations in which electric current or raw gas is transformed."

Council discussed the recommended suggestions for curtailing the use of devices and items that depend on coal products.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 78-47 was unanimously adopted.

Complete text of Resolution No. 78-47 will be found in Resolution Book No. 10 at page 188.

APPROVAL OF THE CONSENT AGENDA

6. The City Manager explained that the items on the consent agenda are of a routine nature and have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City staff any single item scheduled for approval on the consent agenda may be considered separately.

Items on the consent agenda included:

A. Scheduling of a public hearing relative to rezoning property on Hendersonville Road from R-3 Residential District to CH Commercial Highway District for April 6, 1978.

HIGHLIGHTS: A petition was received from Garrett and Garrett, Owners, and Rollins, Inc. (Orkin Exterminating), Leasee to rezone Ward 7, Sheet 18, Lot 124-1/4 from R-3 Residential District to CH Commercial Highway District in order to construct an additional 20' x 30' storage building on the property.

The Planning and Zoning Commission has recommended approval of the rezoning request as follows:

1. That the CH Commercial Highway District boundary be extended to a point fifty feet (50') from and paralleling the rear (easternmost) property line of Lot 124-1/4.

Note: This would accommodate the owner's proposed development plans and will also provide a buffer strip for adjoining residential property.

B. Scheduling of a public hearing relative to rezoning property on Sweeten Creek Road from R-3 Residential District to HI Heavy Industrial District for April 6, 1978.

HIGHLIGHTS: A rezoning petition was received from Thomwins, Inc. by Ron Lewis, Agent, and Dick Glenn, Purchaser to rezone Ward 13, Sheet 22, Lot 126 from R-3 Residential District to HI Heavy Industrial District in order to construct a machine shop on the property.

The Planning and Zoning Commission has recommended approval of the rezoning request.

I. Approval of bids received March 6, 1978 to construct three (3) asphalt tennis courts at Murphy-Oakley Park for Parks and Recreation.

HIGHLIGHTS: Three (3) bids were received:

Bidders	Bid
Warren Brothers Company	$22,000.00
Paving Enterprises	17,870.00
H & L Paving, Inc.	17,990.00

Dick Meehan, Superintendent of Parks and Purchasing Agent recommend low bid submitted by Paving Enterprises, Inc. in the amount of $17,870.00.

Funding: Community Development Funds, Murphy-Oakley Park - Capital Outlay Improvement Account Code 65-651.0073 (budget line item) unencumbered balance $106,459.43

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, the consent agenda was unanimously approved.

RESOLUTION NO. 78-46 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A JOINT OPTION WITH THE COUNTY OF BUNCOMBE FOR THE PURCHASE OF THE HAYES AND HOPSON PROPERTY

7. Consideration was given to a resolution authorizing the Mayor to sign a joint option with the County of Buncombe for the purchase of the Hayes and Hopson Property.

The City Manager read the resolution.

Councilman Michael said it was his understanding that the City had agreed to the principal of purchasing the building, during the City/County meeting, but the City did not agree that the City of Asheville needed the building. He said if Council agrees to this resolution they would be agreeing to one-half of the purchase price of the building which the City could not afford.

Upon motion of Councilman Cole, seconded by Councilman Morris, Resolution No. 78-46 was adopted, with Councilman Michael voting "no".

Complete text of Resolution No. 78-46 will be found in Resolution Book No. 10 at page 187.

ANIMAL CONTROL ORDINANCE - ENFORCEMENT - CHIEF OF POLICE

Chief of Police Melvin Tucker said since becoming Chief of Police, he has been reviewing measures to be taken to enforce the animal control ordinance. He said he has made sure that the two animal control officers, as well as the desk sargeant, have copies of the ordinance in hand. He said beginning March 12, 1978 complaint cards will be filed by the animal control officers to determine statistics relative to complaints about animals. He said this would help in determining what sections of town the complaints are coming from, how many calls are coming in, how long the response time is, and what action was taken on each individual case.

E. Scheduling of a public hearing relative to rezoning property on Charlotte Street from R-2 and R-3 Residential District to OI, Office Institutional District for April 6, 1978.

HIGHLIGHTS: Del-Rio, Inc. presented rezoning petition to rezone Ward 2, Sheet 15, Lots 98 and 100 from R-2 and R-3 Residential District to OI Office Institutional District.

On November 9, 1977 the Planning and Zoning Commission recommended denial of the rezoning request for the following reason: "The rezoning is not in keeping with the neighborhood nor the zoning plan of 1975."

On March 1, 1978 the Planning and Zoning Commission reviewed the request again and voted to reaffirm its recommendation of denial of November 9, 1977.

On March 7, 1978 the City Clerk received a request for a public hearing on the matter from Mr. John A. Powell, Attorney, representing Del Rio, Inc.

F. Resolution No. 78-44 - Resolution authorizing execution of a grant-in-aid application for Asheville/Buncombe County Comprehensive Historical Site Inventory.

HIGHLIGHTS: This grant will provide for an inventory of potential historic buildings and places within Asheville and Buncombe County. The results will be a publication that can be used by governmental planning organizations in devising future plans.

Resolution Book No. 10 Page 182 .

G. Resolution No. 78-45 - Resolution authorizing submission of an application to the Department of Housing and Urban Development for Community Development Block Grant Entitlement Funds - 1978-79.

HIGHLIGHTS: This is a re-adoption of Resolution No. 78-15 adding a paragraph authorizing the Mayor to sign the various contracts and agreements authorized in the resolution.

H. Approval of bids received March 6, 1978 to install chainlink fence around tennis courts, baseball field and park perimeter for Parks and Recreation Department.

HIGHLIGHTS: Four (4) bids were received:

Bidders	Bid
Sears Roebuck and Company	$18,629.90
Anchor Post Products, Inc.	18,415.00
Asheville Fence Company	15,152.00
Allison Fence Company	16,917.00

Dick Meehan, Superintendent of Parks and Purchasing Agent recommend low bid submitted by Asheville Fence Company in the amount of $15,152.00. Funding: Community Development Funds, Murphy-Oakley Park- Capital Outlay Improvement Account Code 65-651.0073 (budget line item) unencumbered balance $106,459.43.

It was, however, indicated that the Housing Authority would advise residents of Deaverview and Kirkwood public housing of programs conducted at the proposed park. These efforts would not meet our understanding of the various elements of the outreach. Also low-and moderate-income citizens who do not live in the public housing units would be ignored.

The Deaverview Park is, therefore, eligible provided that the City of Asheville conducts a vigorous outreach program that includes transportation and supervised activities during the months that the park is principally used by the public.

We have reviewed the list of proposed Block Grants activities you provided to us. These activities, with a few exceptions we will discuss, are eligible provided they are located in and principally benefit citizens living in Census Tracts 11, 10, 9, 3, 2, 1, 6, 7, or 20.

We will need a more detailed explanation of the following activities before rendering an opinion of their eligibility: rehabilitation of YMI Building and Shiloh Community Center Equipment. If some of the activities are not located in the previously mentioned Census Tracts, the City would have to demonstrate that the activities would principally benefit a small low-or moderate-income area which is located in a predominantly middle income area.

Sincerely,

Ledford L. Austin

Ledford L. Austin
Acting Area Director

cc:
William C. Moore
Attorney at Law

He said Council would discuss the letter during the Council agenda meeting on Tuesday, March 14, 1978.

CLAIM - MRS. LOUISE EDDINGTON

The City Manager presented a claim received from Mrs. Louise Eddington.

Mayor Tranthram referred the claim to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - MARCH 11, 1978 - "SWEET ADELINES DAY"

Mayor Trantham proclaimed March 11, 1978 as "Sweet Adelines Day".

PARKING VIOLATIONS AROUND CHURCHES

Upon inquiry of Council, the City Manager said parking citations that were given in "no parking zones" around churches that have traditionally been accepted for parking on Sunday will be forgiven. He said the Traffic Engineer and Chief of Police are currently studying the areas and if it is determined that it is okay to park around a church area the parking signs will be changed to designate Sunday parking. He said the City would be working with the churches on this matter.

Chief Tucker said after the survey is completed and the parking signs installed the ordinance would be enforced but the churches would be given fair warning.

DEAVERVIEW PARK PROJECT - CORRESPONDENCE FROM HUD

The City Manager presented the following letter:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
AREA OFFICE
[redacted]
GREENSBORO, NORTH CAROLINA 27401

[redacted]

March 7, 1978

IN REPLY REFER TO:
4.4CH

Honorable Roy M. Trantham
Mayor of the City of Asheville
Post Office Box 7148
Asheville, North Carolina 28807

Dear Mayor Trantham:

We have reviewed your letter dated February 17, 1978 concerning the Deaverview Park project. While I was in Asheville recently, I personally visited the Deaverview Park site in order that I might be better informed about this particular project.

The proposed park is located in what appears to be a middle income neighborhood. There is, however, a large concentration of low-and moderate-income families located north and west of the proposed park. The access to the proposed park by these low-and moderate-income families is severely hampered by a large industrial park which creates a formidable physical barrier and, through its size, limits access to the park to two roads.

Our letter of November 1, 1977 encouraged the City to monitor its out-reach to assure that principally low-and moderate-income citizens would be served by the park. This out-reach was to include transportation and supervised activities during the months the park is principally used by the public.

Councilman Otis Michael wrote the Area Office and indicated that the City would not conduct an out-reach into the low-and moderate-income areas because they were outside the City limits of Asheville. Our letter to Dr. Michael indicated that without the City sponsored out-reach, the park would not be an eligible Block Grant activity.

Mr. Halpburs has advised me that during the January 31 meeting with the City Council and City Staff there was no further mention of any City conducted out-reach for this park. The absence of the City conducted out-reach consequently rendered the proposed park an ineligible activity.

well, collectively our record has been a very good one over there in the past year or so. We've reduced the deficit a whole lot, we've improved the conditions of the Civic Center. But yet, the situation is arising that we take these people over there and - this is my view and my view alone, and we work them long hours, we don't pay them enough and we turn around and accuse them of misdeeds and yet I don't see any proof that anything is existing. I hear and Dr. Rainey you've said that there are some affidavits that were filed with the Federal Communications Commission that named names and everything and yet I know the people that filed the affidavits with the commission, I've had an opportunity to look at them and still find nothing showing that there's been any offense committed over there. And yet, these people are continually roasted in the paper, and I am protesting that. There's got to be a better way of doing things. I am, and the other thing that I am protesting, I am protesting these investigations. If somebody, if some citizen has information, they ought to take it to the District Attorney. It's beyond me why we have to have an Audit Control for a town this size. It just doesn't seem to me why, that there's that much corruption in this town to require full time people looking into misdeeds. I think the real problem in this town is in management. And if you pay your supervisors enough, they are going to watch out for your property and they are going to get efficiency out of people. We don't need to investigate them all the time. And herein, ladies and gentlemen, lies your problem not in the investigation and not in dishonesty in this town. I don't believe its widespread and that it exists. Now I've had my say on it and I hope you're...."

C. Rainey: " John, let me just respond in this way, no one to my knowledge and certainly not by me has been tried in the papers. No names have been mentioned. So if that is the way you are interpreting that, that is your problem, that's not mine. I cannot in reality adhere to a position in which you protest investigations. Indeed, I would say that Buncombe County is the least investigated County in North Carolina. For instance, two areas. We do not have in the District Attorney's office, where I admit this is where they should be, an investigative assistant as they have in other counties. We have not used our grand jury in the past for this purpose. This leads us to ask if we are going to try to get to the bottom of these problems, and I do think we have a problem. How do you do it. And the answer was through the City Manager and Audit investigating unit, and that's the reason why its there. I think it is there because we do not have in the District Attorney's Office the facilities for that investigation to be carried on and just be put into his hands. We do not have, as some other counties let's say, Mecklenberg, we have not used the Grand Jury approach which frankly, is the way that this matter should be handled."

John Jerose: "Well, why didn't you use it, why do you always sit down with the newspapers half the time and make these allegations. Why don't you go to the Grand Jury or the District Attorney. That's what my objection is for you."

C. Rainey: "Now, that is what I am saying. That we don't have an investigative..."

John Jerose: "You have a Grand Jury, Dr. Rainey. Why don't you use it."

C. Rainey: "Your Grand Jury, correct me on this Mr. Moore, your Grand Jury in Buncombe County meets, what once a year for something to do with the ....."

CIVIC CENTER INVESTIGATIONS - DISCUSSION AND STATEMENTS

The following is verbatim statements regarding Civic Center investigations.

John Jerose: "Mayor and Members of Council, my name is John Jerose, here today to seek some information and make a few comments,if it is appropriate. I am Secretary of the Asheville Civic Center Commission, I have .. I want to make it clear that I am not appearing here on behalf of the Commission but only as myself. The other day the lady I work for called me and -- Mrs. Thoms -- and she said what's going on over at the Civic Center, what are you involved in over there? I assure you Mrs. Thoms, nothing. What's all this business in the newspaper? and I said, that is a good question. The Asheville Civic Center Commission has not been consulted with regard to certain allegations that have been made. However, I don't think that there is anything wrong over there. I do know that the City Manager is conducting an investigation. Picked up the newspaper this morning and, Dr. Rainey, it appears that you've been quoted because there is quotation marks here "I have a feeling that what's been happening at the Civic Center is like a ball of yarn," Dr. Rainey said; "once you start unraveling the ball you don't know where it is going to lead,", further quote, "I feel it is going to lead into homes and offices of some very powerful people. That is one of the reasons why all of us have been so afraid of grasping that yarn." Is that accurate?"

C. Rainey: "Correct."

John Jerose: "Boy, I'm not afraid to grasp that ball of yarn and I would like to know, Dr. Rainey, what these allegations are."

C. Rainey: "That's in the hands of the City Manager."

John Jerose:"Have these allegations been in the form of what you believe to be indictable offenses? Criminal charges?"

C. Rainey: " Yes, that's what they are investigating now to see whether or not..."

John Jerose: " Just to clear the air, is any member of the Civic Center Commission involved in these allegations?"

C. Rainey: "Not to my knowledge."

John Jerose: "I see. Well, who are these powerful people that you are talking about?"

City Attorney: "Mr. Jerose, I think that this will, it comes in the providence of an investigation that is taking place now."

John Jerose: "All right, sir, I'm very sorry. That's an improper question. I guess the point I am trying to make is that if my, the person I work for, is wondering what's happening in this town and asking me about it, there is alot of other people in this town that read the newspapers, and I think we've tried people in the Civic Center and I am involved in the Civic Center and we've tried them in the newspapers without any actual facts coming out. I don't particularly like this. I have had an opportunity to work over there for a year or so with these people. I think they are a fine bunch of people. I think they work hard. I think

C. Rainey: "I think that the morale in the City is low because the majority of our workers and our policemen and our firemen are honest people. But I think that they see a minority of people who are participating in what I consider to be corrupt activities. Now, the same records that you looked at, that you refer to, which are part of the public record. The affidavits, in fact there are a series of them, admit to one, at least one blank billing going to the Civic Center Staff. Now, that's enough evidence."

John Jerose: " .... misinterpreting that affidavit. That was to do with a promoter and not the Civic Center staff."

C. Rainey: "That's where we're going to have to find out exactly what happened. Whether or not, who is responsible at that point..."

John Jerose: " See, there is an argument between us on what happened and that's been tried in the paper and that's my whole point, Sir, that it should not have been. The thing should not have gone to the press if you didn't have facts. You should have gone to the powers, to the District Attorney or something like that instead of the newspapers. And you've got to admit that you sat down with the newspapers, didn't you?"

C. Rainey: "No, I did not sit down with anybody."

John Jerose: "You and Joe Hall and a reporter didn't sit down and talk about this thing prior to any of these allegations being made?"

C. Rainey: "I did not. The meeting that you are referring to occurred one evening in which I was invited in by the Audit and Evaluation Department. Present at that meeting was Mr. Hall and Mr. Pritchard. I was there for a good 15 minutes and I had my say and I left. Now what you're suggesting Mr. Jerose, is that I gave to Mr. Pritchard the information that appeared in his pre-mature disclosure of this investigation and that serves as a fabrication."

John Jerose: "Well, it appears that, let's put it that way."

C. Rainey: "Well, its a fabrication."

John Jerose: "Well, I'd like to believe you. I think that you are a man of honor. I don't agree with your methods but I'll accept that personally. I've had my say, that's all I have."

C. Price: "I would just like to say that you know, it's my opinion that in our country we are suppose to be innocent until proven guilty and I do not like it when we are seemingly proven, having to prove, we are guilty until we prove our innocence. I think we should be weary of trying people prematurely, and Department wise not just the Civic Center its the Water Department and even in the paper, the Sanitation Department and it concerns me because it affects everybody in those whole departments. It includes our administration and seemingly almost our Council that we should know whats doing. In my opinion, they are doing as they should be doing, investigating it. And we shouldn't be assuming their guilty prematurely."

Attorney Moore: "No Sir, they meet more frequently than that. The District Attorney presents evidence to them at these hearings. John, I might say that the reason for the Audit and Evaluation Division is because number one, a city the size of Asheville or any city, I don't care what it is, must have some internal control and there must be someone to investigate these things that come up. For example, claims, all the other items that the Audit and Evaluation Division investigates which is absolutely essential. It also is used, number two, to assist the District Attorney by presenting evidence to him. i.e. the Water Department Investigation. We had letters from him at that time that in his opinion that was not enough evidence to prosecute. He is Chief prosecuting officer, but we have to present, give him some assistance in these matters. And also, to control the City operation. John, you just don't go out and say everybody's honest and let it go. You must have an investigative body and that happens to be the Audit and Evaluation Division which I am totally committed to.. I think that Barry and these people do a tremendous job and they are an assest to the City and I am sorry that I disagree with you but the Grand Jury or the District Attorney, number one, doesn't have the time or the potential or the ability to do this."

John Jerose: "Well, I would say that I don't have any disagreements with you Bill, but you know, the way you've presented it, but I don't think it is the City's job to do it, let the District Attorney do it. But I think that the District Attorney ought to do it on the basis of hard evidence and not in the innuendo and that is what's happened hear,apparently. I don't see, you know.."

Attorney Moore: " Let me say this, we're conducting an investigation, you've seen nothing of that come out in the paper and until it's completed you won't see anything in the paper."

John Jerose: "All I want to know is why the Commission wasn't approached on this stuff to begin with, alot of these things that have appeared in the paper could have been answered and pushed aside but yet we've spent an awful lot of time and money on it. Thats my objection. I don't think there is any problem. "

Mayor Trantham: "Concluding this meeting, I have a recommendation to make in regards to ....."

C. Rainey: " John,the Chief of Police held a press conference this past week which quite frankly, I think, he showed a tremendous amount of intestinal fortitude in discussing the past in this county and this city. The mechanisms that he's set up to investigate were in-house mechanisms the same way that the City Manager set them up. He was critized for this and he's still catching flack on this. And the thrust of my speech on Tuesday was to defend him. I don't write news stories. And how the press, what they think that is hard news and what they think is no hard news is their judgement and not mine. But that was my purpose and that's what I did. I think that you do not critize him for this or do you."

John Jerose: " Well, I don't know what I am going to critize, but all I know is that the morale of the staff at the Civic Center is devastating, okay, and over night- and I really feel that way."

I chose a team of people that have a very high degree of ability and with the public and city employees. Typically their activities are to collect factual information on the matters that I mentioned above and give an unbiased opinion and a written report to the City Manager of their findings. For example, Mr. Bumgarner is a policeman. He is paid for out of the Police Department budget, but he is on special assignment to me for the time being to carry out this function and he has all the authority of a police officer if he needs it at a particular point in time.

In August I made this statement and this is contained in the minutes of that August meeting, those six items that I just mentioned and the reason for setting up this division. And it was my feeling then and it is my feeling now that City employees are hard working, dedicated public servants and we've worked hard to make this a profession to be proud of. As the City Manager and a resident and taxpayer of the City of Asheville, I can't tollerate and won't tollerate criminal acts or misuse of public facilities, equipment or services. These matters will be dealt with through either personnel action and/or the criminal justice system after a factual internal investigation has taken place initially beginning with the process of the Audit and Evaluation Division. However, I believe that a City employee has the basic right of being considered innocent until proven guilty and heresay and suspicioned actions thoughtlessly, publically or privately implied casts a cloud of doubt and suspicion on all City employees and makes it appear that all City employees are criminals - and that's not a fact!

Again, the Audit and Evaluation Division is a division of concerned people concerned about the public and concerned about the City employees. Their job is to collect factual information, to rewrite the policy and so forth. In the course of their activities,on numerous occasions when they have developed information we will meet with the Police Chief, we will meet with the City Attorney, and we will meet with the District Attorney if we find some thread of evidence that is worth the criminal prosecution route. In the majority of the cases, there is not sufficient evidence for criminal prosecution. There is a matter of misunderstanding of the rules and regulations, and the lack of written policy.

In recent weeks due to the negative connotation of the word "investigation", I don't think anybody thinks the word investigation has any positive side to it,but I like to think it does and due to this fact their families and their friends become victims of being labeled guilty until proven innocent. To me this violates a basic principal of our form of government and basic human rights. And the kidding and the snide remarks that are directed to City employees, their kids at school,and their families,in church cut deep and decay morale.

The reason it takes so long for us to do an investigation is that we've allocated what I feel, all the manpower we can to this at this time. The main reason that they take so long is that most people that provide me with information fall into one of the following categories:

They do not have real facts; they are usually motivated by their own deep seated personal psychological problems; they seem to be more interested in disruption of the entire City function than the elimination of the wrong doing; they are usually alcoholics and/or individuals with criminal records and questionable moral character themselves; they are also people that are

Mayor Trantham: "Any other comments from the public? At this time, the City Manager, Mr. Michalove, has a statement he would like to make. In conclusion of this, I would like the members of Council - starting on the left, Councilman Rainey, to ask questions they would want to ask individually or any comments they have- to please do so. In conclusion, I have a little statement I'd like to make myself before we adjourn."

City Manager: " I am deeply concerned about the credibility of our investigations and the image of our City employees.

The City Council has hired me to manage the affairs of the City and to this job I feel a great sense of responsibility to the Council, to the public, to the employees.

In recent months individuals have given me a variety of information claiming wrong doings by City employees and in order to examine the claims administratively, I established the Administrative Audit and Evaluation Division in August of 1977. The main reason for establishing this particular division was that there were a sufficient number of matters that just could not be handled in a routine way by departments and divisions. They were items that required some immediate attention to protect the credibility of City employees and the Council and to provide a continuous professional level of service to the citizens of Asheville. There are six major areas that the staff of the Audit and Evaluation deal with.

1. They examine complaints about the lack of service or service below the standard that we expect;

2. They examine the administration of City affairs where resolutions, ordinances, policies and procedures are non-existant. We have a number of areas and many of our policies that are written are not very clear and many times an individual calls for service and we have a difficult time in relaying or interpreting that policy;

3. They examine claims for personal and property damage. A claim came in today that requires someone to look at the claim and in the course of a conversation here I'd say I'll turn it over to the City Attonrey, but in fact these are turned over to that Division to follow up, collect the information and give it to Mr. Moore for evaluation;

4. They examine charges of discrimination and/or the misuse or abuse of authority by City employees.

5. They examine situations wherein citizens feel they are getting the run around; and

6. They examine charges against City employees of infractions of City policy or alleged criminal acts.

Department, they won't occur in the future and I hereby appint two committees of my own men to clean it up."

I think then to me, it is not a question of it there is corruption here, the question is whether we're going to admit it and do something about it. Now, we're really starting at the same point, I think we have as the City Manager says, a majority of hard working dedicated public servants and I know that for a fact because those are the people that have told me about the sales of meter casings, not scraps, but meter casings, about days that were missed and yet men were paid for them, about work being done at homes. These are substantiated, at least to me, by eyewitness reports.

And no one at no time can I be discouraged seeing those pursued. Now we start at the same point, we say that we have a problem, that it's a minority problem, but we're going to do something about it.

I do not have an answer for the charge or the contention or really a re-statement of a basic principal of law that you're innocent until proven guilty. I suppose all of us believe in that, there's no problem with that statement. The problem is, it's a problem that the Chief has run into. When you talk about these things, people say to you, "don't talk about them; you ought to ignore them because if you say anything about it, the majority of our policemen or the majority of our city workers who are not doing anything wrong will somehow be painted with that brush." The radio stations here have had that same problem. There are . . . there is one principal that has even indicated that another radio station, in addition to the one alluded to earlier, is involved. Now there are only four radio stations in Asheville, so what do you do? The two that are obviously above suspicion are being painted with a brush of guilt or suspicion of guilt at that point. In talking to radio managers over the last couple of days, I can hold out to them only one possibility and it's the possibility that we hold out to City workers or to even to our policement - that at the end of a tunnel when we finally come through this and it is at that point that the guilty and the innocent will be separated -- and that the innocent radio stations, the innocent officers, or innocent workers will be known. Now, there's no other answer to that. To me, to say, let's don't go into this, or let's not be serious about it - that to me is not acceptable, because we have to see this through. We have to see it through.

It is my opinion, that this is a problem that is deeper than any of us have realized in the past, it's been with Asheville a long time, it is a problem that has close alliances in the political arena and it's one that's going to be difficult to clear it out. I, for one, am dedicated to doing that. I will not be deterred by an advisory board. I will listen to my colleagures because I respect them, but I will not be deterred from pursuing this through the procedures as I have outlined, that is the memos to the City Manager and making sure that this evidence is brought to him. Thank you, Mr. Mayor."

C. Cole: "Mr. Mayor and members of the Council, I am a new member of Council, relatively new. I believe it has been three months since I have served as a member of Council. I've put alot of time into it, a lot more time perhaps than I anticipated initially to take away from Carolina Federal Savings and it has been a learning process of learning the process of government, learning the citizens of Asheville and learning the service that the citizens that the employees of Asheville offer to the public. I have every confidence in our City Manager. I know him. In the three months I have worked closely with him I've found him to be a very dedicated individual, giving considerably of his time. I am very much concerned as to the moral

quite interested in making sure that the media covers their remarks, and also, most of the people that come to me with what they think is hard criminal evidence don't know the difference between hearsay and facts.

Now I'll get to the point - what's really bothering me is that in order for me to function as as administrator, I need your support as a Council. I need the support of the community and I need the support of the employees. If you feel collectively that I have mismanaged or whitewashed an investigation, I need to know that and further investigations or past investigations can be reopened through the criminal process or through the charter provisions. However, if you feel the investigations have been properly done and have been done in the best interest of city employees, the city staff, and the community, I also need to know that and I do need an expression of your confidence today."

Mayor Trantham: "Councilman Rainey, do you have any questions or comments to the City Manager?"

C. Rainey "Thank you, Mr. Mayor, I have no problem in the City Manager and that will be the ending that I'd like to get to in a minute, but let me simply say that my procedure in the past in investigating alleged criminal activity within the City staff worked as follows: I would listen to the hard working dedicated public servants of this city and they would tell me that this or that was present in the workings of the staff. (I use the word "bureaucracy," it's the organized term for government.) I would start out from those reports, the hearsay and secondhand and thirdhand information and ask for eyewitness reports or hard pieces of paper which would give credence to the allegations. Or I would ask, in the case of the Civic Center investigation, for where this paper might be found. Then I would write these up, these allegations, in a memorandum to the City Manager. And this is what has happened in the case of three departments. They were confidential memorandums sent to him.

And Mr. Jerose raises the question of whether or not the Civic Center Commission should have been brought in and made a party to the memorandum on the investigation of the Civic Center, I cannot answer that question. That will have to be answered by someone else, because I do not report to the Civic Center Commission and if the Mayor or City Manager wanted to share that with the Commission, that was their perogative.

One investigation has been completed. A week ago Wednesday I met with the City Manager after giving long and careful consideration to his report, and expressed my disappointment in that investigation. I experssed it to his face; I expressed it in the presence of Mr. Moore and Mr. Bumgarner. I said at that time 33 allegations and no - what appeared in the report to me, at lease the way I interpreted it - no criminal acts found or any administrative corruption taken. There's a lot of smoke for no fire. There was printed, the previous Saturday in the Asheville Citizen, two editorials which I think in reading them myself, led me to conclude that there was disappointment elsewhere about that investigation. The morning editorial went into some depth in analyzing the situation and I wholeheartedly agree with it. The Asheville Times in the evening gave bouquets in their "brick/bat bouquets" column (which we all know about, at least I know about the brick bats) gave bouquets to the Water Department individuals who had made that possible.

Now, the credibility of that investigation, ifwe want to use that terminology, is either questioned or not questioned depending on your circumstances, the way you look at it. I am disappointed in it. I have never called it a whitewash and I won't, although other people do. On top of that, we have again, the courageous stand taken by the Police Chief in honestly saying: "this has been, these things have been occurring in the past in the Police

one who has come before City Council even prior to my days of actively serving in public office, regarding certain things in our community. It is a very complex set of operations that we have in our City. We're dealing with a number of people of all walks of life, of all levels of intellect and of character and integrity. And we most assuredly will have from time to time some human problems arise. I feel that we have been perhaps innocently victimized by poor communications through the years. Through all the administrative ranks. I have been impressed by Ken Michalove that he has had this reaction too, that communications is very important in serving as administrative head of the City. And I must say that my confidence and respect for Ken have both grown very noticably since he has assumed this position. And certainly I have every intention of working closely with him personally in every area of alleged misconduct or alleged improper activity on the part of any employee of the City whether it be from the City Manager down to those who are digging the ditches for the Street Department or for the Water Department. I feel that this is of course primarily the responsiblity of the administrative process to initiate any investigation of any employees and I must echo what has been said here that information needs to be gathered. I feel that what is being done with this Audit and Evaluation Commission is a very positive and, I think, effective method of approaching this problem. Again, Mr. Michalove has only recently assumed this responsibility and he more than we must start where he is. Some of us have been in office for some time, we might go back a few years to pick up some of the threads but I commend him on this approach and we must recognize that we must start from where we are and hopefully, once we, to use a metaphor, get out of the ditch, we will be able to stay on solid ground for the future and I have every confidence that Ken Michalove is going to lead the administrative function of the City. I am pleased to have our Police Chief with us today because I feel that what he did was a very courageous thing. I commend you, Chief Tucker, on what you did. Sometimes its hard to admit publicly that things are not just right. But its better to recognize the realities of the situation and do what one can to rectify it and go forward then in a positive manner and along the lines of high principles, justice, and fairness.- both up and down the line. And I think when we have an understanding like this, we are going to have better operations from our people and I think that once we establish these better lines of communication that we will all benefit tremendously, and I would trust that our services to the community will be improved. I am very honestly, positively, expectant that the steps that have been taken will bear much fruit for the future. We'll have to go through some of this distasteful procedure, I guess, for the time being, but I feel that we will overcome it, and we will."

C. Michael: "I would like to say that I think that the City Manager's concern is based primarily and if I am wrong Ken, tell me, on the fact that Dr. Rainey made a speech about City business in a lecture to an ethic committee administered. In my opinion, I think that this is wrong. I think its wrong for any Council person to discuss whether a City department is under suspicion or certain people, affidavits that have been given and mentions the affidavits without discussing it prior to with his fellow Council members and the City Manager. I think that this is intentional because the news media had to be notified of what was going to be said at that lecture and would also have an interview given on TV and this is the first time that I heard that Dr. Rainey was going to call in the FCC and get outside help. This is another indication that there is no confidence in our City Manager and in his investigating committee.

of City employees, when will I be investigated next, or when will my name come up. I really regret that this is hanging over the heads of fine capable employees wondering when is the ax going to get me. I just hope that there is more than smoke, but I do feel that we must create a confidence in our people who are working for the City of Asheville. I believe they are good people. I think they are doing their best to earn what they are paid. I personally have not had anybody come to me and tell me a lot of things. Maybe it's because I'm naive. Maybe it's because I'm new. But I will say this that I do have the utmost confidence in our City Manager and I will back him to the hilt in the work that he's attempted to do to investigate fairly and I do not like to see people persecuted by innuendo, McCarthyism, name it whatever you call it. If they are facts, then I think they should be developed, and in turn brought out in the public. I have had no Council Member come to me and say I know so and so and so and so. I don't at all and I feel frankly that as a Council member who tries to be honest, to be a good citizen of Asheville, I feel it reflects on me as an individual member of Council that we have implications we have all this corruption. I don't believe it. As I say again, I do have the utmost confidence in our City Manager and I support him in the efforts he's making."

C. Price: " First I, like Mr. Cole, have not had implications given to me, but if I did have those that I felt were of criminal intent, or criminal abuse, or in that vein at all, I would simultaneously notify the City Manager and the Police Chief and the District Attorney. If they were, and I think this is where a great deal of the problem has come in the matter of just sematics What is improper, what may be even unethical has almost been labeled criminal by just inference. So many of the things that are making reference are simply misconduct, as Mr. Michalove stated, with perhaps no proper knowledge of what they should be doing. These types of matters would be handled or would be given in a memo to him. Hopefully, I would receive whatever information I needed back, but that would be what I feel is a role of a Council member should be the end of what I should do with this type of information. It would be strictly confidential with me and to whomever I referred to. But I think the word I... I contacted the Institute of Government today, because I felt it was of concern what role does the Council member have in this field. I read the newspaper article, in part, to a member there, and they picked up on the word bribery that was referred to in the speech and the word bribery is libelous or is criminal. Now, I do not believe, Chief Tucker made that, by reference to his people being involved with bribery. That is criminal. I do not believe that that was what was involved, but that was what had come out, so we have taken the works that were gratuties and simple, maybe improper actions and have continued, through continuation with this talk, have almost come to the charging of people criminal which is really improper. I think that we, once we lose -- now, if I did not have confidence in my City Manager, then I would not be sending him the memos. But I do have complete confidence in him and any misconduct or any knowledge of any thing coming to me in that line, will go to him because I have complete confidence in him. As I stated, if it's beyond the role of misconduct then it will go simultaneous to him and to the proper police authorities -- and I immediately will step out of the picture, and I give you my hand.

VM Horton: Mr. Mayor, in the interest of not restating some of the things that have been said, I have very little to say. Except that I have been an observer of City Government for many, many years, an interested observer and sometimes

I sought each individual out separately and asked for their support, and help, and confidence and a team to work together in unity and that I was promised. Without that I cannot be a good Mayor. Neither can Ken Michalove be a good City Manager. We both need this more than ever. I have had people call me ..... when with the City, with rumors or what they heard was said. I consulted him, the City Manager. I don't think its right to continue with a small group that comes out with hearsay or what have you and I personally feel like when we find out that this is what's going on that should be replaced. Without unity in the whole City organization, we cannot do the job we were elected to do. This Council has a big job ahead of them. We have some big things to do. We have the Airport, our water, sewerage, revitalization down town and if we devote our time on the things the City Manager is in charge and trusted to do, we cannot do these things. I think, future wise, when we have any of these people call, like last night I had a call - what's going on up there - you got a bunch of crooked Councilmen covering up for these people? That hurts, it hurts deeply. And in truth I said "Hell, no." and I'll say it again. And I think when the time comes that we do - are confronted with these things before exposed to the public, let the members of the City Council discuss it among themselves and direct our City Manager what action to take or if - rather to go to the City Manager and tell him the complaints. I worked with with our City Manager for 11 or 12 years. We worked together on grants on big things that concern the City and County both which really, we are as one. We all live under the same umbrella, you might as well say. And if we don't look after the welfare of our people, employees, whose going to do so. I think we have, and I am proud of the employees of this City. I've worked with the City in the past with the City Police, Sheriff's Department, Water Department over the years while I was in business and I think that we have a dog gone good set of employees and I'd hate to see just a few try to take them down the drain. And if it's within my power its not going to happen. But I would hope that we set some ground rules that in the future that we can all work together and God knows we have to, and if there's any complaints, let the City Manager take it. That's his job and I think the more he gets the more he welcomes - feel like he's earning his money. But truly, I do hope that we can work in unity and not by any confusion among ourselves and if its within my power, I'm not going to have it because whatever power I do have - why I am going to ask your cooperation of the other members. Meeting, Adjourned".

Ray M. Hamilton — Marian S. Moseley

MAYOR — CITY CLERK

I hope that in the future we can work together as a team, share our information and try to get the right results. I was approached by a couple of these people that went to Dr. Rainey and I refused to accept their information without going to the City Manager with it and then signing their names. I guess they went to Dr. Rainey and got what they wanted. I'd like to say that I have every confidence in our City Manager. To give you a little background, one of the reasons that we selected him as City Manager was because of the fine investigation he did in the Water Department; he spent hours and hours and hours and I took this under consideration that he was a hard working man. Now we're saying that he's doing too much. What do we want? What type of City Manager? We want one that does too much or too little? I don't know. But I'd like to say Ken, you have my confidence and I appreciate what you're doing."

C. Morris: "I've been on the Council through three City Manager's. Certainly I've never felt that any of them were dishonest people. I've trusted all three. I've tried to leave all three to do their work. I trust our current City Manager very much. I think that he can do the job. City Council's authority is limited. We have the authority to hire and fire the City Manager, the City Clerk and the City Attorney and at that point, our authority ends. If I didn't think that the City Manager was competent to do the job then I would suggest to the other members of Council that we begin to seek another one. Since I do consider him to be competent I will deal through him and through him only. I do listen when I'm asked to listen to all matters of accusations, be they accusations that I could verify or not. These I would turn over to the City Manager as I have to City Manager's in the past. I will not paint each department with a broad brush and leave the suspicion that perhaps everybody in the department is dishonest. I think if the time comes when I cannot trust the City Manager and I feel I need to bring a charge, it will be against some specific individual and it will be specific in what the charge is. I feel that if I ever get to the point where I cannot trust the City Manager I feel that something must be done. I think that I ought to be man enough to make that accusation in such a manner that the accused has some recourse against me in courts. I've been through 2 and 1/2 years of investigations and up to this point we have had the morale shattered in the Water Department, we have had the morale shattered in the Police Department, we've had the morale shattered in the Inspection Department, we've had the morale shattered in the Civic Center staff now and up to this point in time no one person has even been formally accused of a crime. The old expression is that a blind hog will find an acron from time to time, and I am certain that our City staff is not 100% honest and that if we investigate long enough we will find somebody crooked. It's just bound to happen. But I think the price we're paying at this point in time in terms of morale of our City people, between employees and citizens is much too great - much too great. So as in the past if I have a suspicion or a concern I will bring it to the City Manager. I will not take it to the press. I can see no purpose in giving this type information to the press except for personal publicity and I don't need it."

M. Trantham: "I'd like to say that when we were sworn in as representatives of the people in this City, I think we was all pleased at the confidence these people, in this City, bestowed upon us. I take great pleasure in - after sworn in - that this Council saw fit to bestow the honor upon me as presiding as Mayor.

The City Manager read the ordinance and explained that Council by Ordinance No. 998, appropriated funds for four projects. These projects required no local match and were funded by the Economic Development Administration, U. S. Department of Commerce Local Public Works Act and these projects have been let to contract. Two contracts exceed the funds appropriated in the ordinance and two contracts are less than the funds appropriated in the ordinance. There is no change in total funds appropriated, however, the budget should be amended to reflect these changes. He said the scope of the projects had not been changed by the decrease in the funding. He said the project totals were estimated when appropriations were made.

Councilman Morris moved for the adoption of Ordinance No. 1029. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 6-0, Ordinance No. 1029 passed on its first reading.

ORDINANCE NO. 1031 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78

4. Consideration was given to an ordinance amending the operating budget of the City of Asheville for Fiscal Year 1977-78.

The City Manager read the ordinance and explained that this would fund a Clerk Typist II position in the Personnel Division; appropriate additional funds to the Facility Services Division for street lighting, maintenance repair of building and capital outlay buildings to put an air conditioning unit in the Data Processing Division; and to fund a position formally carried as CETA for an Assistant in the Purchasing Division. He said the funding would come from Non-Departmental Contingency, Antirecession Fiscal Assistance and Revenue Sharing Trust Fund Nondepartmental Contingency Fund.

Councilman Michael moved for the adoption of Ordinance No. 1031. This motion was seconded by Councilman Morris.

On a roll call vote of 6-0, Ordinance No. 1031 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1031. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1031 passed on its second reading.

Councilman Morris again moved to suspend the rules and proceed to the third reading of Ordinance No. 1031. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1031 passed on its third and final reading.

Complete text of Ordinance No. 1031 will be found in Ordinance Book No. 8 at page 169 .

ORDINANCE NO. 1030 - AN ORDINANCE REALLOCATING, AMENDING AND APPROVING COMMUNITY DEVELOPMENT BUDGET FUNDS SET FORTH IN THE CITY OF ASHEVILLE GENERAL FUND BUDGETS FOR 1975-76, 1976-77, AND 1977-78

5. Consideration was given to an ordinance reallocating, amending and approving Community Development Budget Funds set forth in the City of Asheville General Fund Budgets for 1975-76, 1976-77, and 1977-78.

Thursday - March 16, 1978 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen F. Jack Cole, Otis B. Michael, Gene E. Rainey, Ralph D. Morris, Jr., Acting Corporation Counsel Robert J. Robinson, City Manager K. M. Michalove, and Acting City Clerk Carol Hensley.

Absent: Corporation Counsel William C. Moore and Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

Councilman Rainey introduced Rev. George Patterson, of the West Asheville Assembly of God, who gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the March 9, 1978 meeting.

Councilman Rainey moved to approve the minutes of the March 9, 1978 meeting subject to minor changes in his verbatum statement regarding Civic Center investigations. This motion was seconded by Councilman Cole and carried unanimously.

ORDINANCE NO. 1028 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Including Ballantree Subdivision in the Zoning and Subdivision Jurisdiction)

2. Consideration was given to the second reading of Ordinance No. 1028, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended to include Ballantree Subdivision in the City's Extraterritorial Zoning and Subdivision Jurisdiction and to zone the property R-2 Residential District.

The City Manager said he had received a verbal request from Mr. Williams of the Board of Directors of the Ballantree Homeowner's Association to postpone the second reading of the ordinance, however, he had not received a written request.

Hal Brooks, a resident of the Ballantree Homeowners Association, said it was his understanding that there was some confusion as to whether this property would be taken into the City Limits by this action and meetings with the homeowners are planned for next week. He said Council could either postpone action or have the second reading and the homeowners could meet before the third reading of the ordinance.

Councilman Morris moved to postpone the second reading of Ordinance No. 1028 until March 23, 1978. This motion was seconded by Councilman Michael and carried unanimously.

ORDINANCE NO. 1029 - AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CAPITAL PROJECTS ORDINANCE EFFECTIVE OCTOBER 15, 1977

3. Consideration was given to an ordinance amending the City of Asheville Capital Projects Ordinance effective October 15, 1977.

He said this action was recommended by the Asheville Revitilization Commission and the Asheville Revitilization Commission Parking Committee.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, Resolution No. 78-48 was unanimously adopted.

Complete text of Resolution No. 78-48 will be found in Resolution Book No. 10 at page 189.

PETITION - RED CROSS - RE: IMPROVEMENTS TO EDGEWOOD ROAD AND WESTALL AVENUE

7. Mr. Philip Carson, Attorney, representing the American Red Cross reviewed the background of the petition. He said in March of 1975 the City Council held a public hearing relative to a group development plan for a proposed Regional Red Cross Blood Center to be constructed at the corner of Edgewood Road and Westall Drive. During the public hearing a motion was made to approve the site plan subject to the recommendations of the Planning and Zoning Commission and subject to the Red Cross dedicating the necessary rights-of-way from its property and subject to the Red Cross reimbursing the City of Asheville for the cost of improvements to Westall Drive and Edgewood Road along its property lines.

Mr. Carson said since that time the Red Cross, due to funding, has reduced the size of the proposed building to under 25,000 square feet. He said had the building been under 25,000 square feet at the time the building was first proposed it would not have required Council's approval as a group development plan.

Verl Emrick, Planning Director, said since the plan was previously submitted to Council for approval the reducing of the size of the building would be a modification to the plan and Council would still have jurisdiction in the matter.

Mr. Carson said the American Red Cross is petitioning the City of Asheville that the matter of the requirement that the Red Cross pay for any improvements necessary or desirable and which are made to Edgewood Road and Westall Drive in connection with the construction of the Red Cross' Regional Blood Center be reconsidered and that the City of Asheville make any improvements in the nature of widening Edgewood Road as a public expense.

After discussion, Mayor Trantham advised that Council would arrange a work session to discuss the Red Cross petition.

LETTER SUPPORTING CHIEF OF POLICE AND COUNCILMAN RAINEY

Mary Robertson, of 866-1/2 Haywood Road, presented the following letter:

March 16, 1978

TO: Asheville Mayor Roy Trantham
Vice-Mayor William Horton
Council Members Jack Cole, Otis Michael, Ralph Morris and Norma Price

Re: Police Chief Melvin Tucker
Re: Councilman Eugene Rainey

We, the undersigned concerned Citizens of Asheville, wish to go on record with Asheville City Council, as being in full support of our new Police Chief Melvin Tucker in his efforts to enforce the Laws of the City of Asheville.

The City Manager read the ordinance.

Councilman Michael strongly objected to the language of the ordinance. He said in the First and Second Action Years important projects were eliminated and these surplus funds should be used to support these projects. He said the funds should be used in the old Community Development area since they can not be funded for the newly revised area. He said too much money was being appropriated for parks and recreation projects. He suggested that Council delay action on the ordinance until Council could again review the appropriations.

Vice-Mayor Horton contended that all the projects that were eliminated in the First and Second Action Years could easily be substantiated for their elimination.

The City Manager said the surplus money has to be allocated soon or all the surplus money would have to be spent in the newly revised Community Development area. He said he felt the City had an obligation to spend the money in the old area.

* See Amendment to minutes on page 141 A -

After discussion, Councilwoman Price moved for the adoption of Ordinance No. 1030. This motion was seconded by Councilman Cole.

Vice-Mayor Horton questioned whether the Kenilworth Residents Association would agree to reducing the appropriation of $75,000 to the Kenilworth Park Project to $35,000 thereby reducing the amount by $40,000 which was appropriated for fill dirt. He said over a period of years the City could fill in the property without the added expense of fill dirt.

Peter Winslow, President of the Kenilworth Residents Association, said he felt the homeowners in the area would like the park completed before the City could have time to fill in the property. He also said with construction cost rising he felt it would be "false economy" in trying to save the $40,000.

On a roll call vote of 5-1, Ordinance No. 1030 passed on first reading with Councilman Michael voting "no".

Logan Delany, Community Development Coordinator, noted that the Deaverview Park Project concept was not included in the reappropriation of these surplus funds.

Based on discussions in the Council agenda meeting, Mayor Trantham appointed a committee consisting of Councilman Morris, Vice-Mayor Horton, Ray Kisiah, Logan Delany, Ken Michalove, and Bill Moore, to meet with the YMCA Board to negotiate a lease/purchase agreement for the Deaverview Park property.

RESOLUTION NO. 78-48 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR DEVELOPMENT OF A PARKING LOT ABUTTING INTERSTATE HIGHWAY 240

6. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for development of a parking lot abutting Interstate Highway 240.

The City Manager read the resolution. He said this would authorize the Mayor to execute an amendment to an agreement, dated September 28, 1961, with the Department of Transportation for Encroachment Asheville Expressway. This amendment would allow the City of Asheville to utilize an additional portion of the right-of-way abutting Cherry Street between Short Street and Flint Street for parking purposes.

AMENDMENT TO MINUTES OF MARCH 16, 1978 MEETING

At the request of Vice-Mayor Horton, during the March 23, 1978 meeting, the following discussions were included in the minutes relative to Ordinance No. 1030.

Councilman Michael said he was on the Mayor's Community Development Review Committee to make recommendations on appropriations for funding for the reprogrammable funds. He said the other two members of the Committee were Vice-Mayor Horton and Councilwoman Price who both live in the West Asheville area. He said he was outnumbered for projects being funded for West Asheville.

Vice-Mayor Horton said the projects listed in the ordinance for reprogrammable funding are not totally for the benefit of the West Asheville area. He said he did not feel anyone could say that he nor Councilwoman Price had the reputation of pushing West Asheville projects and protecting West Asheville's interest anymore than they have for the entire City.

Mary Robertson, 866-1/2 Haywood Road, commented that Vice-Mayor Horton was right in that he nor Councilwoman Price had never done much for West Asheville.

In response to Mrs. Robertson, Vice-Mayor Horton said Council had just adopted an ordinance re-shuffling funding for EDA projects. He said the EDA projects were totally for the West Asheville Area. Those projects being the Deaverview Bridge Project, Patton Avenue-Smith Bridge Feeder Project, Smith Mill Creek Sewer Project and the new West Asheville Fire Station Project for a total funding for West Asheville in the amount of $905,200.

Mr. Stepp said he had signed the letter presented by Mary Robertson in support of Chief Tucker and Councilman Rainey. He said he had heard that Chief Tucker was considering reducing the police force from 150 to 140 employees. He took issue with this consideration. He said if anything the force should be increased with more patrol on the streets. He said it was also his understanding that the Chief did not consider "money" as one of the major problems with the patrolmen, which is not true. He said he had talked with many of the patrolmen and money is one of their major problems.

Mr. Stepp said he did not understand why the City of Asheville needs an Audit and Evaluation Division when the investigations could be handled through the Chief of Police. He said investigations of fraud and stealing and padding of payrolls should be turned over to the Police Department.

Mr. Stepp also said he did not favor executive sessions. He said all governmental meetings should be open.

BIDS - TWENTY-FIVE (25) PORTABLE/MOBILE RADIO UNITS - INSTALLED IN ASHEVILLE POLICE VEHICLES

9. Consideration was given to bids received March 6, 1978 for twenty-five (25) portable/Mobile Radio Units, installed in Asheville Police Vehicles.

The City Manager read a memorandum from the Purchasing Agent which stated that two bids were received: General Electric Company in the amount of $26,375.00 and Motorola Communications & Electronics, Inc. in the amount of $33,865.00. The low bid submitted by General Electric Company does not meet specifications with regard to mobile operation. The portable radio, equipped with vehicular charger console, will not operate as a mobile in the vehicular charger, but its 700 mAh battery can be charged. The Motorola unit with 'converta-com radio mobile console' or its equivalent, as specified in our Bid Request, provides complete user flexibility by combining the portable radio with matching radio console. Outside the police vehicle, constant communication is maintained using the portable. Inside the vehicle, true mobile performance is obtained by insterting the portable into the mobile console. Radio frequency power is immediately available upon insertion, even if the portable radio battery is completely discharged. Since the portable radio gets its power from both the vehicle's battery and the radio's battery, immediate communication is obtained regardless of portable battery condition. There is no waiting for the radio battery to recharge.

Police Chief Mel Tucker and the Purchasing Agent reviewed the bids and recommend the fully responsive bid submitted by Motorola Communications and Electronics, Inc. in the amount of $33,865.00 be accepted.

Police Chief Mel Tucker also said it would be good not to mix the communications system as the Police Department now has Motorola equipment.

After discussion, Councilman Rainey moved to accept the recommendation of the Purchasing Agent and award the bid to Motorola Communications and Electronics, Inc. in the amount of $33,865.00. This motion was seconded by Councilman Cole and carried unanimously.

We, the undersigned wish to go on record as supporting Dr. Eugene Rainey in his efforts to do the job he was elected to Aasheville City Council to do. We feel Dr. Eugene Rainey has shown fairness and impartiality in investigating alleged corruption and irregularities in our City Government. As a veteran member of Asheville Council, he has been in a position of assuring continuity in his ongoing investigations.

Dr. Eugene Rainey listens. He is always available to listen to the ordinary working people. He is trying his best to do the job he was elected to Asheville City Council to do. We support his effort whole heartedly.

Signed
Concerned Citizens

JoAnn Swilling
91 Vermont Avenue 28806
Phone 258-2567

Jo Parker
66 Frances Street 28806
Phone 252-2725

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Deane Bleankenship
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Mrs. Janie Wright DeBruhl
24 Mildred Avenue 28806
Phone 253-3505

Betty Dutcher
28 Drake Street 28806
Phone 258-0090

John Jervis
204 Providence Road 28806
Phone 252-3292

Ray Stepp, President of the Redwood Forest Homeowners Association, made several comments to the Council members. He said the trip planned to Jackson, Mississippi to review the Jobs Corps Center in Mississippi would cost about $30,000.

B. Resolution No. 78-50 - Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for a water line on North Carolina 280 (Long Shoals Road) in Arden, North Carolina.

HIGHLIGHTS: This encroachment is for a 4-inch water service line to supply the Lakeview Apartments to be built on Long Shoals Road.

Resolution Book No. 10 Page No. 191

C. Resolution No. 78-51 - Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the Southern Railway Company concerning a 12-inch water line to cross railroad property near U. S. Highway I-40 and U. S. Highway 74 in Asheville, North Carolina.

HIGHLIGHTS: This encroachment agreement with Southern Railway Company is for the water line now under emergency construction at U. S. 74 and the I-40 interchange. The relocation of the railroad tracks in conflict with the highway construction has made it necessary for the City's main water line to cross under their property and a formal right-of-way agreement is required.

Resolution Book No. 10 Page No. 192

D. Resolution No. 78-52 - Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for a water line crossing U. S. 25 (Hendersonville Road) in Buncombe County.

HIGHLIGHTS: This encroachment is for the purpose of supplying a 6-inch water connection to a proposed new apartment complex to be built on Hendersonville Road just past Lutheridge on the left. This will be supplied from our 8-inch main line located on the west side of Hendersonville Road (U. S. 25).

Resolution Book No. 10 Page No. 193

E. Approval of bids received March 13, 1978 for two (2) pick-up trucks, one (1) Pick-Up Truck with four wheel drive and wench, and one (1) Station Wagon for Sanitation Division, Asheville Watershed and Water Engineering Division respectively.

HIGHLIGHTS: Two (2) bids were received:

	Bidder	Bid
Item #1 (2 Pick-Up Trucks)	Dorato Motors	$8,289.00
	Matthews Motors	8,108.50
Item #2 (1 Pick-Up Truck with 4 wheel drive and wench)	Dorato Motors	5,997.00
	Matthews Motors	5,934.49

CHIEF MELVIN TUCKER - COMMENTS

10. Chief Tucker, responding to Ray Stepp's comments, said he had no intention of reducing the force at the Police Department. He said he was considering reassigning manpower to handle the work load during peak hours, those hours being 3 p. m. to 11 p. m.

In regard to foot patrol in the downtown area, Chief Tucker said he has established a Problem Solving Task Force, consisting of employees in the Police Department, to review such problems.

In response to Councilman Michael, Chief Tucker supported the Audit and Evaluation Division stating that the Division needed the patrolman now assigned to the Division since at times the investigations of allegations require police work.

In response to Mayor Trantham, Chief Tucker said if parking meters are removed from the downtown area, this would not jeopardize the employment of the current meter maids.

50TH ANNIVERSARY AND REDEDICATION OF THE CITY HALL BUILDING

11. The City Manager said Sunday, March 19, 1978 marks the 50th Anniversary of the City Hall Building. He said the City would have a rededication ceremony on Sunday, March 19, 1978 at 3:00 p. m. in the Council Chambers. He said Councilman Cole would be Master of Ceremonies and would review the history and construction of the building. He said former members of City Council, Corporation Counsels, City Managers, City Clerks, and special guests have been invited.

APPROVAL OF THE CONSENT AGENDA

12. The City Manager explained that the items on the consent agenda are of a routine nature and have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff any single item scheduled for approval on the consent agenda may be considered separately.

Items on the consent agenda include:

A. Resolution No. 78-49 - Resolution endorsing the Land-of-Sky Regional Council's Regional Housing Plan.

HIGHLIGHTS: The Asheville Planning and Zoning Commission at its meeting held February 1, 1978 voted to endorse the Regional Housing Plan which was presented to the Commission by the Land-of-Sky Regional Council. The Commission further recommended approval of the plan by the City Council.

The Regional Housing Plan provides an analysis of existing conditions and presents a framework to help guide future housing within Region B in a comprehensive and orderly fashion. The plan is in general conformity with the City's Housing Assistance Plan.

Mr. Graves said the report indicates that minorities make up approximately 16 percent of the City government work force, which is only slightly lower than the percentage of minorities in the Asheville population. He said less than one percent of official and administrative positions are filled by members of a minority group. He said elevating minorities to higher positions is difficult because of a past freeze on hiring, competition from private industry and civil service regulations.

Mayor Trantham thanked Mr. Graves for the report and said Council would review it in detail in a work session.

Councilman Michael said he felt the City of Asheville remains the same in regard to the Affirmative Action Program as it did two or three years ago with only one percent of administrative positions held by a minority group.

CLAIM - NUTTALL ASSOCIATES, LTD.

The City Manager presented a claim received from Nuttall Associates, Ltd.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

ASHEVILLE HOUSING AUTHORITY - CHECK - PAYMENT IN LIEU OF TAXES

The City Manager presented a check received from Mr. David Jones, Executive Director of the Asheville Housing Authority, which represents payment in lieu of taxes.

STATEMENT BY COUNCILMAN GENE RAINEY- RE: INVESTIGATIONS - CIVIC CENTER

The following is a verbatum statement of Councilman Gene Rainey regarding investigations:

"Thank you, Mr. Mayor. I just want to mention a few things, if you don't mind. Last Thursday, I sort of felt like that famous Texas outlaw that had been condemned to the gallows and he said he didn't mind going to a public launching except where his own neck was involved.

I've gone through several moods since last Thursday, ranging all the way from anger to depression,and I'm glad to say, as a result of our Tuesday meeting and the executive session meeting that I feel, I think, fairly philosophical about last Thursday. Friends have helped quite a bit, some of those that thought that maybe my mood wasn't improving good enough, so they were glad to come along today,and I appreciate that. I appreciate very much the very good reporting by Mr. Robinson in the Sunday article which frankly raised issues better than I could have raised today and especially that very well written and hard hitting editorial in the Citizen, Monday morning or Tuesday morning, which raised again these issues.

But there are several areas I'd like to touch on. I got the impression Thursday,and correct me if I'm wrong, that essentially what the Council was saying to me was that we really don't have a problem of corruption in Asheville, we only have a problem of one Council member who talks about it. Now, I'm convinced of this problem and I think that the majority of the people in Asheville are convinced of it too. And I'd like that our response to be really that we will persevere with this problem and see it

		Bidder	Bid
E. (cont'd)	Item # 3 (1 Four Door Station Wagon)	Dorato Motors	$5,189.00
		Matthews Motors	5,916.75

Recommendation of low bidder on a per item basis:

Item # 1 - Matthews Motors - $8,108.50
Item # 2 - Matthews Motors - 5,934.49
Item # 3 - Dorato Motors - 5,189.00

Funding: Item 1 - Revenue Sharing Trust Fund-
Capital Outlay Equipment
Account 50-428.0074, budgeted $9,200.00

Item 2 - Water and Sewer Operation, Watershed-
Capital Outlay Equipment
Account 30-752.0074
budget line item -
unencumbered balance Z57,689.71

Item 3 - Water and Sewer Operation - City
Engineering Office - Capital Outlay
Equipment, Account 30-720.0074
budget line item
unencumbered balance $131,837.54

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, the consent agenda was unanimously approved.

RESOLUTION NO. 78-53 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH THE STATE OF NORTH CAROLINA, DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF CRIME CONTROL, FOR THE CITY/COUNTY AUTOMATED POLICE INFORMATION SYSTEM

13. Consideration was given to a resolution authorizing the Mayor to sign a contract with the State of North Carolina, Department of Crime Control and Public Safety, Division of Crime Control for the City/County Automated Police Information System.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Price, Resolution No. 78-53 was unanimously adopted.

Complete text of Resolution No. 78-53 will be found in Resolution Book No. 10 at page 194.

AFFIRMATIVE ACTION PROGRAM - REPORT

Mr. Samuel Graves, Personnel Analyst, presented a report on the progress of the City's affirmative action program. He suggested to Council that a committee be appointed to review the City's plan on hiring more minorities and women, and to recommend how improvement can be achieved in providing equal opportunity.

I say that it harass my wife won't do any good either and I wish "Jimmy" would shut up. But to me this is it and it's the key stone. Where does this leave us or where does this leave me, I suppose. My sources are discredited, my motives have been suspected. I don't see support or maybe it's there and I should see it and I'm blinded to it that we have a problem.

What do I do with a book like this, handed to me with a man who is a convicted gambler, who lists 26 number sellers with their license plates. His reputation is not going to be acceptable to anybody. Five suspected narcotics sellers. Thirteen top men in the rackets. What do I do with it? What do I do with a sheath of papers that a worker comes up and says "they're just about to throw them out, take them down to the garbage heap and I knew what they were and I reached in there and grabbed a handful of them and you can do with them what you want to." And you look at them and there are these things on it. I don't know what to do with them now.

I appreciate very much, Mr. Mayor, your kind and considerate comments during this whole episode. My estimation of this Council, and they're all good people does not at all lessen my - and especially my support of a very good man and that's what Ken Michalove is. It's not lessened by last Thursday. But philosophically looking back on a week that was, I wanted to share those comments with you. Thank you, Mr. Mayor."

Mrs. Evelyn Hicks supported Councilman Rainey's efforts and comments.

Adjournment.

Ray M. Hamilton — Frances J. Roberts

MAYOR — CITY CLERK

through. And what we don't want, of course, is sort of a major push and then a tapering off. A person called me and said that the good raids of last weekend which amounted to so many arrests were good but their opening for business again this weekend.

Only by, I think, a total mobilization of effort can we eliminate this cancer. And by total mobilization, I mean total support of the businessmen of this community, of the churches of this community, of all segments of this community. We've got to speak with one voice on this issue and we've got to speak with a loud voice on this issue. Asheville has tolerated this type of cancer, I think, for decades and I find it strange that we have- and I find it even stranger that it's the people who are not the sons and daughters of mountaineers who come into this city, such as Chief Tucker and myself and others, who are so concerned about it and so upset about it and sees the injustices of it all. But what we cannot do is to adopt the policy of the three monkeys. We can not hear no evil, see no evil, and speak no evil, because it's there. Corruption is bad for this City, not only in the terms of the image of this City to other areas, not only facts that we are primarily a tourist town and therefore we don't want this here. No one wants Asheville to be a swinging City, a wide open City just for tourists. In fact, we want to attract the type of tourists that don't want to come here for that. That's the first point.

The second point has to do with the morale among our workers. I see internal, unethical behavior as a source of the morale problem, not the investigation. The morale problem was there before and I think it will continue until we bring to an end the corruption within the bureauracy itself. I don't think that internal corruption can be solved simply by policy changes or new procedures. We can not have efficiency without cutting out this cancer, too. In a way, I think these people who have operated so long have interpreted past policies and procedures to their own benefit for years. And I have a feeling that they can continue to do that. They have built up a nucleus, again it's a minority, a confederate, to profit and this is what we have to deal with. The word that I received is that the - and it's been, I think, emphasized to me over the weekend -- that the honest and sincere majority of our workers do not fear these investigations because they don't have anything to fear from them anyway. But we're all open, or I'm open, to the same criticism that the Congress received from the banking institutions of this country when they began to investigate Burt Lance: "If you do it to him it's going to reflect on us." But they had to investigate him anyway. There is no way, I think, to get around this problem and I wish there were. But I re-emphasize my belief that a majority of our workers are sincere and honest and hard working and they applaude what we're doing.

Third; I cannot comment on my motives. As a social scientist, we've dealt with motivational analysis for so long, we finally left it behind. You can not evaluate motives. It ends up that either you like the individual and you think his motives are right or you dislike him and you think they are wrong. The motives themselves are not important. It's whether you have that element of trust. But as far as my motives are concerned, I suppose I've broken the first law of politics and the law I promised I'd never break. I've become a one issue politician and that's dangerous. But since I'm not a professional politician I guess I can break it. I see this as my calling in this area. And "Jimmy" who calls up to threaten the kids or "Jimmy" who calls up to

Mayor Trantham said the ordinance was previously read on first reading and it would not be re-read in its entirety unless there was a specific request to do so.

The City Manager read the following letter:

Ballantree Homeowners Association, Incorporated
P. O. Box 5242
Asheville, N. C. 28803

March 22, 1978

To: Members of Asheville City Council

From: Board of Directors, Ballantree Homeowners Association

Mr. Roy Burchfield, a member of the Board of Directors, has been authorized by the Board of Directors to present this letter to the Asheville City Council and to represent the Board before the Council.

As Mr. Brooks stated before the Council at its meeting on Thursday, March 16, 1978, considerable confusion had arisen in the community over the zoning issue. The Board met on Tuesday evening, March 21, 1978, to determine the cause of the confusion and to decide on an appropriate action.

The Board determined that the confusion was caused by the fact that Ordinance 1028, which has been passed on first reading, contains reference to R-2 zoning, when in fact the community had requested R-1 zoning. The Board agreed that its intent had been to obtain the R-1 classification and further that Council should be requested to change the classification from R-2 to R-1 and then to proceed to approve the ordinance.

Therefore, the Board of Directors requests that the Asheville City Council take appropriate action to amend Ordinance 1028 to change the zoning to R-1 Single Family Residential District for the following reasons:

1) The community is of a character that is consistent with the R-1 zoning classification. There are 83 single family residences presently in the subdivision.

2) This zoning classification will permit development which is in conformance with existing deed restrictions applicable to subject property.

3) The homeowners signed petitions, nearly unanimously, the intent of which was to request R-1 zoning in accordance with their belief that the property should be put to its highest use; that the single family residential character is already established; and that R-1 zoning is necessary in order to best protect their investment in their property and enhance the beauty and attactiveness of the subdivision.

Very truly yours,

/s/ Robert L. Williams

President

Thursday - March 23, 1978 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen F. Jack Cole, Otis B. Michael, Gene E. Rainey, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Councilman F. Jack Cole gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the March 16, 1978 meeting.

Councilman Rainey submitted several editorial changes to the City Clerk.

Vice-Mayor Horton said he would like the statements between Mary Robertson and himself regarding West Asheville projects included in the minutes.

Councilman Cole moved to approve the minutes of the March 16, 1978 meeting, as amended. This motion was seconded by Councilman Rainey and carried unanimously.

RESOLUTION NO. 78-54 - RESOLUTION COMMENDING ASHEVILLE HIGH SCHOOL ON THEIR PARTICIPATION IN THE INTERNATIONAL EXCHANGE PROGRAM AND RECOGNIZING THE JAPANESE STUDENTS FROM KOFU NISHI SENIOR HIGH SCHOOL THAT ARE PARTICIPATING IN THE PROGRAM

2. Consideration was given to a resolution commending Asheville High School on their participation in the International Exchange Program and recognizing the Japanese Students from Kofu Nishi Senior High School that are participating in the program.

The City Manager read the resolution.

Mr. Bill Stanley, Principal of Asheville High School, introduced the teacher of Kofu Nishi Senior High School. He introduced the students individually.

Upon motion of Councilman Morris, seconded by Councilman Cole, Resolution No. 78-54 was unanimously adopted.

Complete text of Resolution No. 78-54 will be found in Resolution Book No. 10 at page 195.

ORDINANCE NO. 1028 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Including Ballantree Subdivision in the City's Extraterritorial Zoning and Subdivision Jurisdiction)

3. Consideration was given to the second reading of Ordinance No. 1028, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, including Ballantree Subdivision in the City's Extraterritorial Zoning and Subdivision Jurisdiction.

The City Manager read a letter from the Housing Authority of the City of Asheville which states that received the following bid for Disposal Parcel 172 in the East Riverside Urban Renewal Project.

N.C.R-48

Parcel	Reuse	Price	Bid	Redeveloper
172	Residential	$600.00	$600.00	William R. Ruff

The redeveloper of Parcel 172 is an adjacent owner who plans no development, but intends to use the property in conjunction with his existing residence. The lot is too small to build on.

Councilman Michael moved to approve the sale of Disposal Parcel 172 in the East Riverside Urban Renewal Project N. C. R-48 to William R.Ruff for $600.00. This motion was seconded by Councilwoman Price and carried unanimously.

ORDINANCE NO. 1029 - AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CAPITAL PROJECTS ORDINANCE EFFECTIVE OCTOBER 15, 1977 (EDA Contract funding)

6. Consideration was given to the second reading of Ordinance No. 1029, an ordinance amending the City of Asheville Capital Projects Ordinance effective October 15, 1977 to reflect changes in the budget regarding funding for EDA contracts.

Mayor Trantham said the ordinance was previously read on first reading and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1029 passed on its second reading.

ORDINANCE NO. 1030 - AN ORDINANCE REALLOCATING, AMENDING, AND APPROVING COMMUNITY DEVELOPMENT BUDGET FUNDS SET FORTH IN THE CITY OF ASHEVILLE GENERAL FUND BUDGETS FOR 1975-76, 1976-77, AND 1977-78

7. Consideration was given to the second reading of Ordinance No. 1030, an ordinance reallocating, amending, and approving Community Development Budget funds set forth in the City of Asheville General Fund Budgets for 1975-76, 1976-77, and 1977-78.

Mayor Trantham said the ordinance was previously read on first reading and it would not be re-read in its entirety unless there was a specific request to do so.

The City Manager, as directed by Council, read several amendments to the ordinance relative to the language contained in the ordinance.

Councilman Morris moved to amend Ordinance No. 1030 to include the language changes as read by the City Manager. This motion was seconded by Vice-Mayor Horton, which motion carried.

On a roll call vote of 5-1, Ordinance No. 1030 passed on its second reading with Councilman Michael voting "no".

Peter Winslow, President of the Kenilworth Residents Association, said he had talked with the homeowners in the area regarding the deleting of $40,000 from the funding for fill dirt and to have the City fill in the area over a 2 to 3 year period. He said the homeowners were very emphatic about the matter and said they did not want a sanitary landfill in their neighborhood. They said Council should go ahead as planned and spend the $40,000 for the fill dirt.

Verl Emrick, Planning Director, said the existing deed restrictions for the Ballantree Subdivision are more restrictive than the proposed R-2 zoning. He said he did not think zoning the subdivision R-1 as requested by the homeowners would present any problems.

After discussion, Councilwoman Price moved to amend Ordinance No. 1028 to zone the subdivision R-1 Residential District. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 6-1, Ordinance No. 1028, as amended, passed on its second reading.

PUBLIC HEARING - CLOSING OF UNNAMED ALLEYWAY NEAR BEAR CREEK ROAD AND PATTON AVENUE

RESOLUTION NO. 78-55 - RESOLUTION TO CLOSE AN UNNAMED ALLEY WAY BETWEEN CERTAIN LOTS IN THE CITY OF ASHEVILLE, BUNCOMBE COUNTY, NORTH CAROLINA

4. A public hearing was held relative to closing an unnamed alleyway near the intersection of North Bear Creek Road and the western margin of Patton Avenue.

Mayor Trantham opened the public hearing at 3:30 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication. He also presented affidavits from Mrs. Hamilton stating that the alleyway was prominently posted with copies of the resolution of intent to close the alleyway and an affidavit from Mr. Paul Kirk, owner of a portion of the adjacent property, stating that he had no objections to the closing of the alleyway.

Verl Emrick, Planning Director, said he had researched this matter and had found that the alleyway splits property entirely and that the alleyway had never been used.

Mrs. Hamilton, petitioner and owner of the property, said she owned all the property abutting the alleyway except for a small portion which is owned by Mr. Paul Kirk.

Mayor Trantham closed the public hearing at 3:35 p. m.

The City Manager read the resolution closing the alleyway in question.

Upon motion of Councilman Michael, seconded by Councilman Morris, Resolution No. 78-55 was unanimously adopted.

Complete text of Resolution No. 78-55 will be found in Resolution Book No. 10 at page 196.

SALE OF DISPOSAL PARCEL 172 - EAST RIVERSIDE URBAN RENEWAL PROJECT

5. Consideration was given to the approval of the sale of Disposal Parcel 172 in the East Riverside Urban Renewal Project.

The City Manager read the ordinance.

This ordinance amends the Capital Projects Ordinance to reflect funding of $90,000 for the Charlotte Highway Water Line Project.

Community Development Block Grant	$20,000
ARC Grant	52,000
State Grant (Clean Water Bond Funds)	9,000
Contribution from Water System Improvement Fund	9,000
	$90,000

Vice-Mayor Horton moved for the adoption of Ordinance No. 1033. This motion was seconded by Councilwoman Price.

On a roll call vote of 6-0, Ordinance No. 1033 passed on its first reading.

Councilman Michael moved to suspend the rules and proceed to the second reading of Ordinance No. 1033. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1033 passed on its second reading.

Councilman Michael again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1033. This motion was seconded by Councilman Rainey and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1033 passed on its third and final reading.

Complete text of Ordinance No. 1033 will be found in Ordinance Book No. 8 at page 174.

ORDINANCE NO. 1034 - AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CAPITAL PROJECTS ORDINANCE EFFECTIVE OCTOBER 15, 1977 TO INCLUDE AN LEAA GRANT IN THE AMOUNT OF $218,076

9. Consideration was given to an ordinance amending the City of Asheville Capital Projects Ordinance effective October 15, 1977 to include an LEAA Grant in the amount of $218,076.

The City Manager read the ordinance explaining that by Ordinance No. 1020, City Council approved application for an automated police information system. The local match was approved and appropriated in the ordinance, but the project was not included in the City of Asheville Capital Projects Ordinance. A contract for the Asheville-Buncombe County Criminal Justice Information System has been received and Resolution No. 78-53 authorized the Mayor to sign documents relative to the contract and implementation of the program. This ordinance will include the project into the Capital Projects Ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1034. This motion was seconded by Councilman Rainey.

On a roll call vote of 6-0, Ordinance No. 1034 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the third reading of Ordinance No. 1030. This motion was seconded by Councilwoman Price, which motion carried with Councilman Michael voting "no".

On a roll call vote of 5-1, Ordinance No. 1030 passed on its third and final reading, with Councilman Michael voting "no".

Complete text of Ordinance No. 1030 will be found in Ordinance Book No. 8 at page 166.

ORDINANCE NO. 1032 - AN ORDINANCE AMENDING THE CAPITAL PROJECTS ORDINANCE IN EFFECT AS OF MARCH 15, 1978 (WSIF FUNDS)

7. Consideration was given to an ordinance amending the Capital Projects Ordinance in effect as of March 15, 1978.

The City Manager read the ordinance explaining that the Asheville City Council and Buncombe County Commissioners adopted a set of procedures to be followed regarding the selection and approval of Water System Improvement Fund projects as recommended by the City Manager in a memorandum dated September 12, 1977. Implementation of these procedures has resulted in a realignment of priorities as detailed in the proposed ordinance.

Councilman Morris moved for the adoption of Ordinance No. 1032. This motion was seconded by Councilman Michael.

On a roll call vote of 6-0, Ordinance No. 1032 passed on its first reading.

Councilman Michael moved to suspend the rules and proceed to the second reading of Ordinance No. 1032. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1032 passed on its second reading.

Councilman Michael again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1032. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1032 passed on its third and final reading.

Complete text of Ordinance No. 1032 will be found in Ordinance Book No. 8 at page 171.

ORDINANCE NO. 1033 - AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CAPITAL PROJECTS ORDINANCE EFFECTIVE OCTOBER 15, 1977 (Charlotte Highway Water Line)

8. Consideration was given to an ordinance amending the City of Asheville Capital Projects Ordinance effective October 15, 1977.

RESOLUTION NO. 78-56 - RESOLUTION DECLARING MARCH 27, 1978 AS A FREE PARKING DAY FOR DOWNTOWN ASHEVILLE

11. Consideration was given to a resolution declaring March 27, 1978 as a free parking day for downtown Asheville.

The City Manager read the resolution. The resolution would allow free parking from 7:00 a. m. on March 27, 1978 to 12:01 a. m. on March 28, 1978 in any on-street metered parking space, in any metered or un-metered parking space in a City parking lot, or for daily parking in any space in the Downtown Parking Garage.

Upon motion of Councilman Michael, seconded by Councilman Rainey, Resolution No. 78-56 was unanimously adopted.

Complete text of Resolution No. 78-56 will be found in Resolution Book No. 10 at page 198.

APPROVAL OF THE CONSENT AGENDA

12. The City Manager explained that the items on the consent agenda are of a routine nature and have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City staff any single item scheduled for approval on the consent agenda may be considered separately.

Items on the consent agenda include:

A. Resolution No. 78-57 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Huntley Construction Company for the project known as Louisiana Avenue-Hazel Mill Road.

HIGHLIGHTS: Huntley Construction Company, Inc. was the low bidder for the construction of water lines along Louisiana Avenue and Hazel Mill Road. This resolution would authorize the Mayor to execute such contract with Huntley Construction Company in the amount of $56,956.00

Resolution Book No. 10 Page 199.

B. Resolution No. 78-58 - Resolution authorizing the Director of Finance to sell surplus property.

HIGHLIGHTS: The Purchasing Division of the Finance Department has an IBM typewriter which is approximately twelve years old and is not presently being used by the Purchasing Division. IBM placed a trade-in value of $65 on the machine. The Secretary-Treasurer of the Asheville Municipal Employees Credit Union has expressed an interest in acquiring the typewriter. The City Charter provides that no sale or other disposition of surplus personal property of the City having a replacement cost in excess of $100 shall be made by the Director of Finance unless direction be made by the Council by resolution.

Resolution Book No. 10 Page 200.

Councilman Michael moved to suspend the rules and proceed to the second reading of Ordinance No. 1034. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1034 passed on its second reading.

Councilman Michael again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1034. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1034 passed on its third and final reading.

Complete text of Ordinance No. 1034 will be found in Ordinance Book No. 8 at page 176 .

ORDINANCE NO. 1035 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (Emergency Generator for Police and Fire Department)

10. Consideration was given to an ordinance amending the operating budget of the City of Asheville for fiscal year 1977-78.

The City Manager read the ordinance explaining that an emergency generating system is needed at the Municipal Building for the Fire and Police Departments to maintain communications and services during power failure and the low bid for said project is $32,244 of which 50% is to be funded by a DCPA Grant. An appropriation of $12,000 is included in the Fiscal 1977-78 Revenue Sharing Trust Fund for this purpose leaving a deficit of $4,122. This ordinance will reflect such actions in the operating budget of the City of Asheville for Fiscal Year 1977-78.

Chief P. N. Ball explained that the new system will automatically start within 30 to 40 seconds after a power failure. He said this system is needed due to the police and fire communications being essential, particularly during a power failure.

Councilman Morris moved for the adoption of Ordinance No. 1035. This motion was seconded by Councilman Cole.

On a roll call vote of 6-0, Ordinance No. 1035 passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1035. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1035 passed on second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1035. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1035 passed on third and final reading.

Complete text of Ordinance No. 1035 will be found in Ordinance Book No. 8 at page 178 .

G. Approval of bids received February 6, 1978 for installation of 100 kw diesel generator and modification of existing electric system for Central Fire Department and Police Department City of Asheville Municipal Building Emergency Power.

HIGHLIGHTS: Three (3) bids were received:

M. B. Haynes Electric Corp.	$32,244.00
Electrical Constructors of America	39,950.00
Hayes and Lunsford Electric Co.	34,890.00

Recommendation of low bidder, M. B. Haynes Electric Corporation in the amount of $32,244.00.

H. Approval of bids received March 20, 1978 for five (5) dump trucks: Two (2) Cab and Chassis with 12' Dump for Sanitation Division, Two (2) Cab and Chassis with 5 to 6 yard dump, and one (1) cab and chassis with 1-1/2 yard dump bed for use in Street Division.

HIGHLIGHTS: Two (2) bids were received:

Matthews Motors, Inc.	- $57,940.23
Apple Tree Chevrolet	- 56,955.06

Recommendation of low bidder, Apple Tree Chevrolet in the amount of $56,955.06.

Funding: Revenue Sharing Trust Fund - Capital Outlay Equipment
Sanitation Division - Account Code 50-428.0074
budget line item - unencumbered balance $233,500.00

Street Division - Account Code 50-427.0074
budget line item - unencumbered balance $108,145.25

Upon motion of Councilman Cole, seconded by Councilwoman Price, the consent agenda was unanimously approved.

PROCLAMATION - "LOCK YOUR CAR WEEK" - MARCH 27, 1978

Mayor Trantham proclaimed the week of March 27, 1978 as "Lock Your Car Week".

CLAIM - LLOYD WILLIAMS AND GLORIA ANN WILLIAMS

The City Manager presented a claim received from Mr. Lloyd Williams and Gloria Ann Williams.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

C. Resolution No. 78-59 - Resolution authorizing the Director of Finance to acquire and dispose of one NCR minicomputer.

HIGHLIGHTS: The City of Asheville has leased an NCR 300 minicomputer bookkeepping machine sine March, 1975. The City has recently upgraded its financial recordkeeping to a NCR 18250 system and the City of Asheville no longer has need of the NCR 399 machine. The County of Buncombe has expressed an interest in acquiring this NCR 399 machine. A representative of NCR Corporation has informed the City and the County Finance Directors that the least expensive way for the County to acquire this machine is for the City to purchase it from NCR and then sell it to the County. This resolution would authorize such action.

Resolution No. 10 page 201.

D. Resolution No. 78-60 - Resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish 285 Westwood Place for April 20, 1978.

HIGHLIGHTS: 285 Westwood Place has been found to be unfit for human habitation, unsafe and dangerous to life and the order to repair or demolish said structure has not been complied with. Pursuant to N.C.G.S. 160A-364 a public hearing is required before the Housing Officer can proceed with the demolition and removal of the dwelling house.

Resolution No. 10 page 203.

E. Resolution No. 78-61 - Resolution calling for a public hearing for the adoption of an amendment to Section 11-46 of Chapter 11, of the Code of Ordinances entitled Permits to issue only to licensed electrical contractors for April 27, 1978.

HIGHLIGHTS: This amendment would permit property owners to perform electrical work upon his own property subject to certain requirements as detailed in the ordinance.

Resolution No. 10 page 205.

F. Resolution No. 78-62 - Resolution calling for a public hearing for the adoption of an ordinance relating to amending Section 20-2 of Chapter 20 of the Code of Ordinances, entitled Plumbing Permits - Inspections, Fees for April 27, 1978.

HIGHLIGHTS: This amendment would permit property owners to perform plumbing work upon his own property subject to certain requirements as detailed in the ordinance.

Resolution No. 10 page 206.

After discussion, Councilman Rainey moved to authorize the Mayor, the City Manager and Councilman Michael to move vigrously to have the matter pursued. This motion was seconded by Councilman Cole and carried unanimously.

JOB CORPS CENTER - COUNCILMAN RAINEY

Councilman Rainey said he felt Council should support the concept of the Job Corps Center. He said the Planning Divisions of the City and County should open up their resources to help with the project.

COUNCILMAN RAINEY - CITY TRUCKS HAULING DIRT ON PRIVATE PROPERTY

Councilman Rainey said he had been told that City trucks had been used to haul and dump six loads of dirt at a vacant lot on Woodrow Avenue. He asked the City Manager to determine who authorized the work, whether the owner paid for the dirt and whether any laws were broken.

Adjournment.

Ray M. Hamilton — Frances S. Malcolm

MAYOR — CITY CLERK

DISCUSSION - AIRPORT RUNWAY EXTENSION PROJECT

The City Manager read the following letter:

Department of Transportation
Federal Aviation Administration

Washington, D. C. 20591

March 16, 1978

Honorable Roy M. Trantham
Mayor of Asheville
Asheville, North Carolina 28801

Dear Mayor Trantham:

This is in response to your March 3 letter referencing our January 29 discussion concerning Federal funding of a runway extension at Asheville Municipal Airport.

We have now completed and analyzed our regional planned program survey. Unfortunately, our funding posture remains essentially as we discussed in our January 31 letter. In effect, we would like to participate in the extension but find ourselves financially unable to do so this fiscal year. Previous major funding commitments have substantially constrained our program forcing us to delay several worthy projects such as yours. Should slippage occur at those locations where commitments have been made, your request will receive very careful consideration for the recaptured funds. In the meantime, we must look to a future year program for possible funding.

Your continued interest is understandable and we appreciate hearing from you.

Sincerely,

/s/ William V. Vitale
for ROBERT J. AARONSON
Assistant Administrator
Office of Airports Programs

The City Manager said this letter is contrary to discussions with FAA officials in Washington. He said in December of 1977, while at a meeting with FAA in Washington, it was the City's understanding that FAA had made a commitment of $1,200,000 in grant funds for the runway extension project, plus $1,000,000 of discretionary funds. He said he had just confirmed the contents of the letter, by telephone, with an official of FAA.

He said he felt this was unfair treatment to the City of Asheville and requested that Council authorize the Mayor, City Manager, and Councilman Michael to continue an immediate effort to have this matter pursued. He suggested that the City contact the Congressional delegation as well as the Governor for their help in this matter.

Mayor Trantham said the ordinance was previously read on first and second readings and it would not be re-read in its entirety unless there was a specific request to do so.

Albert Sneed, Attorney, representing A. Burton McLelland Company, said his client was not aware of Council's action to zone the Ballantree Subdivision until this past week. He said his client owns 5.2 acres, which is included in the subdivision, and has began the process for a 50-unit apartment building on the site. He said his client has obtained a valid building permit for the construction of the apartment building but if Council zones the property as proposed, R-1 Single Family Residential, the structure would be a non-conforming use. He said his client would like for Council to consider excluding the 5.2 acres from the proposed ordinance. He said he felt it would be a hardship for his client to start out his development with a non-conforming use.

Hal Brooks, of the Ballantree Subdivision, said the residents of the area would like for Council to continue with the adoption of the ordinance zoning the entire area R-1. He said the property owners are not in favor of the apartment building but realize that, since no zoning restricting apartment buildings was in effect when the developer began his plans there would be no action for them to take. He said the residents had accepted the concept of the apartment building. He suggested that Council continue with the proposed ordinance excluding the 5.2 acres intended for development by the McLelland Company.

Verl Emrick, Planning Director, said since the developer has a valid building permit for the structure the City would not have jurisdiction over the development.

Councilman Morris said he felt Council had two alternatives; to exclude the parcel from the proposed ordinance or revert the zoning to R-2 Residential District. He suggested that the ordinance be tabled for one week giving the two parties an opportunity to work out a satisfactory conclusion to the matter.

Mr. Brooks said he did not feel the matter could be resolved without Council action.

After discussion, Councilwoman Price moved to amend Ordinance No. 1028 to zone 5.2 acres, referred to in a petition filed by Albert Sneed, Attorney for A. Burton McLelland Company, R-2 Residential District, with the remaining portion of the Ballantree Subdivision being zoned R-1 Residential District. This motion was seconded by Councilman Rainey and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1028, as amended passed on its third and final reading.

Complete text of Ordinance No. 1028 will be found in Ordinance Book No. 8 at page 162.

Thursday - March 30, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen F. Jack Cole, Otis B. Michael, Gene E. Rainey, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Councilwoman Norma T. Price gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the March 23, 1978 meeting.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, the minutes of the March 23, 1978 meeting were approved as submitted.

MRS. ROGERS - SENIOR OPPORTUNITY CENTER

Mrs. Rogers, of the Senior Opportunity Center, thanked Council for purchasing the new van for the Senior Opportunity Center. She said the new van has meant so much to the senior citizens.

PUBLIC HEARING - CLOSING OF SUGG STREET AND THREE (3) UNNAMED ALLEYS

2. A public hearing was held relative to the closing of Sugg Street and three (3) unnamed alleys.

Mayor Trantham opened the public hearing at 3:05 o'clock p. m.

The City Manager said it was the intention of several Council members to be out of town during this meeting and the published agenda stated that the public hearing would be officially opened, however, all discussion would be continued until April 6, 1978. He requested a motion continuing the public hearing.

Councilwoman Price moved to continue the public hearing relative to closing Sugg Street and three (3) unnamed alleys until April 6, 1978, without further advertisement. This motion was seconded by Vice-Mayor Horton and carried unanimously.

ORDINANCE NO. 1028 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Including Ballantree Subdivision in the City's Extraterritorial Zoning and Subdivision Jurisdiction)

3. Consideration was given to the third reading of Ordinance No. 1028, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, including Ballantree Subdivision in the City's Extraterritorial Zoning and Subdivision Jurisdiction and to zone the property R-1 Residential District.

C. Resolution No. 78-65 - Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for a fire signal cable on U. S. 25 (Biltmore Avenue).

HIGHLIGHTS: This is for a fire signal cable for a distance of 300 feet on Biltmore Avenue.

Resolution Book No. 10 Page 209.

D. Resolution No. 78-66 - Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for an 8-inch water line on Town Mountain Road.

HIGHLIGHTS: It is necessary to resubmit this encroachment agreement due to the North Carolina Department of Transportation changing the wording on their encroachment forms. This resolution was passed by, Resolution No. 77-143 for an 8-inch fire line on Town Mountain Road.

Resolution Book No. 10 Page 210.

E. Resolution No. 78-67 - Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for a 16-inch water line on State Road 3523 (Clingman Avenue).

HIGHLIGHTS: It is necessary to resubmit this encroachment agreement due to the North Carolina Department of Transportation changing the wording on their encroachment forms. This resolution was passed by, Resolution No. 77-91, for an encroachment on Clingman Avenue.

Resolution Book No. 10 Page 211.

F. Resolution No. 78-68 - Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for the installation of a 16-inch water line on State Road 3412 - 3414 (Sand Hill Road) in Asheville, North Carolina.

HIGHLIGHTS: It is necessary to resubmit this encroachment agreement due to the North Carolina Department of Transportation changing the wording on their encroachment forms. This resolution was passed by, Resolution No. 77-111, for a 16-inch water line on Sand Hill Road from Shelburne Road to Bear Creek Road.

Resolution Book No. 10 Page 212.

ORDINANCE NO. 1029 - AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CAPITAL PROJECTS ORDINANCE EFFECTIVE OCTOBER 15, 1977 (EDA Contract funding)

4. Consideration was given to the third reading of Ordinance No. 1029, an ordinance amending the City of Asheville Capital Projects Ordinance effective October 15, 1977 to reflect changes in the budget regarding funding for EDA contracts.

Mayor Trantham said the ordinance was previously read on first and second readings and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1029 passed on its third and final reading.

Complete text of Ordinance No. 1029 will be found in Ordinance Book No. 8 at page 164.

APPROVAL OF THE CONSENT AGENDA

5. The City Manager explained that the items on the consent agenda are of a routine nature and have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City staff any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 78-63 - Resolution authorizing the Mayor of the City of Asheville to execute easement in favor of the Carolina Power and Light Company.

HIGHLIGHTS: The Carolina Power and Light Company has requested the City of Asheville to execute right-of-way easement on property belonging to the City of Asheville bounded by lands of John F. Ledbetter on the West and by Fairview Road on the North and Murphy Street on the East for the purpose of updating an existing electric power line.

Resolution Book No. 10 Page 207.

B. Resolution No. 78-64 - Resolution authorizing the Mayor of the City of Asheville to execute easement in favor of the Carolina Power and Light Company.

HIGHLIGHTS: The Carolina Power and Light Company has requested the City of Asheville to execute right-of-way easement on property belonging to the City of Asheville bounded by lands of the Housing Authority of the City of Asheville on the South and by Hilliard Avenue on the North and South French Broad Avenue on the East for the purpose of updating an existing electric power line. (Aston Park)

Resolution Book No. 10 Page 208.

He said they based their petition on several considerations:

1. No need is served by the widening of the street; two vehicles can pass safely on the present width of the street. Pearson Drive comes to a dead end in the 400 block, so that there is no thru traffic on the street, the only traffic being that to and from homes. The homes are the only development of any kind served by the street.

2. Several of the homes are within fifteen feet of the paved surface of Pearson Drive. Any widening of the road-bed will increase the existing danger of a vehicle striking a house.

3. The owners are content to forego any curbing or guttering along Pearson Drive where it passes in front of their homes.

The City Manager said a staff conference was held regarding the petition since a contract has already been awarded to Ruckman Brothers for the installation of curb and gutter and resurfacing of Pearson Drive beginning at the Santee Street intersection to the end of Pearson Drive at the Weaverville Expressway (U. S. 19-23 By-pass). He said a review of the contract determined that a negotiated agreement could be pursued between the Contractor and the City to delete the curb and gutter on Pearson Drive from upper Hibriten to the end of Pearson Drive (cost: approximately $15,000) and to replace the deleted Pearson Drive section of the contract work with another element of the approved MOntford Public Works Project that would include sidewalk renewal, improvement and repair. He said the agreement to make the change in the original contract could be executed through a change order which would then become a legal part of the contract.

COMPLAINT - PURCHASING OF ANNUAL PERMITS - ASTON PARK TENNIS COURTS

Chuck Parker, of Parker Oil Company, said he was refused the privilege of purchasing an annual permit to play tennis at Aston Park Tennis Courts. He said he was not a resident of the City, but his business was located in the City of Asheville and he felt since his business paid city tax he should be allowed the privilege of purchasing an annual permit. He said Council's policy regarding this matter should be reconsidered.

After discussion, Councilwoman Price moved to refer the matter to the Asheville Parks and Recreation Advisory Board for thier consideration and recommendation. This motion was seconded by Councilman Rainey and carried unanimously.

AIRPORT RUNWAY EXTENSION - DISCUSSION

Councilman Michael suggested that the City abandon the runway extension project because it cannot get sufficient funding from the FAA. He said the available money should be spent on airport improvements and the City should be relieved of the contract by the architect for the project. He said the City of Asheville, by itself, did not need a runway extension, but Western North Carolina needed the extension. He said the City of Asheville could not afford to take on the expenses without participation from the federal government and surrounding counties.

G. Approval of bids received March 20, 1978 for four (4) garbage trucks (3) rear end loaders - 25 yard capacity, and one (1) front end loader- 30 yard capacity) for Sanitation Division.

HIGHLIGHTS: Three (3) bids were received:

Bidder	Bid
Matthews Motors, Inc.	$165,415.74
Quality Equipment & Supply Co.	169,882.40
Waste Industries, Inc.	171,502.00

Recommendation to low bidder, Matthews Motors, Inc. in the amount of $165,415.74.

Funding: Revenue Sharing Trust Fund- Capital Outlay
Equipment - Sanitation Division
Account Code 50-428.0074
Budget Line item - unencumbered balance
$213,970.00

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, the consent agenda was unanimously approved.

CLAIM - ELIZABETH GAGE - 22 NORMANDY ROAD

The City Manager presented a claim received from Wesley F. Talman, Jr., Attorney for Elizabeth Gage relative to 22 Normandy Road.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - MRS. L. P. SULLIVAN

The City Manager presented a claim received from Mrs. L. P. Sullivan of 264 Montford Avenue.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - WEEK OF THE YOUNG CHILD - APRIL 1 - 8

Mayor Trantham proclaimed the week of April 1 - 8, as Week of the Young Child.

PROCLAMATION -DOCTOR'S DAY - MARCH 30, 1978

Mayor Trantham proclaimed March 30, 1978 as "Doctor's Day".

PETITION - RE: WIDENING OF PEARSON DRIVE

Mr. Grant Tiabi, of Pearson Drive, said residents of Pearson Drive had presented a petition that the City of Asheville abandon its present Community Development project on portions of Pearson Drive, particularly the widening of Pearson Drive and the installing of curbs and gutters.

Mr. Maples, Foreman, Street Department, said Mr. Davis called and asked if the City would dump on a lot that he had purchased from the City of Asheville. He was told that an order would have to be issued to do so. Mr. Davis told Mr. Maples that he had talked with Mr. Brown about the matter and Mr. Maples asked Mr. Brown about it and was told it was o.k. if the crews were near the site. He said on March 23, 1978 a house was demolished on Valley Street and he hauled the wood to the fill. He said the City has to pay to dump fill on the property at Main Auto. The rock, concrete, foundation and some dirt was put on Woodrow Street while a road was built on Clingman Avenue with a dozer. The dirt was then hauled to Clingman Avenue. Rock could not be used on Clingman Avenue because it would not compact.

Mr. Brown has reported that in the last year, he would estimate that the City has placed at least seventy-five loads (full and partial) on private property. These loads consisted of broken pavement, rock and dirt mixed with these materials. The majority of the loads were placed behind Penland Funeral Home on Charlotte Street. This was requested and was a convenient location for most of the City's operations east of the French Broad River.

Mr. Brown said he felt the policy concerning this matter was a good policy especially if the convenience to and the best interests of the City are maintained as the criteria for decisions of this nature.

Councilman Rainey said he had inspected this property and it was not rock, it was dirt. He said the policy should be reviewed particularly as a defense against favoritism. He said he had problems with this explanation as the City has had problems in the past with this particular property and property owner.

Cecil Jackson, Attorney, representing Mr. Paul Davis of 64 Woodrow Avenue, said his client wanted to complain about the "petty harassment" he has received from the City. He mentioned such petty things as "dogs, weeds on banks, cleaning up around business, installation of a gas furnace, street lighting, gasoline in parked cars", etc. He said Paul Davis in the past had donated over 100 loads of dirt to the City, free of charge. He said his client should not be subjected to the harassment or accusations.

Upon inquiry of Councilman Rainey, Mr. Jackson said Mr. Davis was not operating a non-conforming junk yard that the vehicles are only placed on his property temporarily.

Councilman Rainey said he would like a judgment from the Physical Environmental Inspector on the property being a non-conforming junk yard.

Mayor Trantham said a closer observation would be made into the matter and would be discussed further.

Adjournment.

Ray M. Trantham — Norman J. Nolan

MAYOR — CITY CLERK

Councilman Rainey said he felt the City of Asheville needs the runway extension and suggested that, if necessary, the City should set up an airport authority with participation of other Western North Carolina counties. He also suggested that the funding of the airport extension be discussed during the April 4 meeting with the Buncombe County Board of Commissioners. He said the work and contract should be awarded now before inflation starts again.

Vice-Mayor Horton said the matter needed prompt attention with all the problems spelled out clearly. He said the division of the $6 million bond money with the county should be analysed. He said it is possible that the City could get a large portion of its cost for the extension with the bond money. He said a paper commitment is needed by the City and County to pay for the runway extension if the federal government will not. He agreed that the project needed to be started before inflation starts.

Councilwoman Price and Councilman Cole also agreed that the runway extension is needed and should be attempted.

Councilman Morris said if a contract is let for the work a legal document could be drawn up protecting the City in the case that the City ran short of funds after bids had been let.

The City Manager said a meeting is scheduled for Tuesday to further discuss the matter which should clearly show what funding is available from the federal, state, and local levels.

CITY MANAGER'S REPORT - DUMPING OF DIRT ON WOODROW AVENUE

In response to a request of Councilman Rainey at the March 23, 1978 meeting, the City Manager said he had investigated the matter of the city dumping truck loads of dirt on private property on Woodrow Avenue. He said the Street Department policy, throughout the years, has been that the City will dump rough material (broken pavement, rock, etc.) on private property if the crews are in the particular area. Clean dirt is stockpiled for later use.

According to the report from T. C. Brown, Director of Public Works, the incidents leading up to the complaint on Woodrow Avenue are as follows:

1) Mr. Brown said on the night of Tuesday, March 14, 1978, he met Paul Davis at the Police Station as he was leaving. Mr. Davis asked him about two things. One of these was for a street light on Woodrow Avenue which was referred to Paul Dutcher and the other was concerning dumping waste material on property which he had purchased on a tax deed. On the dumping, Mr. Brown told him that it would only be if the City was in the area and then it would only be rough material (broken pavement, rock, etc.) because any excess clean dirt was stockpiled for later use.

2) Paul Davis apparently contacted John Maples regarding the conversation of March 14, 1978 and when John approached Mr. Brown he was told practically the same thing told to Mr. Davis.

Mr. Holt said he had received statements from the adjacent property owners stating that they had no objection to the closing of the three (3) unnamed alleys. However, he said a letter was received from Richard B. Ford, Attorney representing Mr. P. Howard Lyda, an adjacent property owner, who requests that Sugg Street remain open due to Sugg Street providing necessary access from Choctaw Street to the front and rear of the building located on the property owned by him and that to close and withdraw Sugg Street from dedication would limit and interfere with his access from Choctaw Street to the front and rear of his building and that such limitation would be detrimental and damaging to his business.

Mr. Holt said the Housing Authority has no objection to said Sugg Street remaining as a dedicated street and open due to the interest of the Housing Authority not being effected or interferred with by Sugg Street remaining open. He said Mr. Ford had been informed of the Housing Authority's position. He said the resolution to close had been prepared for Council's consideration excluding Sugg Street from the resolution. He reviewed the location of the three (3) unnamed alleys.

Richard Ford, Attorney representing Mr. P. Howard Lyda, reiterated Mr. Holt's statements relative to the request that Sugg Street remain open.

Mayor Trantham closed the public hearing at 3:40 o'clock p. m.

The City Manager read the resolution closing the three (3) unnamed alleys.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, Resolution No. 78-69 was unanimously adopted.

Complete text of Resolution No. 78-69 will be found in Resolution Book No. 10 at page 213 .

PUBLIC HEARING - REZONING PROPERTY HENDERSONVILLE ROAD FROM R-3 RESIDENTIAL DISTRICT TO CH COMMERCIAL HIGHWAY DISTRICT

ORDINANCE NO. 1036 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

3. A public hearing was held relative to rezoning property on Hendersonville Road from R-3 Residential District to CH Commercial Highway District.

Mayor Trantham opened the public hearing at 3:45 o'clock p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, at its March 1, 1978 meeting, had reviewed the request and recommended that the CH Commercial Highway District boundary be extended to a point fifty feet (50') from and paralleling the rear (easternmost) property line of Lot 124-1/4. He said this would accommodate the owner's proposed development plans and will also provide a buffer strip for adjoining residential property. He said the Planning Commission also recommended that a greenbelt planting strip be

Thursday - April 6, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen F. Jack Cole, Otis B. Michael, Gene E. Rainey, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Vice-Mayor Bill B. Horton gave the invocation.

APPROVAL OF MINUTES

1. Approval of the minutes of the March 30, 1978 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the March 30, 1978 meeting were approved as submitted.

PRESENTATION RELATIVE TO RECYCLING OF NEWSPAPERS

Mr. Charles Puffer, Chairman of the committee to recycle newspapers, with the Civitan Club asked Council if the City would furnish four dumpster boxes and sufficient transportation to deliver the paper to the Asheville Waste Paper Company Yard. He presented a brief synopsis of the proposed program.

In conclusion, Council said they felt they needed additional information on the program, and the item would be discussed further during the next Tuesday's work session.

PUBLIC HEARING CONTINUED - CLOSING OF SUGG STREET AND THREE (3) UNNAMED ALLEYS

RESOLUTION NO. 78-69 - RESOLUTION TO CLOSE THREE (3) UN-NAMED ALLEYS IN THE EAST RIVERSIDE URBAN RENEWAL PROJECT

2. A public hearing was held relative to the closing of Sugg Street and three (3) unnamed alleys.

Mayor Trantham said this public hearing was officially opened on March 30, 1978, however, all discussion was continued until the April 6, 1978 meeting.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Larry Holt, of the Asheville Housing Authority, said the Housing Authority is requesting the closing of the streets in accordance with the East Riverside Redevelopment Plan. He said the closings are necessary for the site preparation and disposition of disposal parcels of the East Riverside Project. He presented an affidavit stating that the streets and alleys had been prominently posted in accordance with the N. C. General Statutes. He said all adjacent property owners had been notified of the intent of Council to close the street and alleys.

RESOLUTION NO. 78-70 - RESOLUTION SUPPORTING THE JOB CORPS PROGRAM CONCEPT

5. Consideration was given to a resolution supporting the Job Corps Program Concept.

Mr. Troy Watkins, Regional Director of the Southeast Region of Job Corps, described the Job Corps Program. He said the program teaches a vocation to underprivileged and economically disadvantaged youths between the ages of 16 and 21. He said the program has a very high rate of success in other centers across the country. He said that, of the youth trained in the 12 years the program has been in existence, 92 percent were placed in jobs. He said the Department of Labor wants to put a Job Corps Center in Buncombe County for the primary purpose of serving the Appalachia youth.

He told Council that the proposed site at the Aerial Photo Lab building and Aston Park Hospital may not be approved by Department of Labor engineers. He said the hospital site leaves a lot to be desired. He said he would like to be able to consider alternative sites in addition to the South French Broad site. He said labor engineers will be studying the sites next week.

Mr. Watkins said the $2.4 million proposed center would initially train 225 youths, with a capacity for 400. He assured Council that the youths in the program would not be allowed to cause any trouble to the community. He said they would be under constant guidance in the highly structured program. He said the average enrollee is in Job Corps 6 months and a youth that is trained costs the federal government $3,000, however this youth pays back the original investment, in taxes, within 5 years. He said of the 120 staff, only 5-10 would be Job Corp personnel. He said the remainder of the staff would would available locally through the Employment Security office. He also assured Council that the youth would primarily come from Asheville and Buncombe County. He said the local youth would receive first priority if the vocation they desire is available and they are not a behavior problem.

Mr. Watkins asked Council to consider whether they wanted a Job Corps center in the area. He answered general questions regarding the program.

Councilman Rainey, who strongly supported the endorsement of the Job Corps concept said downtown businessmen would have to support the development of the center in order to have a successful revitalization of the downtown.

Councilwoman Price noted that she had contacted officials and residents from four Job Corps center areas and she did not receive any critism about the Centers.

Those speaking in support of the concept of the Job Corps program included Lonnie Burton, President of the East Riverside Community Organization, Jesse Ray, Jr., Ruben J. Dailey, and Audie Ellis. The individuals did not necessarily endorse the proposed site of South French Broad Avenue.

David Jones, Jr., Executive Director of the Asheville Housing Authority, said he supported the concept of the program but said if the Aston Park site is proposed he felt the residents of the area should be allowed input into the program.

provided along all abutting residentially zoned property lines, in accordance with Section 30-3-14, A., 2 of the City of Asheville Zoning Ordinance.

Mr. Emrick said during the Planning and Zoning Commission 4 residents of the area were in favor of the rezoning and 3 residents were in opposition.

Councilman Rainey said this was the second request along Hendersonville Road for rezoning to Commercial Highway in the past year. He said he felt the Commercial business was slowly getting into the residential Shiloh area. He said this causes a continuing conflict between the homeowners and businesses along Hendersonville Road.

After discussion, Mayor Trantham closed the public hearing at 4:03 p. m.

The City Manager read the ordinance rezoning the property as recommended by the Planning and Zoning Commission.

Councilman Morris moved for the adoption of Ordinance No. 1036. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 4-2, Ordinance No. 1036 passed on first reading, with Councilman Rainey and Councilman Cole voting "no".

COUNTY COMMISSIONERS ZEB SHEPPARD AND DORIS GEIZENTANNER AND MR. ROAK FROM SENATOR MORGAN'S OFFICE ATTENDING MEETING

Mayor Trantham recognized County Commissioners Zeb Sheppard and Doris Geizentanner and Mr. Roak from Senator Morgan's Office.

PUBLIC HEARING - REZONING PROPERTY ON SWEETEN CREEK ROAD- R-3 RESIDENTIAL DISTRICT TO HI HEAVY INDUSTRIAL DISTRICT

4. A public hearing was held relative to rezoning property on Sweeten Creek Road from R-3 Residential District to HI Heavy Industrial District.

Mayor Trantham opened the public hearing at 4:05 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, requested that the public hearing be continued for one week. He said the Planning Staff had requested additional information from the petitioner relative to access and the petitioner has not, as of this date, furnished the information.

Councilman Morris moved to continue the public hearing until the April 13, 1978 meeting, without further advertisement. This motion was seconded by Councilman Rainey and carried unanimously.

SALE OF DISPOSAL PARCEL 3 - CIVIC REDEVELOPMENT PROJECT N. C. R-13

7. Consideration was given to the sale of Disposal Parcel 3 in the Civic Redevelopment Project N. C. R-13.

The City Manager presented a letter from the Housing Authority of the City of Asheville which stated that the Housing Authority received the following bid for Disposal Parcel 3 in the Civic Redevelopment Project N. C. R-13:

Parcel	Reuse	Price	Bid	Redeveloper
3	Office & Institutional	$32,300	$40,500	Western Carolina Bank

The redeveloper for Parcel 3 plan to construct a drive-in bank facility with tentative plans to eventually construct their main office on the site.

The Housing Authority of the City of Asheville recommend approval of the sale.

Mr. Sam Blythe, President of Western Carolina Bank, said their bid of $40,500 had been tentatively accepted by the Housing Authority of the City of Asheville on March 14, 1978. He said this parcel is needed by Western Carolina Bank for several reasons. He said they are vitally interested in the tax base for the City, they were highest bidder of the parcel on two occasions, and a banking facility in the area would attract more investment.

Mr. Blythe said Western Carolina Bank had just presented the City Attorney with a "Letter of Commitment" in that if the bid for Disposal Parcel 3 is approved for Western Carolina Bank a total cost of construction proposed on the site, including a proposed drive-in banking facility and additional construction of an office building incorporating said drive-in banking facility (exclusive of costs of acquiring land and banking equipment), shall not be less than $250,000.00, with a completion date of February 28, 1984.

Corporation Counsel William C. Moore advised that the Letter of Commitment is binding in that if Western Carolina Bank fails to comply with this commitment the City of Asheville shall have the immediate right to seek the remedy of specific performance as a means of enforcing the terms of the commitment.

Jim Baley, Attorney for Western Carolina Bank emphasized the remarks made by Mr. Sam Blythe.

Richard Wood, Jr., Attorney representing Beverly-Grant, Inc., reviewed the history of the bidding for said Disposal Parcel 3 in the Civic Redevelopment Project N. C. R-13. He said his client, Beverly-Grant, Inc. was second high bidder in the amount of $40,000. He said his client proposes to construct a 9,000 square foot building on Disposal Parcel 3 with an estimated cost, exclusive of land, of $386,000 to be constructed in 1978. He said his concern for the parcel is the enhancement of the City's tax base. He gave an example of how much city tax would be lost by waiting for a $250,000 building in 1984 compared to a $386,000 building in 1978. He said it was his understanding that the Housing Authority, in the bidding process, used an appraisal value received in 1972. He said the appraised value is probably much larger now. He suggested that Council reject all bids

Rev. Pete DeSaix said Council should consider delaying action on the endorsement of the program giving the downtown businessmen an opportunity to be heard on the matter. He said it was his understanding that the downtown businessmen felt several questions relative to the program had not been answered. He said since Council is requesting the support of these businessmen they should be given an opportunity to voice their feelings.

After discussion, Rev. DeSaix said his major questions had been answered.

Mr. Zeb Sheppard, Buncombe County Commissioner, spoke in support of the concept of the program. He said he would hate to see Buncombe County lose the opportunity of having a Job Corps center in the area. He said he had visited the Jackson, Miss. Job Corps Center as well as area residents and did not receive any opposition to the Center. He said the community was apprehensive at first but was now happy to have the Center in their area.

After discussion, the City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Michael, Resolution No. 78-70 was unanimously adopted.

Complete text of Resolution No. 78-70 will be found in Resolution Book No. 10 at page 216.

RECESS - COUNCIL

Mayor Trantham called for a five minute recess of the Council meeting.

Council reconvened at 6:05 p. m.

RESOLUTION NO. 78-71 - RESOLUTION REVISING GROUP DEVELOPMENT SITE PLAN APPROVAL REQUIREMENTS OF MARCH 13, 1975 FOR THE AMERICAN RED CROSS

6. Consideration was given to a resolution revising group development site plan approval requirements of March 13, 1975 for the American Red Cross.

The City Manager read the resolution.

Councilman Michael objected to the resolution stating that if Council approved the resolution the City would be committed to widening Edgewood Road.

It was Council's consensus that the City would not be committed to anything but the American Red Cross would be dedicating the right of way if the City did decide to widen Edgewood Road.

Mr. Emrick, Planning Director, noted that in his opinion, widening of Edgewood Road would have to occur at some point in time.

After discussion, Councilman Rainey moved for the adoption of Resolution 78-71. This motion was seconded by Councilman Cole, which motion carried with Councilman Michael abstaining.

Complete text of Resolution No. 78-71 will be found in Resolution Book 10 at page 217.

Councilman Morris moved to reschedule the public hearing for May 4, 1978. This motion was seconded by Councilman Cole and carried unanimously.

BIDS - SIX (6) ELECTRIC OPERATED PAVEMENT BREAKERS FOR WATER MAINTENANCE AND CONSTRUCTION DIVISION

10. Consideration was given to bids received March 13, 1978 for six (6) electric operated pavement breakers for Water Maintenance and Construction Division.

The City Manager presented the bids and read a memorandum from the Purchasing Agent which stated that four (4) bids were received. The low bid submitted by Supply Specialties, Inc. does not meet specifications with regard to minimum weight requirement specified. It was recommended that the second low fully responsive bid submitted by AAA Tool - Rental & Sales, Inc. in the amount of $4,014.00 be accepted.

Council questioned the low bid not meeting specifications with regard to minimum weight requirements and consented that the matter be postponed for one week.

BIDS - ONE (1) 20 INCH COMMERCIAL 'HYDR-MOWER' FOR PARKS AND RECREATION

11. Consideration was given to bids received February 6, 1978 for one (1) 20 inch commercial 'Hydr-Mower' for Parks and Recreation Department.

The City Manager presented the bids and read a memorandum from the Purchasing Agent which stated that two (2) bids were received:

Bidder	Bid
Porter Brothers, Inc.	$5,097.00
E. J. Smith & Sons	4,293.00

The low bid submitted by E. J. Smith and Sons does not meet specifications in that it is not designed for cutting banks. It was recommended that the fully responsive bid submitted by Porter Brothers, Inc. in the amount of $5,097.00 be accepted.

Councilwoman Price moved to accept the recommendation of the Purchasing Agent and award the bid to the fully responsive bidder, Porter Brothers, Inc. in the amount of $5,097.00. This motion was seconded by Councilman Cole and carried unanimously.

RESOLUTION NO. 78-72 - RESOLUTION RECOGNIZING THE LATE DR. MARTIN LUTHER KING FOR HIS CONTRIBUTIONS TO HUMAN RIGHTS

12. Consideration was given to a resolution recognizing the late Dr. Martin Luther King for his contributions to human rights.

Councilman Michael read the resolution.

Upon motion of Councilman Michael, seconded by Councilman Cole, Resolution No. 78-72 was unanimously adopted.

and direct the Housing Authority to submit this parcel to the bidding procedure again. He said his client has commited that they would bid at least 10% higher in a new bidding process. He said Council might also want to consider requiring that the redevelopers commit to make some minimal amount of investment in improvements in the event they are high bidder. He said if Council decides the Housing Authority cannot change the redevelopment standards in the bidding proces then the Council might consider having the title of the property transferred to the City and the technique of public auction or an upset bid procedure being utilized.

Mr. Wood reviewed, by Council minutes, similar circumstances in which Council chose to enhance the tax base through a bidding process.

After discussion, Mr. Wood requested that the Council reject all bids and send them back to the Housing Authority for rebidding.

Max Cogburn, member of the Western Carolina Bank Board, presented arguments in favor of awarding the bid for Disposal Parcel 3 to Western Carolina Bank.

Councilman Michael said he would abstain from voting as he is a stockholder in Western Carolina Bank.

After discussion, Councilman Rainey moved to reject all bids and send the matter back to the Housing Authority for rebidding. This motion was seconded by Vice-Mayor Horton, which motion carried on a 4-2 vote with Councilman Cole and Councilwoman Price voting "no" and Councilman Michael "abstaining".

APPROVAL OF SIGN PERMIT - BEKINS MOVING AND STORAGE - 306 W. HAYWOOD STREET

8. Consideration was given to the approval of a sign permit for Bekins Moving and Storage Company for a free standing sign to be placed at 306 W. Haywood Street.

J. E. Johnson, Director of Inspections, presented the request for Bekins Moving and Storage Company for the approval of a 10 x 30 free standing sign to be setback 15' from the property line. He said the sign is governed by Section 30-9-3, B-7 of the Zoning Ordinance No. 322 in that no sign shall be erected within six hundred (600) feet of the right-of-way of any limited access highway within the jurisdiction of the City of Asheville until permit is submitted to and approved by the Asheville City Council.

During the discussion, Councilman Rainey suggested that Bekins Moving and Storage Company redesign the sign for a directional sign rather than a free standing sign. He said the proposed sign is strictly a billboard type sign.

Councilman Rainey moved to postpone the approval of the sign permit for two weeks. This motion was seconded by Councilman Cole and carried unanimously.

PUBLIC HEARING RESCHEDULED - REZONING PROPERTY ON CHARLOTTE STREET - DEL-RIO, INC.

9. Consideration was given to a motion rescheduling a public hearing relative to rezoning property on Charlotte Street from R-2 and R-3 Residential District to OI, Office Institutional District for May 4, 1978.

C. Approval of bids received March 28, 1978 for one (1) dump truck, five (5) pick-up trucks, and one (1) four wheel drive utility type truck for various departments of the City.

HIGHLIGHTS: Three (3) bids were received:

	Dorato Motors, Inc.	Apple Tree Chev.	Matthews Motors
Item # 1 1 Dump Truck -Water Maint.	No Bid	13,926.93	13,361.76
Item #2 2 Pick-Up Trucks Water Maint.	9,346.00	8,836.62	8,685.04
Item #3 1 Pick-Up Truck Water Maint.	4,905.00	4,619.45	4,699.45
Item #4 1 Pick-Up Truck Street Div.	4,723.00	4,430.81	4,480.02
Item #5 1 Pick-Up Truck Water Control Div.	4,723.00	4,430.81	4,480.02
Item #6 1 Four Wheel Drive Truck - Water Control Div.	5,357.00	4,797.39	4,940.23

Recommendation of low bidder on a per item basis:

Water Maintenance Division	
Item #1 - Matthews Motors, Inc.	$13,361.76
Item #2 - Matthews Motors, Inc.	8,685.04
Item #3 - Apple Tree Chevrolet	4,619.45
Street Division	
Item #4 - Apple Tree Chevrolet	4,430.81
Water Control Division	
Item #5 - Apple Tree Chevrolet	4,430.81
Item #6 - Apple Tree Chevrolet	4,797.39

Funding: Bid Items 1, 2, 3, 5, and 6 - Water Fund Accounts Capital Outlay Equipment

Bid Item 4 - Revenue Sharing Trust Fund - Street Division - Capital Outlay Equipment

Complete text of Resolution No. 78-72 will be found in Resolution Book No. 10 at page 218.

Councilman Michael instructed that a copy of the resolution be sent to Mrs. Coretta King.

APPROVAL OF THE CONSENT AGENDA

13. The City Manager explained that the items on the consent agenda are of a routine nature and have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adoption each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City staff any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 78-73 - Resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as amended.

HIGHLIGHTS: The primary purpose of this application is to receive funding for the continuation of transit related studies for the Asheville Urban Area. This program will include the preparation or extension of eleven (11) technical planning studies directly related to upgrading transit operations.

For Fiscal Year 1978-79, the City is applying to UMTA for a total of $36,480 to be matched locally in the amount of $9,120. The City is also filing an application with the N. C. Department of Transportation's Public Transportation Division for funds equaling 50% of the local match or $4,560. This will reduce the City's share to $4,560 which will be provided in the form of in-kind services by the Planning Division. The total local, state and federal funding is $45,600.

Resolution Book No. 10 Page 219.

B. Resolution No. 78-74 - Resolution authorizing the Mayor to enter into an agreement with the Veterans Administration Hospital for fire protection.

HIGHLIGHTS: The present contract for fire protection at the Veterans Administration Hospital expires on June 30, 1978. The Veterans Administration Hospital has requested the City of Asheville to continue the contractual arrangement which calls for the City to furnish the necessary men and equipment to answer all calls for fire protection from the Veterans Administration Hospital. City Staff has negotiated with the hospital staff and arrived at an agreement which appears equitable to all parties.

Resolution Book No. 10 Page 220.

ASHEVILLE REVITALIZATION COMMISSION - DOWNTOWN REVITALIZATION STRATEGY AND IMPROVEMENT PLAN

The City Manager presented Council with a letter from Mr. George Tisdale, Chairman of the Asheville Revitalization Commission, explaining that the Asheville Revitalization Commission has adopted a Downtown Revitalization Strategy and Improvement Plan. He said the Commission would present one section of the plan at a time to the Council over a three week period.

AIRPORT RUNWAY EXTENSION

The City Manager noted that it had been indicated that the FAA had committed $600,000 plus for the airport runway extension. He said it should also be noted that these funds are entitlement funds which the City had already anticipated and expected in October, 1978. He thanked the Buncombe County Commissioners for their recent support in funding for the airport runway extension.

Upon inquiry of Councilman Michael, the City Manager said the 1980 entitlement funds are being reserved for airport improvements.

Adjournment.

MAYOR

CITY CLERK

D. Approval of bids received March 30, 1978 for 4000 gallons liquid Cationic Polyelectrolyte for Water Production and Quality Control Division.

HIGHLIGHTS: Two (2) bids were received:

Bidder	Bid
Calgon Corporation	$10,608.96
Nalco Chemical Company	13,271.40

Recommendation of low bid submitted by Calgon Corporation at .3084/lb., totaling $10,608.98 for 4000 gallon shipment.

Funding: Water and Sewer - Water Plant Operations Chemicals and Lab Supplies Account Code 30-751.0032 unencumbered balance $60,544.05.

Upon motion of Councilman Cole, seconded by Vice-Mayor Horton, the consent agenda was unanimously approved.

PROPOSAL FOR LOW AND MODERATE INCOME UNITS - 200 TUNNEL ROAD - WILLIE WILLIAMS

Willie Williams presented a proposal to convert the motel at 200 Tunnel Road into housing for low and moderate income families under the City's Housing Assistance Plan for 1977-78. He asked Council to consider giving his proposal first priority.

The City Manager suggested that a meeting be scheduled to meet with Mr. Williams, along with the Planning Director, to review the proposal in detail.

PROCLAMATION - APRIL 16-22 - VOLUNTEER RECOGNITION WEEK

Mayor Trantham proclaimed the week of April 16-22 as Volunteer Recognition Week.

PROCLAMATION - APRIL 9 - 16 - MEDIC ALERT WEEK

Mayor Trantham proclaimed the week of April 9 - 16 as Medic Alert Week.

CLAIM - NOTICE OF CLAIM OF LIEN BY FIRST TIER SUBCONTRACTOR - INVOLVING GILBERT ENGINEERING COMPANY AND DILLINGHAM CONSTRUCTION COMPANY

The City Manager presented a notice of claim of lien by first tier subcontractor involving Gilbert Engineering Company and Dillingham Construction Company regarding contract for Phase II - Water Treatment Facilities Plant.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

RESOLUTION NO. 78-75 - RESOLUTION OF APPRECIATION TO DEPUTY CHIEF WILLIAM F. HUDSON

2. Consideration was given to a resolution of appreciation to Deputy Chief William F. Hudson. Chief Hudson is retiring from the Asheville Fire Department after serving the City of Asheville since 1946.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilman Rainey, Resolution No. 78-75 was unanimously adopted.

Complete text of Resolution No. 78-75 will be found in Resolution Book No. 10 at page 221 .

PUBLIC HEARING - REZONING PROPERTY ON SWEETEN CREEK ROAD - R-3 RESIDENTIAL DISTRICT TO HI HEAVY INDUSTRIAL DISTRICT

3. A public hearing was held relative to rezoning property on Sweeten Creek Road from R-3 Residential District to HI Heavy Industrial District.

Mayor Trantham advised that the public hearing was officially opened on April 6, 1978 but was continued until the April 13, 1978 meeting.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, at its March 1, 1978 meeting considered the request of Thomwins, Inc., Owner and Dick Glenn, Purchaser, that the property, Ward 13, Sheet 22, Lot 126, located on Sweeten Creek Road, be rezoned from R-3 Residential District to HI Heavy Industrial District. After discussing the issues the Commission voted to recommend approval of the petition provided that:

1. That the petitioner submit more detailed information concerning the upgrading of access to both his property and adjoining residential property. (The existing driveway presently serves as joint access to petitioners property and adjacent residences.)

2. That a buffer strip be erected to separate the Thomwins property from adjoining residential property which meets the specifications set forth in the Asheville Zoning Ordinance, Section 30-3-14., A., 1.

Given the close proximity of this property to Sweeten Creek Industrial Park and other industrial and commercial activities in the immediate area, the present residential zoning classification prohibits the most reasonable use of the property.

Mr. Emrick said all adjacent property owners had been notified by registered mail of the intent of Council to consider the rezoning. He said the affected property had also been posted with copies of the Notice.

He said the petitioner plans to put a machine shop on the property.

By the use of a map, Mr. Emrick reviewed the location of the property.

Thursday - April 13, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen F. Jack Cole, Otis B. Michael, Gene E. Rainey, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Ralph D. Morris, Jr.

INVOCATION

Councilman Otis B. Michael gave the invocation.

APPROVAL OF MINUTES

1. Approval of the minutes of the April 6, 1978 meeting.

Upon motion of Councilman Cole, seconded by Councilman Rainey, the minutes of the April 6, 1978 meeting were approved as submitted.

MAYOR INTRODUCED HIS SON AND DAUGHTER-IN-LAW

Mayor Trantham recognized his son and daughter-in-law, Mr. and Mrs. James Trantham.

PRESENTATION - BREVARD-I-26 CONNECTOR

Mr. Jack E. Bryant, a member of the North Carolina Board of Transportation, said he had received information that Council had some concern about the proposed routes for the connector highway between Brevard and Interstate 26. He presented Council with updated studies regarding the proposed connector. He said he felt Council's concern was based on three of the four proposed routes for the connector would either encroach on Asheville Airport property or affect the operation of the airport.

He said the proposed routes which would place the connector on Fanning Bridge Road have been ruled out by the Department of Transportation and the plan now is to connect into I-26 on Butler Bridge Road, approximately a mile and a half south of the airport. He said the Department of Transportation has no intention of harming the Asheville Airport in any way.

Councilman Michael said in his opinion the Butler Bridge Road route would interfere with the Instrument Landing System at the airport. He suggested that the Department of Transportation contact the Federal Aviation Administration to get assurance that the connector would not interfere with the landing system.

Councilwoman Price said the Department of Transportation should meet with the Planning Division to make sure the maps which the Planning Division are working from compare with the Department of Transportation's maps concerning the I-26- Brevard Connector.

Mayor Trantham thanked Mr. Bryant for presenting Council members with the information. He said he felt his presentation would help eliminate some of Council's concerns. He said the City Council does not want to stop the connector but was apprehensive about the ILS system being interfered with due to the location of the proposed connector.

On a roll call vote of 5-0, Ordinance No. 1037 passed on first reading.

Councilman Michael moved to suspend the rules and proceed to the second reading of Ordinance No. 1037. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1037 passed on second reading.

Councilman Michael again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1037. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1037 passed on its third and final reading.

Complete text of Ordinance No. 1037 will be found in Ordinance Book No. 8 at page 180.

RESOLUTION NO. 78-77 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WOOD AND CORT, P. A. ARCHITECTS FOR TWO PHASE SITE DEVELOPMENT PLAN FOR THE COMPUTER MACHINES ROOM

6. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with Wood and Cort, P. A. Architects for two phase site development plan for the Computer Machines Room.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Price, Resolution No. 78-77 was unanimously adopted.

Complete text of Resolution No. 78-77 will be found in Resolution Book No. 10 at page 223.

RESOLUTION NO. 78-78 - RESOLUTION APPROVING FAIR MARKET VALUE FOR PARCEL NUMBER 31 OF REAL PROPERTY TO BE PURCHASED FOR THE DEVELOPMENT OF MONTFORD RECREATION COMPLEX

7. Consideration was given to a resolution approving fair market value for Parcel Number 31 of real property to be purchased for the development of Montford Recreation Complex.

The City Manager read the resolution and explained that the property was unimproved.

Upon motion of Councilman Michael, seconded by Councilwoman Price, Resolution No. 78-78 was unanimously adopted.

Complete text of Resolution No. 78-78 will be found in Resolution Book No. 10 at page 224.

Several Council members expressed concern regarding the use of the property.

After discussion, Councilman Michael moved to continue the public hearing, without further advertisement, until April 20, 1978, giving the residents and property owners an opportunity to voice their opinions on the rezoning, particularly the owner of the adjacent cemetary property. This motion was seconded by Councilwoman Price and carried unanimously.

ORDINANCE NO. 1036 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Rezoning property on Hendersonville Road)

4. Consideration was given to the second reading of Ordinance No. 1036, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended rezoning property on Hendersonville Road from R-3 Residential District to CH Commercial Highway District, property owned by Garrett and Garrett and leased by Rollins, Inc. (Orkin Exterminating).

Mayor Trantham said the ordinance was previously read on first reading and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-2, Ordinance No. 1036 passed on its second reading, with Councilmen Rainey and Cole voting "no".

RESOLUTION NO. 78-76 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH HENNINGSON, RICHARDSON, AND DURHAM FOR A COMPREHENSIVE WATER SYSTEM DEVELOPMENT PLAN

5. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with Henningson, Richardson, and Durham for a comprehensive Water System Development Plan.

The City Manager read the resolution.

Upon motion of Councilman Michael, seconded by Councilman Cole, Resolution No. 78-76 was unanimously adopted.

Complete text of Resolution No. 78-76 will be found in Resolution Book No. 10 at page 222.

ORDINANCE NO. 1037 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (providing funds for the contract for Water System Development Plan)

Consideration was given to an ordinance amending the operating budget of the City of Asheville for fiscal year 1977-78 providing funding for the contract for the comprehensive Water System Development Plan.

The City Manager read the ordinance.

Councilman Rainey moved for the adoption of Ordinance No. 1037. This motion was seconded by Councilwoman Price.

Location	Proposed Improvement	Estimated Cost	Municipal Share of Annual Maintenance
Fairview Street SOU 720 618A	Install Flashers Z 559	$33,000	$475

Under the program the federal government will pay 90% of the eligible cost. The municipality will be required to pay all costs not paid by federal funds.

This resolution will authorize the Mayor to execute a municipal agreement for the installation of grade crossing signals at Fairview Street under the Federal Highway Safety Program.

Resolution Book No. 10 at page 226 .

D. Resolution No. 78-81 - Resolution authorizing the Director of Finance to sell surplus property.

HIGHLIGHTS: The Street Department has on hand an old and surplus front end loader. The age and condition of this equipment is such that economical operation is not possible due to excessive and expensive maintenance cost. The City Charter provides that no sale or other disposition of surplus personal property of the City of Asheville having a replacement cost in excess of $100 shall be made by the Director of Finance unless direction by made by the Council by resolution.

Resolution Book No. 10 Page 227 .

E. Resolution No.78-82 - Resolution appointing a member to the Asheville Library Board

HIGHLIGHTS: This will be an appointment of Mr. Dale Groce to the Library Board.

Resolution Book No. 10 Page 228 .

F. Scheduling a public hearing relative to rezoning property on Tunnel Road near Craig Circle from R-2 and R-3 Residential District to CH Commercial Highway District for May 11, 1978.

HIGHLIGHTS: Mr. Gus Barlas and Ms. Dolly Kalogerakis presented a petition to rezone Ward 21, Sheet 10, Lots 50, 51, 52, 68, and 109-1/2 from R-2 and R-3 Residential Districts, property located on Tunnel Road near Craig Circle.

The Asheville Planning and Zoning Commission at its April 5, 1978 meeting recommended approval of this petition to City Council.

APPROVAL OF THE CONSENT AGENDA

8. The City Manager explained that the items on the consent agenda are of a routine nature and have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City staff any single item scheduled for approval on the consent agenda may be considered separately.

A. Approval of bids received March 13, 1978 for six (6) electric operated pavement breakers for Water Maintenance and Construction Division.

HIGHLIGHTS: Four (4) bids were received. The low bid submitted by Supply Specialties, Inc. does not meet specifications with regard to minimum weight requirement specified.

Recommendation of the second low fully responsive bid submitted by AAA Tool - Rental & Sales, Inc. in the amount of $4,014.00.

Funding: Water and Sewer Operation Fund, Maintenance and Repair City Water Capital Outlay Equipment, Account Code 30-731.0074 - budget line item unencumbered balance $30,976.00.

B. Resolution No. 78-79 - Resolution authorizing the City Manager to acquire rights-of-way easements from J. W. Rutherford Estate and the Bank of Asheville for a 6-inch water line located on U. S. 19-23 at Enka-Candler, Buncombe County, North Carolina.

HIGHLIGHTS: These two water line rights-of-way are for a 6-inch line to be constructed for the Enka Market Place. This will be at the owner's expense and the water line will become the property of the City after installation is complete. This location is where the drive-in theater and flea market used to be on U. S. 19-23.

Resolution Book No. 10 at page 225.

C. Resolution No. 78-80 - Resolution authorizing the Mayor to execute an agreement with the North Carolina Department of Transportation for a railroad crossing signal installation at the Southern Railroad crossing on Fairview Road, further identified as Crossing Number 720 618 A, State Project Number 8.7684003.

HIGHLIGHTS: The Federal-Aid Highway Act of 1976 set up funds for the installation of railroad crossing signals on nonfederal-aid system roads and streets. The following is an eligible improvement under this program.

RESOLUTION NO. 78-84 - RESOLUTION AUTHORIZING THE MAYOR TO ASSURE THE STATE OF NORTH CAROLINA THAT PRESENT SCHEDULES OF RATES AND FEES ARE ADEQUATE AND WILL BE MAINTAINED FOR THE OPERATION, MAINTENANCE AND ADMINISTRATION OF WATER SUPPLY SYSTEM IMPROVEMENTS TO BE MADE IN THE AVERY CREEK SANITARY DISTRICT UNDER THE SUBJECT PROJECT

Consideration was given to a resolution authorizing the Mayor to assure the State of North Carolina that present schedules of rates and fees are adequate and will be maintained for the operation, maintenance and administration of water supply system improvements to be made in the Avery Creek Sanitary District under the subject project.

The City Manager read the resolution.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 78-84 was unanimously adopted.

Complete text of Resolution No. 78-84 will be found in Resolution Book No. 10 at page 230.

CLAIM - ELSIE LOMAX

The City Manager presented a claim received from Elsie Lomax.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

MID-CITY MERCHANTS ASSOCIATION - PARKING

The City Manager presented a letter received from Mid-City Merchants Association indicating their support to the Asheville Revitalization Commission Parking Committee relative to downtown parking.

RALPH BISHOP - COMMENTS RELATIVE TO MAYOR

Mr. Ralph Bishop made critical comments relative to the Mayor, particularly referring to his freedom of speech in the Council meetings.

PROPOSAL FOR LOW AND MODERATE INCOME UNITS - 200 TUNNEL ROAD - WILLIE WILLIAMS

Willie Williams, Developer, again presented the proposal to convert the motel at 200 Tunnel Road into housing for low and moderate income families under the City's Housing Assistance Plan for 1977-78. He said they needed Council's endorsement and approval on the site to get the program underway.

Councilman Rainey said he felt Council should approve the concept of the program. He said the developers could then try to obtain the financing needed to implement the project through Section 8 Housing. He said he did not think Council should be the one to turn such a project down.

G. Scheduling a public hearing relative to rezoning property on Fairview Road from R-3 Residential District to LI Light Industrial District for May 11, 1978.

HIGHLIGHTS: Mr. and Mrs.Keith DeWeese presented a petition to rezone Ward 7, Sheet 27, Lot 42 from R-3 Residential District to LI Light Industrial District, property located on Fairview Road.

The Asheville Planning and Zoning Commission, at its April 5, 1978 meeting recommended approval of this petition to City Council.

H. Approval of bids received February 6, 1978 for fifteen (15) 20-inch Commercial mowers for Parks and Recreation Department.

HIGHLIGHTS: Four (4) bids were received.

The low bid submitted by Farm Equipment Company does not meet specifications.

The bid request specifies 2-cycle engine (i.e., fuel operation by gas and oil mixture to assure lubrication of bearings while used on steep grades.)

The mower bid by Farm Equipment Company has a 4-cycle engine (i.e., gas and oil separate - engine will burn out from lack of lubrication on bearings during extended usage on steep grades.)

Recommendation of second low fully responsive bid submitted by Asheville Boat and Saw Company in the amount of $2,985.00.

Funding: Revenue Sharing Trust Fund, Parks and Recreation Department Capital Outlay Equipment.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, the consent agenda was unanimously approved.

RESOLUTION NO. 78-83 - RESOLUTION AUTHORIZING MAYOR TO ASSURE THE BOARD OF COMMISSIONERS OF BUNCOMBE COUNTY AND THE AVERY CREEK SANITARY DISTRICT THAT THE CITY OF ASHEVILLE WILL PROVIDE FOR THE OPERATION, MAINTENANCE AND ADMINISTRATION OF THE WATER SUPPLY SYSTEM IMPROVEMENTS TO BE MADE IN THE AVERY CREEK SANITARY DISTRICT UNDER THE SUBJECT PROJECT

Consideration was given to a resolution authorizing Mayor to assure the Board of Commissioners of Buncombe County and the Avery Creek Sanitary District that the City of Asheville will provide for the operation, maintenance and administration of the Water Supply System Improvements to be made in the Avery Creek Sanitary District under the Subject project.

The City Manager read the resolution.

Upon motion of Councilman Rainey, seconded by Councilman Cole, Resolution No. 78-83 was unanimously adopted.

Complete text of Resolution No. 78-83 will be found in Resolution Book No. 10 at page 229 .

Thursday - April 20, 1978 - 3:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Councilwoman Norma T. Price, Councilmen F. Jack Cole, Otis B. Michael, Gene E. Rainey, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Bill B. Horton

ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL - YOUTH IN GOVERNMENT DAY

The Asheville Buncombe County Youth Council, in observance of their Youth in Government Day, held their own Council meering at 2:30 p.m. The Youth Council discussed the following issues:

1. New facilities for the Motor Transport Division.
2. Street repairs.
3. Improved acess into buildings for the disabled and handicapped.
4. Make the public more aware of the $1-A-Lot Program.
5. Request of $11,000 for the maintenance of baseball fields in the summer.

INVOCATION

Councilman Morris gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the April 13, 1978 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the April 13, 1978 meeting were approved as submitted.

PROCLAMATION- NATIONAL YWCA WEEK - APRIL 23-29, 1978

Mayor Trantham proclaimed the week of April 23-29, 1978 as "National YWCA Week."

PROCLAMATION - SECRETARIES WEEK - APRIL 23-29, 1978

Mayor Trantham proclaimed the week of April 23-29, 1978 as "Secretaries Week."

PROCLAMATION - AMERICAN BUSINESS WOMEN'S ASSOCIATION SCHOLARSHIP MONTH - MAY, 1978

Mayor Trantham proclaimed the month of May, 1978 as "American Business Women's Association Scholarship Month."

INTRODUCTION OF MR. WILFRIDO C. BARREIRO

Mr. William DeBruhl, Utilities Operations Coordinator, introduced Mr. Wilfrido C. Barreiro from the Philippine Islands who is here studying our water facilities.

Councilwoman Price said she could not favor the location for housing units since Tunnel Road is a heavily travelled area.

Mr. Williams requested Council's assistance in receiving the financing through Urban Development Action Grant funding whereby the City would own the units and use them for Section 8 Housing Units.

The City Manager noted that Council has already started a major project in the East End-Valley Street area for Urban Development Action Grant funding. He said the requirements and guidelines consist of a long involved process including several public hearings. He said if this project is depending upon Urban Development Action Grant funding for financing, a new project would have to be implemented and the public hearing process started.

Wallace Hyde, developer, presented a letter to members of Council detailing the proposal. He said he felt the location was suitable. He said the area will be lightly travelled after the new roads are offically opened. He said the site would be within 150' of traffic lights and sidewalks could be installed from the location to the traffic lights. He said it was within 450' of the shopping areas which could be beneficial to the residents of the housing units. He asked Council to consider approving the site for the proposed project.

Councilman Rainey said if the developers were trying to obtain financing through the Urban Development Action Grant program it would be a complicated process. He said the Community Development and Urban Development Action Grant funds were locked into place by prior decisions of the City Council.

Mr. Hyde said it was his understanding that the City of Asheville has made no formal application to HUD for Urban Development Action Grant funding as of this date.

Marvin Vierra, of the Planning Staff, said the City could consider this project as an inclusion in the overall application or as a separate application for Urban Development Action Grant funding. However, if it was submitted as a separate application the two projects would be competing against each other.

Councilman Rainey said the City could submit the project into the overall Urban Development Action Grant application now being processed, giving priority to the East End - Valley Street Project.

Councilwoman Price said she did not think Urban Development Action Grant funds should be used to install sidewalks on Tunnel Road.

Mr. Hyde said they were asking Council to approve the site at 200 Tunnel Road for conversion into housing units for Section 8 Housing Assistance and to include the project into the application for Urban Development Action Grant funding.

After discussion, Vice-Mayor Horton moved to instruct the staff to make a preliminary study of the request, giving consideration to the evaluation of the site, evaluation of the funding, and recommendations for a successful type program and to give Council the alternatives relative to the project. This motion was seconded by Councilman Michael and carried on a vote of 4-2, with Councilman Cole and Councilwoman Price voting "no".

It was agreed that the staff report would be presented on April 25, 1978.

Adjournment.

MAYOR

CITY CLERK

Complete text of Ordinance No. 1036 will be found in Ordinance Book No. 8 at page 179.

PUBLIC HEARING - PROPOSED WORDING AMENDMENT - ASHEVILLE ZONING ORDINANCE - SECTION 30-11-2., ITEM D

ORDINANCE NO. 1039 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

4. A public hearing was held relative to a wording amendment to the Asheville Zoning Ordinance, Section 30-11-2., Item D.

Mayor Trantham opened the public hearing at 3:22 o'clock p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Verl Emrick, Planning Director, said that the Planning and Zoning Commission at its March 1, 1978 meeting, discussed the need for clarifying Section 30-11-2. Procedure: General, Item D., as it pertains to denial of a rezoning petition.

Mr. Emrick said that the Commission voted unanimously to recommend that City Council delete the second paragraph of Item D. and add the following paragraph:

> "If the Planning and Zoning Commission has made a negative recommendation, the petitioner may within thirty (30) days after written notification of the City Clerk request that a public hearing be held by the City Council. If the petitioner fails to request a public hearing before Council within the allotted thirty (30) day time frame then the denial shall be considered affirmed by Council and the normal administrative remedies provided by this Ordinance satisfied. Further, if the denial of said petition is confirmed by the process set forth above, the Planning and Zoning Commission shall not consider the petition for a period of at least one (1) year, unless the City Council by official action grants the petitioner an extension of time in which to file and request a public hearing on the petition. Advertisement of all public hearings shall be at the applicant's espense."

(Underscoring provided to delineate new wording added.)

Mayor Trantham closed the public hearing at 3:26 o'clock p.m.

The City Manager read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1039. This motion was seconded by Councilman Morris.

On a roll call vote of 5-0, Ordinance No. 1039 passed on its first reading.

PUBLIC HEARING - PROPOSED WORDING AMENDMENT - ASHEVILLE ZONING ORDINANCE - ARTICLE II. DEFINITIONS

ORDINANCE NO. 1040 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

5. A public hearing was held relative to a wording amendment to the Asheville Zoning Ordinance, Article II. Definitions. Section 30-2-1. General.

PUBLIC HEARING - REZONING PROPERTY ON SWEETEN CREEK ROAD - R-3 RESIDENTIAL DISTRICT TO HI HEAVY INDUSTRIAL DISTRICT

ORDINANCE NO. 1038 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

2. A public hearing was held relative to rezoning property on Sweeten Creek Road from R-3 Residential District to HI Heavy Industrial District.

Mayor Trantham advised that the public hearing was officially opened on April 6, 1978.

Mr. Verl Emrick, Planning Director, said the Planning and Zoning Commission, at its March 1, 1978 meeting considered the request of Thomwins, Inc., Owner and Dick Glenn, Purchaser, that the property, Ward 12, Sheet 22, Lot 126, located on Sweeten Creek Road, be rezoned from R-3 Residential District to HI Heavy Industrial District. After discussing the issues, the Commission voted to recommend approval of the petition provided that:

1. That the petitioner submit more detailed information concerning the upgrading of access to both his property and adjoining residential property. (The existing driveway presently serves as joint access to petitioners property and adjacent residences.)

2. That a buffer strip be erected to separate the Thomwins property from adjoining residential property which meets the specifications set forth in the Asheville Zoning Ordinance, Section 30-3-14., A., 1.

Mr. Emrick said that all adjacent property owners have been re-contacted and there is no objection to this rezoning request.

Mayor Trantham closed the public hearing at 3:15 o'clock p.m.

The City Manager read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1038 concurring with the recommendations of the Planning and Zoning Commission. This motion was seconded by Councilman Rainey.

On a roll call vote of 5-0, Ordinance No. 1038 passed on its first reading.

ORDINANCE NO. 1036 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Rezoning Property on Hendersonville Road)

3. Consideration was given to the third and final reading of Ordinance No. 1036, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended. This ordinance rezones property on Hendersonville Road from R-3 Residential District to CH Commercial Highway District, on property owned by Garrett and Garrett and leased by Rollins, Inc. (Orkin Exterminating).

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-1, Ordinance No. 1036 passed on its third and final reading, with Councilman Rainey voting "no."

Mr. Emrick said that they have an ordinance drafted that would address most of Councilman Rainey's proposals and would have it at Tuesday's work session.

Mayor Trantham closed the public hearing at 3:38 o'clock p.m.

The City Manager read the ordinance.

Councilman Rainey moved for the adoption of Ordinance No. 1040. This motion was seconded by Councilman Cole.

On a roll call vote of 5-0, Ordinance No. 1040 passed on its first reading.

PUBLIC HEARING - DEMOLITION OF 285 WESTWOOD PLACE

ORDINANCE NO. 1041 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSE KNOWN AS 285 WESTWOOD PLACE

6. A public hearing was held relative to the adoption of an ordinance directing the Housing Officer to proceed with the demolition and removal of 285 Westwood Place and otherwise comply with the provisions of the Housing Code of the City of Asheville.

Mayor Trantham opened the public hearing at 3:45 o'clock p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Bradley of the Inspections Department, said that 285 Westwood Place has been found to be unfit for human habitation, unsafe and dangerous to life. He said the owner has not complied with orders to repair the structure or to have it demolished and removed. He said due process of law has been followed to have the structure demolished.

Mayor Trantham closed the public hearing at 3:47 o'clock p.m.

The City Manager read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1041. This motion was seconded by Councilman Cole.

On a roll call vote of 5-0, Ordinance No. 1041 passed on its first reading.

PRESENTATION - EXPERIMENTAL PROGRAM FOR DOWNTOWN ON-STREET PARKING

7. Mr. Verl Emrick said that on February 15, 1978, the Revitalization Commission transmitted to Council several recommendations relative to amendments to parking procedures on an experimental basis, for a 90-day period. The Revitalization Commission and the City Council have met several times in attempt to answer several questions. Some questions were having to do with principally the enforcement and the authority under which the City could act. Also, the potential impace for these experimental recommendations. The authority is specifically granted to the City Manager and City Council under the Asheville City Code, Section 28-17, which states:

"The director of public safety is hereby empowered to make and enforce regulations necessary to make effective the provisions of this chapter

Mayor Trantham opened the public hearing at 3:30 o'clock p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Verl Emrick said that the Planning and Zoning Commission at its March 1, 1978 meeting discussed the need to clarify the definitions of public facilities versus public utilities in the Asheville Zoning Ordinance. He said that the Commission voted unanimously to recommend that City Council amend ARTICLE II. DEFINITIONS. Section 30-2-1. General. to include the following definitions in the alphabetically appropriate places:

"Public Facility. Any structure or land use belonging to the public, purchased or constructed at public expense, maintained at public expense, being under public control and opened to the public or the community at large or being used by a specific governmental or quasi-governmental agency or body whose purpose pertains to or who is engaged in the affairs or providing services to the general public or the community.

Public Utility. Any strucute or facility transmitting a service provided by a utility company (to include private systems) such as telephone, electric, water and sewer, gas, power, etc.

Transmission Line. Any apparatus designed specifically for the act, process or instance of power transmission.

Utility Substations. Are herein defined to include electric and gas subsidiary stations in whick electric current or raw gas is transformed."

Councilman Rainey showed Council some photographs that he had taken of the regular power poles in a state of disarray. Some were crowded together on a street corner, broken, leaning and cut off altogether, leaving a stump. He said that Kimberly Avenue should be a model street for the City of Asheville because that street does not contain any poles.

Councilman Rainey then asked Council to consider adopting more extensive ordinances dealing with the following:

1) Requiring Carolina Power and Light to get City permission before putting any poles on the City right-of-way.

2) Requiring Carolina Power and Light to reduce the number of poles in the City by 10% over the next two years.

3) Requiring all new developments to put utilities underground. (He would especially like to see this applied to the downtown development.)

4) Requiring Carolina Power and Light to remove the poles on Lakeshore Drive and find another route for the transmission line.

Mayor Trantham said that these proposals would be discussed further at Tuesday's work session.

Councilman Michael noted that if anyone wanted a pole moved, they had to go through two separate departments at Carolina Power and Light Company. One department removes the wires and the other department moves the poles.

3) That a thirty minute Free Parking Zone be created between the hours of 8:00 a.m. and 9:30 a.m. on the following streets:

Broadway	N. Lexington Avenue
Eagle Street	Otis Street
Spruce Street	Post Street
Walnut Street	south side of Battery Park Avenue

4) That a one hour Free Parking Zone be created within City-County Plaza between the hours of 8:00 a.m. and 6:00 p.m.

5) That non-permitted parking in a service vehicle zone between the hours of 8:00 a.m. and 9:30 a.m. or in a loading zone between the hours of 8:00 a.m. and 6:00 p.m. be considered a violation of a no parking zone and therefore subject to a $5.00 penalty.

Mr. Thornton said that an exact cost of the program in considering the loss of revenues compared to the increase in revenue for off street parking lots had not been determined. He said that a study would be conducted during this experimental period to determine cost figures which would include revenues from the private sector.

He said that in surveying other towns that have this type program, there has been a noticable increase in retail sales over a two year period from free parking. He said a more economically vital downtown will almost immediately result in increased property values which would expand the tax base.

Mr. Bob Anthony, representing the Board members of the Mid-City Merchants Council, heartly endorsed the experimental parking proposal as proposed by the Revitalization Commission. He said that the merchants would cooperate to the fullest extent possible during this trial period. He said they would take note of extreme traffic changes, as well as take customer surveys.

Mr. Roy Birchfield, Vice-President of Mid-City Merchants Council, also spoke in support of the parking proposal. He siad the shopping centers have the advantage of the downtown merchants by providing free parking. He presented vital statistics showing increases in sales with a two hour free parking policy.

Mr. Michalove said that the idea today was to give the public a complete presentation of the proposal. This was also presented today to give the proposal a week to circulate in the community and to provide a phone number (255-5434) for someone to call if they had a question about this program. He said that City Council would consider taking action on this at next week's meeting. He said that in order to have the signs made and get adequate publicity and to put stickers on the parking meters, it would probably be June 1, 1978 before the program would be implemented.

Councilman Rainey expressed concern whether the two hour meter enforcement is a better control instrument compared to marking tires. He also expressed concern about the loss of revenue to the City since the parking meters would not be used.

Mr. Emrick pointed out that there would probably be some adjustments that would have to be made and would like all comments to be addressed to his Division.

ORDINANCE NO. 1027 - AN ORDINANCE FOR THE LEVY AND COLLECTION OF BUSINESS LICENSE TAXES

8. Consideration was given to the second reading of Ordinance No. 1027, an ordinance for the levy and collection of business license taxes.

and to make and enforce temporary regulations to cover emergencies or special conditions. For experimental purposes, the director of public safety may make temporary rules regulating traffic or test traffic-control devices under actual conditions of traffic. No such experimental rule regulating traffic shall remain in effect for more than ninety (90) days."

The 90-day experimental period was requested basically to implement three things:

1) Execution of right-of-way encroachment agreement by the Department of Transportation to provide for an additional parking lot in the area of the Flint Street Bridge in close proximity to the Civic Center. This agreement has already been executed.

2) To impose a moratorium for a no parking period between the hours of 8:00 a.m. and 9:30 a.m. for certain specified streets.

3) During this time period a complimentary experiment will go on also which should provide for a two hour free parking in the study area after 9:30 a.m. and ending at 6:00 p.m.

Mr. Emrick showed the study area by the use of a map. This included the principal area of the downtwon area district.

Mr. Richard Thornton, Project Director for the Downtown Revitalization effort, said that during the public hearings held with ARC there was an overwhelming demand from the public to do something about downtown parking, particularly free parking downtown.

The Revitalization Committee, through its Parking Study Committee, developed a series of recommendations which they feel would alleviate, on a short term basis, some of the more critical parking problems, in particular the problems of employees parking on streets and taking up the space that should normally be used by shoppers.

Mr. Thornton said the experimental program would include the following parking policies:

1) That a two hour Free Parking Zone (except between the hours of 8:00 a.m. and 9:30 a.m. on week-days) be created on the following streets:

Haywood Street	Spruce Street	O'Henry Avenue
Patton Avenue	Walnut Street	Page Avenue
College Street	N. Lexington Avenue	Rankin Avenue
Biltmore Avenue	S. Lexington Avenue	Battery Park Avenue
Broadway	Church Street	Wall Street
Eagle Street	Otis Street	Post Street

2) That only service vehicles clearly identified by an Asheville service vehicle permit or by signage permanently attached to the vehicle be permitted to park between the hours of 8:00 a.m. and 9:30 a.m. on week-days.

Haywood Street	Church Street	Page Avenue
Patton Avenue	S. Lexington Avenue	Rankin Avenue
College Street	O'Henry Avenue	north side of
Biltmore Avenue	Wall Street	Battery Park Avenue

Mayor Trantham called for a five (5) minute recess.

Mr. Larry Holt, Executive Deputy Director of the Asheville Housing Authority, explained that the Housing Authority is acting as the City's agent in the acquisition of the following property in the Kenilworth Park Project Area:

PARCEL	OWNER	ADDRESS
3	Zella Beatty, et al	Wyoming Road
4	Annie Duke, Heirs	Wyoming Road

Mr. Holt pointed out that both parcels are improved. He said that they have title problems with Parcel #3 in that the owner is elderly and basically is not capable of conducting her business. He said that her son lives with her and they are of low income and are not in a position to take care of the necessary legal procedures for him to take over and act in her behalf. Mr. Holt said the condemnation of the title is the easiest and cheapest way for them and they would not have to bear the cost of this action.

Mr. Holt said that in Parcel #4 they are dealing with a group of heirs that have executed an opition and are willing to sell but cannot give clear title.

Mr. Holt stated that Parcel #3 is owner-occupied and would be eligible for full relocation benefits including replacement of housing grants.

After some discussion as to the appointing of a guardian for Mrs. Beatty, Councilman Michael moved that Council delete Parcel #3 from the resolution until Mrs. Beatty can be legally declared competent or incompetent. He said that a statement from the physician at the Health Department would cost Mrs. Beatty nothing. This motion was seconded by Councilman Cole and carried unanimously.

Councilman Rainey moved for the adoption of Resolution No. 78-85 as amended. This motion was seconded by Councilman Cole and carried unanimously.

Complete text of Resolution No. 78-85 will be found in Resolution Book No. 10 at page 231.

RESOLUTION NO. 78-86 - RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION FOR A FEDERAL GRANT WITH THE NORTH CAROLINA DIVISION OF LAW AND ORDER FOR THE ASHEVILLE SCHOOL LIAISON PROGRAM

11. Consideration was given to a resolution authorizing the Mayor to file an application for a Federal grant with the North Carolina Division of Law and Order for the Asheville School Liaison Program.

The City Manager read the resolution and explained that they are not far enough along in the budget process to make a final decision on the cash match. He said that they have discussed the Asheville City Schools providing the cash match and Council agreeded at Tuesday's work session that the City submit this application in order that it be considered by the state. If it was determined that after they go into the budget process that we cannot provide the match, we would notify the state at that time.

In reply to Councilwoman Price's question relative to working with whatever cash match we would have available, Mr. Michalove said that it was his belief that the program could be reduced in scope to accommodate whatever the cash match available is.

Mayor Trantham said that the ordinance was previously read on the first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 1027 passed on its second reading.

CERTIFICATE OF APPOINTMENT OF COMMISSIONER OF THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE

9. Mayor Trantham called for nominees for the Housing Authority of the City of Asheville due to an expiring term on the Board.

Councilman Morris nominated Mr. J. D. Jackson who is now currently serving on the Board. He feels that Mr. Jackson has attended the meetings faithfully and has been a good appointment to the Board.

Councilman Michael nominated Mr. Oscar McCoy. He pointed out that Mr. McCoy lives in the East End area which is going to be rehabilitated by the Housing Authority. Councilman Michael pointed out the various activities Mr. McCoy is active in and feels that Mr. McCoy would serve well on that Board. Councilman Michael said that the representative of the Housing Authority is supposed to be the liaison between the people in the community and the staff of the Housing Authority and feels that Mr. McCoy would be the best suited for this appointment because he does live in the area and would be available to the residents to hear complaints and suggestions everyday.

It was Councilman Rainey's opinion that we need to begin a conscious process of moving the composition of our boards into a more balanced mode with more representation by both women and blacks. He feels that since Mr. McCoy does reside in the area that is going to be rehabilitated by the Housing Authority, he would be able to bring reports from the residents and reports about the construction to the Board.

On a roll call vote, the Councilmen voted as follows:

Councilman Rainey - Oscar McCoy
Councilman Cole - J. D. Jackson
Councilwoman Price - J. D. Jackson
Vice-Mayor Horton - ABSENT
Councilman Michael - Oscar McCoy
Councilman Morris - J. D. Jackson
Mayor Trantham - J. D. Jackson

By majority vote, Mr. J. D. Jackson was reappointed to the Housing Authority Board of the City of Asheville to serve for a term of five years, term expiring June 11, 1983.

Mayor Trantham said that in the future, Council will try to come up with two or three candidates in each section of the City for appointments on the various Boards.

RESOLUTION NO. 78-85 - RESOLUTION AUTHORIZING CONDEMNATION OF PROPERTY IN THE KENILWORTH PARK PROJECT AREA

10. Consideration was given to a resolution authorizing condemnation of property in the Kenilworth Park Project area.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilman Morris, the consent agenda was unanimously approved.

EAST RIVERSIDE COMMUNITY ORGANIZATION - LIVINGSTON STREET CENTER

City Manager K. M. Michalove presented a letter to Council from the East Riverside Community Organization which indicated an interest in collaborative efforts that are being worked on between the Parks and Recreation Department and the YMCA on the operation of the Livingston Street Center.

Mr. Michalove said that he would present this in further detail at Tuesday's work session.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT - THE TENTH ANNIVERSARY OF FAIR HOUSING

Mr. Michalove presented a letter from the Department of Housing and Urban Development observing the Tenth Anniversary of the National Fair Housing Law.

CLAIM - VANN B. HAYES

The City Manager presented a claim from Vann B. Hayes.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - DONALD RUFF

The City Manager presented a claim from Donald Ruff.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

COUNCILMAN MICHAEL - BUDGET DIRECTOR AND EXECUTIVE ASSISTANT TO THE CHIEF - POLICE DEPARTMENT

Councilman Michael said that he was asked by a police officer to bring up the following matters:

1) Chief Tucker has appointed a Budget Director from Hickory, North Carolina, at a salary of $19,000 a year.

2) Chief Tucker has appointed an Executive Assistant to the Chief, Barry Bumgarner, at a salary of $16,000 a year.

3) No examinations or certifications by the Civil Service Commission was given for either of these positions.

It was Mr. Michalove's belief that all three statements are incorrect. He said that there was a proposal for the establishment of the positions. They were introduced to the Civil Service Board and examinations were given. He said that the salaries are incorrest. He pointed out that the two positions were filled through the Civil Service process and the examinations were authorized by the Civil Service Board. He stated that all departmental personnel were given an opportunity to apply for these jobs. He stated that he would have a report on these matters at Tuesday's work session.

Adjournment.

MAYOR

CITY CLERK

Councilwoman Price moved for the adoption of Resolution No. 78-86. This motion was seconded by Councilman Cole and carried unanimously.

Complete text of Resolution No. 78-86 will be found in Resolution Book No. 10 at page 232.

APPROVAL OF SIGN PERMIT - BEKINS MOVING AND STORAGE - 306 W. HAYWOOD STREET

12. Consideration of a sign permit for Bekins Moving and Storage Company for a free standing sign to be located at 306 W. Haywood Street.

The City Manager pointed out that Bekins Moving and Storage Company asked that this item be deleted from the agenda.

APPROVAL OF THE CONSENT AGENDA

13. The City Manager explained that the items on the consent agenda are of a routine nature and have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reaidng and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City staff any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 78-87 - Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for a water line on State Road 81 (Swannanoa River Road).

HIGHLIGHTS: This encroachment is for the purpose of connecting the 6-inch water line in Redwood Forest to our 8-inch line in Swannanoa River Road. This will loop the fire system installed in Redwood Forest by way of Beechwood Road and will afford more water protection and domestic use.

B. Approval of bids received April 3, 1978 to install ballfield lighting at Shiloh Recreation Center.

HIGHLIGHTS: One (1) bid was received.

Recommendation of bid submitted by M. B. Haynes Electric Corporation in the amount of $18,782.00.

Funding: Community Development Funds - Capital Outlay
Other Improvements - Account Code 65-658.0073
Budget Line Item - Unencumbered Balance $30,047.96

C. Approval of bids received April 3, 1978 to construct tennis court lighting system at Aston Park for Parks and Recreation Department.

HIGHLIGHTS: One (1) bid was received.

Recommendation of bid submitted by M. B. Haynes Electric Corporation in the amount of $16,879.00

Funding: Community Development Funds - Capital Outlay
Other Improvements - Account Code 65-664.0073
Budget Line Item - Unencumbered Balance $34,515.00

J. E. Johnson, Director of Inspections, said this amendment would open up the permit procedure to allow property owners to perform electrical work upon their own property subject to certain requirements detailed in the ordinance. He said the applicant for the permit would have to satisfy the Electrical Inspector that he is competent to perform the work for which the permit is requested in a manner which will meet all statutory and ordinances requirements.

Upon inquiry of Councilman Michael, Mr. Johnson said the City Code is no more stringent than the County Code. He said there may be some difference in enforcement.

Councilwoman Price said she felt this amendment would be lowering the standards and she would not be in favor of the amendment.

Mayor Trantham closed the public hearing at 3:29 o'clock p. m.

The City Manager read the ordinance.

Councilman Rainey moved for the adoption of Ordinance No. 1042. This motion was seconded by Councilman Cole.

On a roll call vote of 5-1, Ordinance No. 1042 passed on first reading, with Councilwoman Price voting "no".

PUBLIC HEARING - AMENDMENT TO SECTION 20-2 OF CHAPTER 20 - CODE OF ORDINANCES - ENTITLED PLUMBING PERMITS - INSPECTIONS, FEES

ORDINANCE NO. 1043 - AN ORDINANCE AMENDING SECTION 20-2 OF CHAPTER 20 OF THE CODE OF ORDINANCES, ENTITLED PLUMBING PERMITS - INSPECTIONS, FEES

3. A public hearing was held relative to the adoption of an ordinance relating to amending Section 20-2 of Chapter 20 of the Code of Ordinances, entitled Plumbing Permits - Inspections, Fees.

Mayor Trantham opened the public hearing at 3:30 o'clock p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

J. E. Johnson, Director of Inspections, said this amendment would also open up the permit procedure to allow property owners to perform plumbing work upon their own property subject to certain requirements detailed in the ordinance. He said the applicant for the permit would have to satisfy the Plumbing Inspector that he is competent to perform the work for which the permit is requested in a manner which will meet all statutory and ordinances requirements.

After discussion, Mayor Trantham closed the public hearing at 3:37 o'clock p. m.

The City Manager read the ordinance.

Councilman Rainey moved for the adoption of Ordinance No. 1043. This motion was seconded by Councilman Cole.

On a roll call vote of 5-1, Ordinance No. 1043 passed on first reading, with Councilwoman Price voting "no".

Thursday - April 27, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen F. Jack Cole, Otis B. Michael, Gene E. Rainey, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Acting City Clerk Carol Hensley.

Absent: Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

Councilman Rainey introduced Dave Cheadle, Vice-President of the Full Gospel Businessmen's Association, who gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the April 20, 1978 meeting.

Upon motion of Councilman Cole, seconded by Councilman Rainey, the minutes of the April 20, 1978 meeting were approved as submitted.

RESOLUTION NO. 78-88 - RESOLUTION OF APPRECIATION TO RONALD MAYNARD McELRATH

Consideration was given to a resolution of appreciation to Ronald Maynard McElrath, Executive Director of the Asheville-Buncombe Community Relations Council who has accepted a position with the City of Clearwater, Florida.

Upon motion of Councilman Michael, seconded by Councilman Morris, Resolution No. 78-88 was unanimously adopted.

Complete text of Resolution No. 78-88 will be found in Resolution Book No. 10 at page 236.

PUBLIC HEARING -AMENDMENT TO SECTION 11-46 - CHAPTER 11 - CODE OF ORDINANCES - PERMITS TO ISSUE ONLY TO LICENSED ELECTRICAL CONTRACTORS

ORDINANCE NO. 1042 - AN ORDINANCE AMENDING SECTION 11-46 OF CHAPTER 11, OF THE CODE OF ORDINANCES, ENTITLED PERMITS TO ISSUE ONLY TO LICENSED ELECTRICAL CONTRACTORS

2. A public hearing was held relative to the adoption of an ordinance relating to amending Section 11-46 of Chapter 11 of the Code of Ordinances, entitled Permits to issue only to licensed electrical contractors.

Mayor Trantham opened the public hearing at 3:13 o'clock p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1040. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1040 passed on third and final reading.

Complete text of Ordinance No. 1040 will be found in Ordinance Book No. 8 at page 184 .

ORDINANCE NO. 1041 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSE KNOWN AS 285 WESTWOOD PLACE

7. Consideration was given to the second reading of Ordinance No. 1041, an ordinance directing the Housing Officer to demolish the dwelling house known as 285 Westwood Place.

Mayor Trantham said the ordinance was previously read on first reading and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1041 passed on its second reading.

RESOLUTION NO. 78-89 - RESOLUTION PROVIDING FOR AN EXPERIMENTAL PROGRAM IN DOWNTOWN ON-STREET PARKING POLICIES

8. Consideration was given to a resolution providing for an experimental program in downtown on-street parking policies.

The City Manager read the resolution.

Richard Thornton, Project Director for the Downtwon Revitalization effort, reviewed the recommendations of the Asheville Revitalization Commission relative to an experimental parking policy for downtown. He said the Police Department would be enforcing the policy and adequate signage would be provided to detail the parking policies.

The City Manager said the cost of the experimental parking proposal would be between $500 to $1,000.

Eugene C. Ochsenreiter, Jr., former Mayor, endorsed the proposal. He said he felt this policy would bring more shoppers downtown which would enhance the tax base of the City.

J. W. "Red" Hoyle, former Councilman, also endorsed the plan. He said the shoppers should have the same privilege of parking downtown as they would in a shopping center.

Mr. Bob Anthony, representing the Board members of the Mid-City Merchants Council, again heartily endorsed the proposal.

Mr. L. E. Gibson, a citizen, also favored the proposed plan.

ORDINANCE NO. 1038 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Rezoning property on Sweeten Creek Road)

4. Consideration was given to the second reading of Ordinance No. 1038, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended rezoning property on Sweeten Creek Road owned by Thomwins, Inc.

Mayor Trantham said the ordinance was previously read on first reading and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1038 passed on second reading.

ORDINANCE NO. 1039 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Wording changes to Section 30-11-2 Procedure: General, Item D)

5. Consideration was given to the second reading of Ordinance No. 1039, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, amending Section 30-11-2, Procedure: General, Item D as it pertains to denial of a rezoning petition.

Mayor Trantham said the ordinance was previously read on first reading and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1039 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1039. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1039 passed on third and final reading.

Complete text of Ordinance No. 1039 will be found in Ordinance Book No. 8 at page 182.

ORDINANCE NO. 1040 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Article II, Definitions, Section 30-2-1. General)

6. Consideration was given to the second reading of Ordinance No. 1040, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, amending Article II, Definitions, Section 30-2-1. General to include public facility, public utility, transmission line, and utility substation in the alphabetically appropriate places.

Mayor Trantham said the ordinance was previously read on first reading and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1040 passed on second reading.

The petition was signed by approximately 45 homeowners within a 2 to 3 block area within the Swain property.

Mr. Jim Moody, representing residents of North Asheville who work with Little League Baseball in the area reminded Council that he had presented their problems to Council on several occasions. He said the ball program crowds some 600 young people onto two small fields, one at Weaver Park and one at St. Eugene's School. He said an extensive search of land in the North Asheville area had produced nothing. He said a federal grant is presently in the process and he would hope that the property could be used as it is desperately needed now.

Councilman Morris said he also felt the former Swain property could better lend itself for residential use. He questioned whether other property in North Asheville would be better suitable for the ball field.

Ms. Margaret Taylor, 99 Country Club Road, also opposed the ball park on the Swain property. She said with the YMCA already in the neighborhood, an additional ball park would create traffic increase and noise. She said it was their hope that a better site would be available for the young people.

Council agreed to discuss the park location further at Tuesday's agenda meeting.

RESOLUTION NO. 78-90 - RESOLUTION CONCERNING REDUCED GOLF RATES FOR SENIOR CITIZENS AT THE MUNICIPAL GOLF COURSE

10. Consideration was given to a resolution concerning reduced golf rates for Senior Citizens at the Municipal Golf Course.

The City Manager read the resolution.

Councilwoman Price moved for the adoption of Resolution No. 78-90. This motion was seconded by Councilman Michael.

Vice-Mayor Horton moved to amend the resolution to include that the "Permits sold as of May 1 will be priced on a pro-rata annual basis". This amendment was seconded by Councilman Rainey.

On a voice vote, Vice-Mayor Horton's amendment carried.

Resolution No. 78-90, as amended passed on a voice vote of 5-1, with Councilman Michael voting "no".

Complete text of Resolution No. 78-90 will be found in Resolution Book No. 10 at page 238.

RESOLUTION NO. 78-91 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR $483,200 IN STATE AIRPORT DEVELOPMENT FUNDS FOR THE AIRPORT RUNWAY EXTENSION PROJECT

11. Consideration was given to a resolution authorizing the City Manager to submit an application for $483,200 in State Airport Development funds for the Airport Runway Extension Project.

The City Manager read the resolution.

Mr. Wayne Cooper, Asheville Revitalization Commission member, endorsed the plan stating that he felt this policy would help to bring shoppers downtown and to bring about positive actions.

Councilwoman Price moved for the adoption of Resolution No. 78-89. This motion was seconded by Councilman Cole.

Councilman Rainey offered an amendment to the resolution in which at the end of the 90 day experimental program referred to in the resolution that a second 90 day period be undertaken, beginning on or about September 1, 1978 in which two hour parking meters, with a 30 minute courtesy time be installed and that the results of the two periods will be assessed by Council. This amendment was seconded by Councilman Michael.

Councilman Rainey said there is no evidence that meters deter business in downtown Asheville and there is no evidence from other cities that the free parking proposal has been beneficial.

Vice-Mayor Horton said at the end of the experimental program Council may consider several alternatives and he did not feel Council should be obligated to carry out another program if it was not needed. He said Council could use its best judgement after the 90 day time period.

On a voice vote, Councilman Rainey's amendment failed.

On a voice vote, Resolution No. 78-89 was adopted unanimously.

Complete text of Resolution No. 78-89 will be found in Resolution Book No. 10 at page 236.

PETITION REGARDING THE DEVELOPMENT OF THE NORTH ASHEVILLE PARK ON THE SWAIN PROPERTY

9. Dr. W. H. McCall read the following petition:

The residents and land owners of North Kimberly Avenueand adjacent areas respectfully request that Asheville City Council reconsider and study further the proposed transfer of land adjacent to Ira B. Jones School for use as public park, playground, or ball park.

It is felt that these grounds represent ideal and expensive residential areas. We understand this property has been evaluated at $100,000.00 which would represent sizeable revenue to the City of Asheville if sold. A study of this land clearly indicates that it lends itself to residential building, possibly to a park, but certainly not to playgrounds or ball park without expensive earth movement, removal of many beautiful trees and changes which would destroy an attractive section of land. Considering ecology, geography, topography and general aesthetic factors it appears to us to be unwise for the city, for our neighborhood, and for Ira B. Jones School to destroy this property by conversion to a ball park.

It is certainly not our desire to deny needed playgrounds for Asheville children. There seems to be fairly adequate recreational areas in North Asheville. Weaver Park on Merrimon Avenue , Ira B. Jones School grounds, YMCA property on Beaver Dam Road and others. We are told that the baseball park will be open until 10:30 P. M. when in use. The commotion, noise, glaring floodlights and associated activities will do irreparable damage to a quiet and restricted neighborhood.

ORDINANCE NO. 1044 - AN ORDINANCE AMENDING THE FISCAL 1977-78 CITY OF ASHEVILLE ANNUAL OPERATING BUDGET

14. Consideration was given to an ordinance amending the fiscal 1977-78 City of Asheville Annual Operating Budget in order to re-roof the East Asheville Community Center at an estimated cost of $10,000.

The City Manager read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1044. This motion was seconded by Councilman Rainey.

On a roll call vote of 6-0, Ordinance No. 1044 passed on its first reading.

Vice-Mayor Horton moved to suspend the rules and proceed to the second reading of Ordinance No. 1044. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1044 passed on its second reading.

Vice-Mayor Horton again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1044. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1044 passed on its third and final reading.

Complete text of Ordinance No. 1044 will be found in Ordinance Book No. 8 at page 192.

ORDINANCE NO. 1027 - AN ORDINANCE FOR THE LEVY AND COLLECTION OF BUSINESS LICENSE TAXES

15. Consideration was given to the third and final reading of Ordinance No. 1027, an ordinance for the levy and collection of business license taxes.

Mayor Trantham said the ordinance was previously read on first and second reading and it would not be re-read in its entirety unless there was a specific request to do so.

Vice-Mayor Horton said the Council and the staff is presently working on the proposed ordinance, along with the City Attorney. He said additional research is needed.

Vice-Mayor Horton then moved to postpone the third reading of Ordinance No. 1027 until May 4, 1978. This motion was seconded by Councilman Morris and carried unanimously.

Councilman Rainey requested that the staff and City Attorney also review a recommendation for a license tax on flea markets.

Upon motion of Councilman Morris, seconded by Councilman Cole, Resolution No. 78-91 was unanimously adopted.

Complete text of Resolution No. 78-91 will be found in Resolution Book No. 10 at page 240.

BIDS - SIGNS FOR ASHEVILLE CIVIC CENTER - APPROVAL OF SIGN PERMIT

12. Consideration was given to bids received April 11, 1978 for signs for the Asheville Civic Center.

The City Manager read the recommendation from the Purchasing Agent which stated that one bid was received by Crawford Sign Company in the amount of $14,631.88. It was recommended that the bid of Crawford Sign Company be accepted.

The City Manager also said if Council approves the bids a motion approving a sign permit would be in order due to the signs being within 600 feet of the Expressway as requirement by Zoning Ordinance No. 322.

Jim Evans, Civic Center Manager, said the seven (7) signs would be directional signs.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bids to Crawford Sign Company in the amount of $14,631.88. This motion was seconded by Councilwoman Price and carried unanimously.

Councilman Morris also moved to approve the sign permit for the signs to be located at the Asheville Civic Center. This motion was seconded by Councilwoman Price and carried unanimously.

RESOLUTION NO. 78-92 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF INTERIOR THROUGH THE RECREATION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT OF THE STATE OF NORTH CAROLINA FOR A YOUTH EMPLOYMENT, CONSERVATION AND ENVIRONMENTAL EDUCATION PROGRAM FOR THE SUMMER OF 1978.

13. Consideration was given to a resolution authorizing the Director of Parks and Recreation to enter into an agreement with the Department of Agriculture and the Department of Interior through the Recreation Division of the Department of Natural Resources and Community Development of the State of North Carolina for a youth employment, conservation and environmental education program for the summer of 1978.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, Resolution No. 78-92 was unanimously adopted.

Complete text of Resolution No. 78-92 will be found in Resolution Book No. 10 at page 241.

D. Motion setting a public hearing for the East End/Valley Street Area Redevelopment Plan for May 25, 1978.

HIGHLIGHTS: To give the public an opportunity to further comment on a plan already approved by the Housing Authority of the City of Asheville and the Planning and Zoning Commission.

The plan calls for rezoning along the East side of Valley Street and the South side of Poplar Street from Commercial Service to R-3 Residential. The plan also calls for the rezoning of approximately 2.2 acres of land east of Short Pine Street from R-3 to Commercial General to accommodate neighborhood retail businesses.

To comply with G. S. 160A-513, the plan must be approved by City Council before any action to carry out the plan can be initiated. Zoning changes will be initiated as the plan is implemented in phases.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously approved.

PROCLAMATION - LOYALTY DAY - MAY 1, 1978

Mayor Trantham proclaimed May 1, 1978 as Loyalty Day .

PROCLAMATION - MAY 1 - 6, 1978 - LIONS CLUB BROOM SALE WEEK

Mayor Trantham proclaimed the week of May 1 - 6, 1978 as Lions Club Broom Sale Week.

CLAIM - MRS. BILLIE WILSON

The City Manager presented a claim for damages received from Mrs. Billie Wilson.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - CAROLYN R. DACUS

The City Manager presented a claim for damages received from Ms. Carolyn R. Dacus.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

APPROVAL OF THE CONSENT AGENDA

16. The City Manager explained that the items on the consent agenda are of a routine nature and have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City staff any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 78-93 - Resolution authorizing the Mayor to execute a right-of-way agreement with the North Carolina Department of Transportation for a water line on Airport Road in Arden, North Carolina.

HIGHLIGHTS: This encroachment is for a 6-inch water line to be installed by the developer to serve a proposed apartment complex on Airport Road. This will be at the developer's expense and the water line will be deeded to the City for ownership after final inspection approval is given.

Resolution Book No. 10 Page 243 .

B. Approval of bids opened April 21, 1978 for one (1) four door sedan for the Water Maintenance and Construction Division.

HIGHLIGHTS: Two (2) bids were received.

Recommendation of the low bid submitted by Apple Tree Chevrolet in the amount of $4,450.13.

Bidder	Bid
Apple Tree Chevrolet	$4,450.13
Dorato Motors, Inc.	$4,549.00

Funding: Water and Sewer Operation Fund, Maintenance and Repair Administration Division - Capital Outlay Equipment, Account Code 30-730.0074
Budgeted $4,800.00

C. Motion scheduling a public hearing relative to rezoning property on Leicester Highway from R-3 Residential District to CS Commercial Service District for May 25, 1978.

HIGHLIGHTS: The Asheville Planning and Zoning Commission at their April 5, 1978 meeting considered the request of Mr. Reuben Caldwell, Mr. and Mrs. Clyde Ayers, Mr. and Mrs. D. J. Graham and Ms. Mildred B. Fenner that Ward 12, Sheet 13, Lots 36, 78, 36-1/4, and 10 be rezoned from R-3 Residential District to CS Commercial Service District.

After discussion the issues of this request, the Planning and Zoning Commission voted to recommend to City Council that this petition be denied.

The City Manager said he would give Council on report on Tuesday's agenda meeting on the status of the water problems on McIntosh Road.

APPROVAL OF SIGN PERMIT - BEKIN'S MOVING AND STORAGE COMPANY

Council reconsidered the sign permit for Bekin's Moving and Storage Company for a sign to be located at 306 W. Haywood Street which is within 600 feet of the expressway, requiring approval of Council pursuant to Section 30-9-3 B-7 of the Zoning Ordinance.

A representative of Bekin's Moving and Storage Company presented a detailed drawing of the proposed sign. It was revised from a billboard type sign to a directional type sign.

Councilman Morris moved to approve the sign permit for Bekin's Moving and Storage Company to be located at 306 W. Haywood Street. This motion was seconded by Vice-Mayor Horton and carried unanimously.

LETTER FROM ROBERT W. FISHER - RE: PORNOGRAPHY

Vice-Mayor Horton read the following letter and requested that it be included in the minutes:

April 25, 1978

Mr. William C. Moore
City Attorney
P.O. Box 7625
Asheville
North Carolina 28807

In re: Pornography

Dear Bill:

You had requested that we contact some of the other counties in the state relative to what they were doing in regard to the pornography statutes.

We have checked with Raleigh and they advise that they have had cases in District Court; however, the defendants had pleaded "no contest" and appealed the case to Superior Court. Gastonia has a new city ordinance which is presently on appeal. They are to advise us of any progress made in

KENILWORTH RESIDENT'S ASSOCIATION - LETTER

The City Manager presented a letter from Peter Winslow, President of the Kenilworth Resident's Association thanking the staff of the Sanitation Department for their help in the community wide clean-up program in Kenilworth.

HUGH HYDER - SOURWOOD LANE

Mr. Hugh Hyder, of Sourwood Lane, said residents of the area presented a paving petition last fall to have their road paved. He said as of this date nothing has been done.

The City Manager said temporary repair work would be done on April 29, 1978. He said he would give Council a report at Tuesday's agenda meeting as to when the residents of the area could expect the permanent work to be completed.

L. E. GIBSON - McINTOSH ROAD

Mr. L. E. Gibson, of McIntosh Road read the following letter:

Gentlemen:

This letter pertains to the water service on McIntosh and Tekview Roads in the West Asheville section. For several years we have been forced, needlessly, to live with a problem which could have been corrected long ago. There are two business concerns in this area that use very large amounts of water - Loven Concrete Company and Arden Organics.

When they turn their water on, none of the residents of this area can get a drop of water. Water is siponed from our pipes and water heaters. This causes expensive water heater damage, not to mention the inconvenience. Have any of you ever tried to drink water from an empty glass, take a shower without water, or cook without water? What if one of us should have a fire in our home? How would we put it out?

This problem has gone on long enough. We have asked for larger water lines. The present two inch water line cannot supply enough water for the community, much less a community and two business concerns that use large amounts of water. Why can't something be done? We have asked repeatedly for your help. So far we have gotten nowhere. Is this what we get for our tax dollars? Is it that you don't feel we are important enough to warrant your attention? Should we ask your help through our lawyers or our congressman? Our congressman is a busy man, yet he still has time to listen to all of us. Why don't you?

Thursday - May 4, 1978 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen F. Jack Cole, Gene E. Rainey, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Otis B. Michael

INVOCATION

Councilman F. Jack Cole gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the April 27, 1978 meeting.

Councilman Rainey requested a change in the wording of the vote taken relative to Resolution No. 78-89.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the minutes of the April 27, 1978 meeting were approved as amended.

PUBLIC HEARING - REZONING PROPERTY ON CHARLOTTE STREET - DEL-RIO, INC.

2. A public hearing was held relative to rezoning property on Charlotte Street from R-2 and R-3 Residential District to OI, Office Institutional District, request made by Del-Rio, Inc.

Mayor Trantham opened the public hearing at 3:07 o'clock p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said Del-Rio, Inc. presented a rezoning petition to rezone Ward 2, Sheet 15, Lots 98 and 100 from R-2 and R-3 Residential District to OI Office Institutional District. On November 9, 1977 the Planning and Zoning Commission recommended denial of the rezoning request for the following reason: "The rezoning is not in keeping with the neighborhood nor the zoning plan of 1975". On March 1, 1978 the Planning and Zoning Commisssion reviewed that request again and voted to reaffirm its recommendation of denial of November 9, 1977. On March 7, 1978 the City Clerk received a request for a public hearing on the matter from Mr. John A. Powell, Attorney, representing Del-Rio, Inc.

Mr. Emrick read from the Zoning Ordinance the uses permitted in the OI, Office Institutional District.

Mr. John A. Powell, Attorney, representing Del-Rio, Inc., spoke in support of the rezoning request. He said the Manor property was registered in the National Register on January 26, 1978 and the property was previously zoned Office Institutional District for more than twenty (20) years. He said he could see no problem with spot zoning. He said the planned uses of the property have not fully formulated but the possible uses could be a restaurant facility, gift shop or a grill room.

regard to same. Durham has had one misdemeanor case appealed to the Superior Court which was tried under the old statute and the case has not been heard in Superior Court to date. Fayetteville seems to be having the most activity in this field. They have acquired a per diem solicitor to fill in for Assistant District Attorney Donaldson that is handling quite a few of the cases. They are awaiting the Federal judge's ruling before proceeding further on their cases. They advised that Judge Depree would probably rule within the next two or three weeks.

It appears that it will be sometime yet before we have a case in the appellant courts and it is my opinion that we should leave the situation as it is at the present time rather than spending time and money needlessly.

We are continuing to give these matters our attention.

Very truly yours,

ROBERT W. FISHER

cc: Mr. Bill B. Horton
Vice Mayor
City of Asheville

Vice-Mayor Horton requested that the City Attorney keep checking on the status of the referred to cases.

POLITICAL SIGNS - REPORT BY DIRECTOR OF INSPECTIONS

J. E. Johnson, Director of Inspections, said there was a number of political signs being erected on residential properties. He said these signs are permitted in residential zones however a permit is required before their installation. He said they must also be removed within 10 days after the election.

Adjournment.

MAYOR

CITY CLERK

Councilwoman Price moved that the staff be requested to continue to look for other property more suitable for the long range goals. It is understood that this is not to effect or change the plans on the Swain property that is now being considered for a park. This motion was seconded by Councilman Cole and carried unanimously.

Mr. Gary Dodd, involved in youth baseball in the North Asheville area, said his interpretation of the motion would be that the staff would continue looking for a site until such time as approval for the present site is made or rejected by the federal agency. During the interim period, if no better or more desirable site is found then the proposed site will be approved or the Council will look upon the property favorably as it did in 1977.

Councilman Morris said he did not think Council could go on record that it will approve the site. He said at present the site has been approved and if it is not withdrawn for approval then it will remain approved. He said there were several problems involved which includes the fact that the proposed site is not a very suitable site. He said he did not feel all the problems would be solved by using the Swain property.

Upon the request of Councilman Rainey, Mr. Dodd said his interpretation of the motion is that the current site will remain as far as the application for funds is concerned and the site unless a more suitable site is found and the resolution carries forward only until such time as the either rejection or approval from the federal agency is made.

Councilman Rainey said his interpretation is the same as Mr. Dodd's. He said if the federal government approves of the site then all searching stops at that time.

ORDINANCE NO. 1042 - AN ORDINANCE AMENDING SECTION 11-46 OF CHAPTER 11, OF THE CODE OF ORDINANCES, ENTITLED PERMITS TO ISSUE ONLY TO LICENSED ELECTRICAL CONTRACTORS

4. Consideration was given to the second reading of Ordinance No. 1042, an ordinance amending Section 11-46 of Chapter 11, of the Code of Ordinances, entitled Permits to issue only to licensed electrical contractors.

Mayor Trantham said the ordinance was previously read on first reading and it would not be re-read in its entirety unless there is a specific request to do so.

Councilwoman Price moved to amend the ordinance as follows: "It would remain the same for existing structures but to obtain a permit to do the electrical work on a new family residence or new business establishment the property owner must pass the equivalent test given to those securing a license as an electrical journeyman." This motion was seconded by Councilman Rainey.

Upon inquiry of Councilman Morris, Mr. Harold Garland, Chief Electrical Inspector, said he did not feel the passing of the entire journeyman's examination would be necessary for a property owner to do his own electrical work. He said, however, in doing commercial wiring he felt it would be necessary to pass the journeyman's examination.

Mr. Steven Jones, 117 Furman Avenue, spoke in support of the rezoning request. He said he felt the zoning would be beneficial for the neighborhood, as well as preserving the Manor.

Mr. Mac Day, Vice-President of the Grove Park Sunset Association, spoke in opposition to the rezoning request. He said the property owners in the area do not want the property rezoned. He said the property values should be protected. He said the matter had been unfairly handled administratively as the petition did not request the public hearing within the thirty (30) day time frame as required by the Zoning Ordinance.

Mr. Russ Martin, 65 Woodland Road, presented a petition containing 105 signatures in opposition to the rezoning. He said there had been much widespread opposition, as this would intrude in the residential area. He said the Manor had 100 rooms of which only 40 are rented and the owners should try to increase the occupancy for profit.

Ms. Peggy Simpson presented a petition containing 20 signatures of property owners in the area, opposing the rezoning request.

Ms. Margaret Avis, President of the Grove Park Sunset Association, spoke in opposition to the rezoning.

Ms. Jane Fowler, resident of the Manor properties, also spoke in opposition to the rezoning.

Mr. Frank Edwinn, resident of the Manor properties, spoke in opposition to the rezoning.

Mr. William I. Lee, 18 Ridgewood Place, spoke in opposition to the rezoning stating that it was not in the best interest of North Asheville.

Mr. Larry D. Holt, President of the Board of Trustees for the Unitarian Universalist Chuch of Asheville, read a letter from the Board of Trustees opposing the rezoning request. He suggested several recommendations for properties having historical or architectural significance without changing the zoning.

Mr. Al Crane, operator of the Manor, speaking in support of the rezoning, said they needed some diversification to meet the operations of the Manor.

Mayor Trantham closed the public hearing at 4:23 o'clock p. m.

The City Manager read the ordinance rezoning the property as requested.

The ordinance was denied for the lack of a motion for adoption.

NORTH ASHEVILLE PARK - DISCUSSION AND MOTION RELATIVE THERETO

3. The City Manager said in the past week questions have arose relative to the location and adequacy of the proposed North Asheville Park. He requested an expression from the Council to continue looking for a site in the North Asheville area that would be more adequate than the one proposed, being the Swain property. The Staff then can continue doing this until such time as the City receives a reply about the federal grant obtained for this project. He said a report from the Director of Parks and Recreation indicated a three to six month period before hearing from the grant. He said the expression of Council during this meeting would not affect the grant applied for.

ORDINANCE NO. 1038 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Rezoning property on Sweeten Creek Road)

6. Consideration was given to the third and final reading of Ordinance No. 1038, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING OR THE ZONING OF THE CITY OF ASHEVILLE", as amended rezoning property on Sweeten Creek Road owned by Thomwins, Inc.

Mayor Trantham said the ordinance was previously read on first and second readings and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 1038 passed on its third and final reading.

Complete text of Ordinance No. 1038 will be found in Ordinance Book No. 8 at page 181.

ORDINANCE NO. 1041 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSE KNOWN AS 285 WESTWOOD PLACE

7. Consideration was given to the third and final reading of Ordinance No. 1041, an ordinance directing the Housing Officer to demolish the dwelling house known as 285 Westwood Place.

Mayor Trantham said the ordinance was previously read on first and second reading and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 1041 passed on its third and final reading.

Complete text of Ordinance No. 1041 will be found in Ordinance Book No. 8 at page 186.

RESOLUTION NO. 78-94 - RESOLUTION RELATING TO FEES AND CHARGES TO UNDERWRITE MAINTENANCE AND OPERATION OF THE ENKA WATER IMPROVEMENT PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE COUNTY OF BUNCOMBE

8. Consideration was given to a resolution relating to fees and charges to underwrite maintenance and operation of the Enka Water Improvement Project and authorizing the Mayor to execute an agreement with the County of Buncombe.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Cole, Resolution No. 78-94 was unanimously adopted.

Complete text of Resolution No. 78-94 will be found in Resolution Book No. 10 at page 244.

Councilwoman Price said her feeling is that a property owner who starts this task may find if much larger than he anticipated and will end up spending more money if he is not knowledgable about the work.

After discussion, Councilman Rainey withdrew his second to Councilwoman Price's amendment.

Councilman Morris suggested that the ordinance be amended before the third reading to include that the examination be reviewed by the Board of Electrical Examiners to determine if the examination is adequate for the work to be performed.

On a roll call vote of 4-1, Ordinance No. 1042 passed on its second reading, with Councilwoman Price voting "no".

ORDINANCE NO. 1043 - AN ORDINANCE AMENDING SECTION 20-2 OF CHAPTER 20 OF THE CODE OF ORDINANCES, ENTITLED PLUMBING PERMITS - INSPECTIONS, FEES

5. Consideration was given to the second reading of Ordinance No. 1043, an ordinance amending Section 20-2 of Chapter 20 of the Code of Ordinances, entitled Plumbing Permits - Inspections, Fees.

Mayor Trantham said this ordinance was previously read on first reading and it would not be re-read in its entirety unless there is a specific request to do so.

Mr. Dave Moser, Moser Plumbing Company, spoke in opposition to the ordinance, stating that it would present a tremendous problem for the inspectors to inspect the work being done by property owners. He said more help is already needed in the Plumbing Division of the City of Asheville.

Mr. Jim Bagwell, Bagwell Plumbing Company, spoke in opposition to the ordinance. He referred to the State Code Book, Section 108 in stating that he felt the ordinance would be in conflict the State Code. He also said this ordinance would possibly create health hazards in the City of Asheville.

Mr. Charles Williams, Williams Plumbing Company, spoke in opposition to the ordinance. He said he did not think the Plumbing Division could adequately enforce the proposed ordinance.

Mr. Jim Dotson, Dotson Plumbing and Heating Company, spoke in opposition to the ordinance. He said he felt the ordinance was downgrading to the health laws in the City. He suggested that the inspection department develop a Board of Examiners for journeyman plumbers similiar to the electrical board.

Mr. James R. Bagwell, Jr., also spoke in opposition to the ordinance.

After discussion, Councilman Rainey moved to table Ordinance No. 1043, until staff could draw up another ordinance to include a Board of Examiners for Journeyman Plumbers and a journeyman plumbers examination. This motion was seconded by Councilman Cole and carried unanimously.

The City Attorney was requested to investigate with the State the requirements of amending the State Code to allow for such a Board of Examiners for Plumbers.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 78-69 was unanimously adopted.

Complete text of Resolution No. 78-69 will be found in Resolution Book No. 10 at page 247.

RESOLUTION NO. 78-97 - RESOLUTION OF COMMENDATION FOR HIGH ACHIEVEMENT IN ATHLETICS

12. Consideration was given to a resolution of commendation for high achievement in athletics sponsored by Coach Butler. Coach Butler was commended for her training and coaching the outstanding Asheville High Lady Cougar basketball team.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 78-97 was unanimously adopted.

Complete text of Resolution No. 78-97 will be found in Resolution Book No. 10 at page 249.

RESOLUTION NO. 78-98 - RESOLUTION APPOINTING MEMBER OF THE WESTERN NORTH CAROLINA REGIONAL AIR POLLUTION BOARD

13. Consideration was given to a resolution reappointing Mrs. Jones Byrd as a member of the Western North Carolina Regional Air Pollution Board.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, Resolution No. 78-98 was unanimously adopted.

Complete text of Resolution No. 78-98 will be found in Resolution Book No. 10 at page 251.

ORDINANCE NO. 1027 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1978 AND ENDING JUNE 30, 1979

14. Consideration was given to the third and final reading of Ordinance No. 1027, an ordinance levying, assessing, imposing and defining the license and privilege taxes of the City of Asheville for the fiscal year beginning July 1, 1978 and ending June 30, 1979.

Vice-Mayor Horton moved to continue the third reading of Ordinance No. 1027 until May 18, 1978. This motion was seconded by Councilman Cole and carried unanimously.

RESOLUTION NO. 78-99 - RESOLUTION AUTHORIZING CONDEMNATION OF PROPERTY IN THE KENILWORTH PARK PROJECT AREA

15. Consideration was given to a resolution authorizing condemnation of property in the Kenilworth Park Project Area. The following parcel is to be condemned in order that the City of Asheville might carry out its approved plan of development: Parcel 3; Owner, Zella Beatty, et al; Address, Wyoming Road

ORDINANCE NO. 1045 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (Dictation System City Manager/City Council)

9. Consideration was given to an ordinance amending the operating budget of the City of Asheville for fiscal year 1977-78 to cover the cost to upgrade the City Manager/Council dictation system in the amount of $2,360.00.

The City Manager read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1045. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 5-0, Ordinance No. 1045 passed on its first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1045. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1045 passed on its second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1045. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1045 passed on its third and final reading.

Complete text of Ordinance No. 1045 will be found in Ordinance Book No. 8 at page 193.

RESOLUTION NO. 78-95 - RESOLUTION APPROVING FAIR MARKET VALUE FOR PARCEL NUMBER 23 TO BE PURCHASED FOR THE DEVELOPMENT OF RIVERSIDE PARK IN THE MONTFORD AREA

10. Consideration was given to a resolution approving fair market value for Parcel Number 23 to be purchased for the development of Riverside Park in the Montford Area.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, Resolution No. 78-95 was unanimously adopted.

Complete text of Resolution No. 78-95 will be found in Resolution Book No. 10 at page 245.

RESOLUTION NO. 78-96 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE DIRECING THE HOUSING OFFICER TO DEMOLISH 49 WEST CHESTNUT STREET

11. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish 49 West Chestnut Street of June 1, 1978.

The City Manager read the resolution.

It is distressing to me, as an elected public official, that such an irresponsible and contemptuous activity would take place in the City of Asheville ... especially on the grounds of one of our finest and most respected institutions.

I would hope that the UNC-A officials will take appropriate steps to condemn this objectionable, if not illegal, activity and properly reprimand those responsible. A public apology would not be out of order."

Adjournment.

Ray M. Hamilton
MAYOR

William F. Maloney
CITY CLERK

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Cole, Resolution No. 78-99 was unanimously adopted.

Complete text of Resolution No. 78-99 will be found in Resolution Book No. 10 at page 252.

REPORT BY CITY MANAGER - SOURWOOD LANE

The City Manager, referring to a complaint made by Mr. Hugh Hyder, said the major road improvements on Sourwood Lane has been started and as soon as the weather clears the remainder will be completed.

PROCLAMATION - "BE KIND TO ANIMALS" - MAY 7 - 13, 1978

Mayor Trantham proclaimed the week of May 7-13, 1978 as "Be Kind to Animals" Week.

CLAIM - A. G. WILDER

The City Manager presented a claim received from A. G. Wilder.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - HEARING AND SPEECH MONTH - MAY

Mayor Trantham proclaimed the month of May as National Hearing and Speech Month.

MRS. BETTY ROGERS - COMPLAINT - MOBILE HOME

Mrs. Betty Rogers said she could not obtain a permit to place a mobile home on Cedar Hill Road. She said there was a trailer on this property before the zoning of the property.

The City Manager said he would investigate the matter and get back in touch with Mrs. Rogers.

VICE-MAYOR HORTON "DEEP THROAT" SHOWN ON UNC-A CAMPUS

Vice-Mayor Horton made the following statement:

"It is with an extremely heavy heart that I make this statement. Something allegedly happened in our City last night that was in gross bad taste and technically, if not legally, in contempt of our courts. I refer to the alleged showing of the movie "Deep Throat" on the UNC-A campus as a student activites sponsored entertainment.

It should be public knowledge in November, 1975, here in Asheville, that Superior Court Judge Kenneth Griffin ruled "Deep Throat" as obscene under the stipulations of G. S. 14-190 and enjoined it from being shown in Buncombe County.

Mr. Marvin Williams requested that Council postpone the third reading of Ordinance No. 1042 until such time as amendments can be submitted to Council for possible inclusion in the ordinance.

Councilman Michael moved to postpone the third reading of Ordinance No. 1042 until May 25, 1978. This motion was seconded by Councilwoman Price and carried unanimously.

PUBLIC HEARING - REZONING PROPERTY ON TUNNEL ROAD NEAR CRAIG CIRCLE - BARLAS AND KALOGERAKIS

ORDINANCE NO. 1046 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

3. A public hearing was held relative to rezoning property on Tunnel Road near Craig Circle from R-2 and R-3 Residential District to CH Commercial Highway District.

Mayor Trantham opened the public hearing at 3:17 o'clock p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, at its April 5, 1978 meeting, voted to recommend approval of the rezoning request, to rezone Ward 21, Sheet 10, Lots 50, 51, 52, 68, and 109-1/2 from R-2 and R-3 Residential Districts to CH Commercial Highway District for the following reasons:

1) The property is unsuitable for residential use.

2) Hazardous for residential use.

3) Residents objecting (Craig Circle) are protected by terrain.

4) Residents of Knauth Road are protected by private road.

He said this request was also considered in May, 1976 and the Commission had recommended approval of the petition at that time. However, the petition was denied by Council, in July, 1976, for the lack of a motion.

Mr. Emrick, by the use of a map, reviewed the location of the property in question.

Mr. Emrick said a petition had been received, containing 20-25 signatures of adjoining property owners, opposing the rezoning request.

Carl Hyldburg, attorney representing Mr. Gus Barlas, reviewed the background of the rezoning request. He said the Barlas' purchased the property in 1969 and 1970 for commercial use. He said the property has been unimproved due to the present zoning. He said the proposed zoning would not adversely affect the residents of Craig Circle.

Thursday - May 11, 1978 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey, Ralph D. Morris, Jr., Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman F. Jack Cole

INVOCATION

Councilwoman Price introduced Rev. Warren Boch, Minister of Calvary Presbyterian Church and on the Staff of Asheville-Buncombe Community Christian Ministry, who gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the May 4, 1978 meeting.

Councilman Rainey requested an amendment to the minutes to reflect the following changes in a paragraph on page 218:

"Upon the request of Councilman Rainey, Mr. Dodd said his interpretation of the motion is that the current site will remain, as far as the application for funds is concerned, unless a more suitable site is found. The resolution carries forward only until such time as either rejection or approval of the grant by the federal agency."

Vice-Mayor Horton requested an amendment to the minutes to reflect the following changes in a paragraph on page 223:

"It should be public knowledge that in November, 1975, here in Asheville, Superior Court Judge Kenneth Griffin ruled "Deep Throat" as obscene under the stipulations of G. S. 14-190 and enjoined it from being shown in Buncombe County."

Upon motion of Councilman Rainey, seconded by Councilwoman Price, the minutes of the May 4, 1978 meeting were approved as amended.

CLARK BROWN- WILLIAM DeBRUHL - COMMENDED - MUNICIPAL ADMINISTRATION COURSE

The City Manager commended Mr. Clark Brown and Mr. William DeBruhl for their completion of the 24th Municipal Administration Course in Chapel Hill.

ORDINANCE NO. 1042 - AN ORDINANCE AMENDING SECTION 11-46 OF CHAPTER 11, OF THE CODE OF ORDINANCES, ENTITLED PERMITS TO ISSUE ONLY TO LICENSED ELECTRICAL CONTRACTORS

2. Consideration was given to the third reading of Ordinance No. 1042, an ordinance amending Section 11-46 of Chapter 11, of the Code of Ordinances, entitled Permits to issue only to licensed electrical contractors.

Mayor Trantham said the ordinance was previously read on first and second readings and it would not be re-read in its entirety unless there was a specific request to do so.

PUBLIC HEARING - REZONING PROPERTY -FAIRVIEW ROAD MR. AND MRS. KEITH DeWEESE

ORDINANCE NO. 1047 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

4. A public hearing was held relative to rezoning property on Fairview Road from R-3 Residential District to LI Light Industrial District.

Mayor Trantham opened the public hearing at 4:10 o'clock p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, at its April 5, 1978 meeting, voted to recommend approval of the rezoning request, to rezone Ward 7, Sheet 27, Lot 42 from R-3 Residential District ot LI Light Industrial District for the following reasons:

1) The property is contiguous with existing Light Industrial Zoning to the north;

2) Property situated in close proximity to the above property was recently rezoned to Light Industrial with no apparent adverse effect upon surrounding properties; and

3) The property abuts property that abuts the North Carolina Department of Transportation's right-of-way for the interchange of I-40, I-240, and Charlotte Highway. This fact makes the property more desirable for commerical or light industrial activities than for residential uses.

Mr. Emrick, by the use of a map, reviewed the location of the property in question.

There being no objections, Mayor Trantham closed the public hearing at 4:12 o'clock p. m.

The City Manager read the ordinance rezoning the property as petitioned.

Councilman Morris moved for the adoption of Ordinance No. 1047. This motion was seconded by Councilman Rainey.

On a roll call vote of 5-0, Ordinance No. 1047 passed on its first reading.

ORDINANCE NO. 1048 - AN ORDINANCE REALLOCATING, AMENDING, AND APPROVING COMMUNITY DEVELOPMENT BUDGET FUNDS SET FORTH IN THE CITY OF ASHEVILLE CAPITAL PROJECT FUND BUDGET FOR 1977-78

5. Consideration was given to an ordinance reallocating, amending and approving Community Development Budget funds set forth in the City of Asheville Capital Project Fund Budget for 1977-78.

Mr. Bob Long, attorney representing Ms. Dolly Kalogerakis, spoke in support of the rezoning request. He said Ms. Kalogerakis had also purchased her property for commercial use. He said the property is unsuitable for residential use.

Mr. Bob Swain, representing Mr. Frank Casey, spoke in favor of the rezoning request. He said Mr. Casey desires to establish an automobile sales agency on the property. He said this type of business should not be objectionable to the residents of the area.

Mr. Charles Crawford, owner of rental property on Knauth Road, spoke in favor of the rezoning request.

The City Manager read a letter from Ruby Gibbs who opposed the rezoning request.

Councilman Rainey suggested that Lots 50, 51, and 52 be deleted from the rezoning request.

Mr. John Barlas spoke in favor of the rezoning request. He said there are business establishments all around the property proposed to be rezoned.

Mayor Trantham closed the public hearing at 4:00 o'clock p. m.

Councilwoman Price moved for the adoption of Ordinance No. 1046, with the following stipulations:

1) That a 50' buffer, on the Kalogerakis property, be left adjacent to Charles C. Bell Elementary School; and

2) That Knauth Road, a private road, be permanently left open; and

3) That two rows of evergreen trees be left as a buffer on Craig Circle.

This motion was seconded by Councilman Rainey.

Vice-Mayor Horton suggested adopting the ordinance on first reading as presented with the intentions of amending the ordinance before the second and third readings of the ordinance.

Councilman Rainey withdrew his second to Councilwoman Price's motion.

Councilwoman Price withdrew her motion.

Councilwoman Price then moved for the adoption of Ordinance No. 1046. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 4-2, Ordinance No. 1046 passed on first reading with Councilman Rainey and Councilman Michael voting "no".

Contract	Contractor	Base Bid	Negotiated Bid
General	Price-Ray Constructors	$341,400	$330,350
Plumbing	Moser, Inc.	35,600	35,600
Mechanical	Moser, Inc.	89,600	78,863
Electrical	Hayes & Lunsford Electric Co.	64,235	61,996
	Total	$530,835	$506,809

Councilman Michael moved to accept the recommendation of the Parks and Recreation Director and award the bids to the low bidders. This motion was seconded by Councilman Rainey and carried unanimously.

CITY MANAGER'S REPORT _ STATUS OF READVERTISING THE SALE OF PARCEL NO. 3 IN THE CIVIC REDEVELOPMENT PROJECT AREA

7. The City Manager said the City had been awaiting an opinion from the Attorney General's office relative to the readvertising the sale of Disposal Parcel No. 3 in the Civic Redevelopment Area. He said the opinion had been received and a letter was forwarded to David Jones, Executive Director of the Asheville Housing Authority to proceed with readvertising for bids. He said he had received just prior to the Council meeting a letter from Mr. David Jones which he read:

"As you know, the Housing Authority of the City of Asheville has tentatively accepted the bid of Western Carolina Bank and Trust Company for the purchase of this parcel, subject to the approval of the sale by the City Council of the City of Asheville. Your letter of May 10, 1978, states that the City Council on April 6, 1978, decided to reject all bids for Disposal Parcel 3.

I have been advised by counsel for the Housing Authority, that according to G. S. 160A-514 (d) the sole function of the governing body of the municipality in a sale of real property by a housing authority exercising the powers of a redevelopment commission is to approve or disapprove the proposed sale of property.

The Housing Authority requests that it be advised whether or not the proposed sale of Disposal Parcel 3 to Western Carolina Bank and Trust Company is approved or disapproved by City Council.

I would appreciate hearing from you prior to the May 16th meeting of the Commissioners of the Housing Authority."

Councilman Morris said in view of the report, it would seem that Council would have to take additional action on the sale of the property.

Max Cogburn, representing Western Carolina Bank and Trust Company, referred to a letter of March 31, 1978 to the City Attorney from Mr. Bullock, Senior Deputy Attorney General. He said Mr. Bullock had indicated that the rejection of bids is a discretionary matter with the body having such authority, that body being the Housing Authority of the City of Asheville. He said N.C.G.S. 160A-154 also states that no sale shall be made except with the approval of the governing body. Therefore, the City Council, being the governing body, would not function in the capacity of rejecting the bids. He said Council's sole function would be to approve or

The City Manager read the ordinance.

Logan Delany, Community Development Coordinator, explained that the bids for the construction of the Shiloh Community Center Project exceeded the amount appropriated, $485,000, by $50,000. He said $50,000 was appropriated in the Third Year Community Development Program for Hunt Hill Place Extension Project, however, Hunt Hill Place Extension Project has been made a part of the Fourth Year Community Development East End/Valley Street Project. He said this ordinance would amend the Community Development Budget by transferring $50,000 from the Hunt Hill Place Extension Project to the Shiloh Multi-Purpose Center to cover the additional costs.

Councilman Rainey moved for the adoption of Ordinance No. 1048. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 5-0, Ordinance No. 1048 passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1048. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1048 passed on second reading.

Councilman Michael moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1048. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1048 passed on third and final reading.

Complete text of Ordinance No. 1048 will be found in Ordinance Book No. 8 at page 196.

Virgil McConnell, of the Shiloh Area, expressed appreciation to the members of Council for their consideration on the Shiloh Recreation Center.

Sofia Dixon also expressed appreciation to the members of Council for their efforts toward the Shiloh Recreation Center.

Rev. Wesley Grant appealed to City Council to sell him the lot adjacent to his property at 97 Choctaw Street. He also asked why the Housing Authority was dumping dirt on the property adjacent to him.

The City Manager said he would look into the matter and be in contact with Rev. Grant.

BIDS - SHILOH RECREATION CENTER

6. Consideration was given to bids received for the construction of Shiloh Recreation Center.

The City Manager read a memorandum from the Director of Parks and Recreation which recommended the acceptance of the low base bids for the Project, which have been negotiated as follows:

Mayor Trantham suggested that the matter be postponed until next week after all the facts are obtained.

After discussion, Vice-Mayor Horton moved that Council schedule a special session of the Asheville City Council to reconsider the sale of Disposal Parcel No. 3 in the Civic Redevelopment Area for Tuesday, May 16, 1978 at 4:00 o'clock p. m. This motion was seconded by Councilman Morris and carried unanimously.

RESOLUTION NO. 78-100 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH RUCKMAN BROTHERS FOR THE PROJECT KNOWN AS NORTH FORK FLOOD DAMAGE CONTRACT #2

8. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Ruckman Brothers for the project known as North Fork Flood Damage Contract # 2.

The City Manager read the resolution and a memorandum from William DeBruhl, Utilities Operations Coordinator, which stated that three (3) bids were received as follows:

Ruckman Brothers of Enka, N. C.	$28,750.00
Mountain Shire Construction of Arden	43,400.00
Hobson Construction of Arden, N. C.	45,900.00

Mr. DeBruhl recommended that Council accept the low bidder, Ruckman Brothers, Inc. in the amount of $28,750.00.

Upon motion of Councilman Michael, seconded by Councilwoman Price, Resolution No. 78-100 was unanimously adopted.

Complete text of Resolution No. 78-100 will be found in Resolution Book No. 10 at page 253.

RESOLUTION NO. 78-101 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH W & W CONTRACTING COMPANY, INC., FOR THE PROJECT KNOWN AS WEST ASHEVILLE SANITARY SEWER IMPROVEMENTS

9. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with W & W Contracting Company, Inc., for the project known as West Asheville Sanitary Sewer Improvements.

The City Manager read the resolution and a memorandum from William DeBruhl, Utilities Operations Coordinator, which stated that three (3) bids were received as follows:

Hobson Construction Company	$219,800.25
Taylor & Murphy Construction Co.	238,395.80
W & W Contracting Company	212,102.00

Mr. DeBruhl recommended that Council accept the low bidder, W & W Contracting Company, in the amount of $212,102.00.

Mr. DeBruhl also reviewed the location of the proposed improvements.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, Resolution No. 78-101 was unanimously adopted.

Complete text of Resolution No. 78-101 will be found in Resolution Book No. 10 at page 254.

disapprove the proposed sale of property.

Mr. Cogburn said the Commissioner of Banks had approved the proposed site for Western Carolina Bank and Trust Company and the matter is tentatively scheduled to be considered by the Banking Commission on May 18, 1978. He said if Council did not approve the sale of the property to Western Carolina Bank before that date the matter could not be considered by the Banking Commission before July, 1978.

Mr. Cogburn said a delay in the approval of the sale would delay Akzona's construction plans. He read the following letter from Mr. Claude Ramsey to Mayor Trantham dated May 4, 1978:

"Here are copies of the correspondence with the North Carolina Department of Cultural Resources and the Preservation Society of Asheville and Buncombe County.

As you will see, Western Carolina Bank was most cooperative about selling us the land on the north side of Pack Square -- without also demanding that we proceed with the original plans to make the space occupied by the Legal and Commerce buildings available for a bank drive-in.

I hope the bank's cooperation will be given strong consideration in its efforts to acquire suitable land in downtown Asheville.

Best regards"

Sincerely
/s/ Claude Ramsey

Mr. Cogburn requested that Council make a motion approving the sale of Disposal Parcel #3 to the Western Carolina Bank and Trust Company.

Mr. Richard Wood, attorney representing Beverly-Grant, Inc. said according to the Attorney General's opinion Council had the authority to take the action it took, on April 6, 1978, that being to reject the bids from the Housing Authority.

Mr. Wood said Mr. Beverly had tried all day to contact Mr. Claude Ramsey, without success, to ask him if the action he is requesting, to readvertise the sale of Parcel # 3, would delay the plans for Akzona to build their building. He said Mr. Beverly had talked with officials of Akzona about two weeks ago and at that time they gave no indication that the construction of their building was impeded in any way by the Council rebidding Parcel # 3.

Mr. Wood said in his opinion the Housing Authority is asking Council to confirm their action of April 6, 1978 because of what they feel is a misstatement or a minor technical point. He said the basic principal behind Council's decision should not be any different than it was on April 6, 1978.

Mr. George Beverly, Beverly-Grant, Inc. confirmed that fact that he had tried to make contact with Mr. Claude Ramsey to find out if the rebidding of Parcel #3 would cause a delay in Akzona's construction plans. He said if Mr. Ramsey tells him it is causing a delay then he would bow out of the bidding process.

Mr. Beverly questioned whether Council could legally accept Western Carolina Bank's bid since it had previously been rejected and the bids had expired.

D. Scheduling of a public hearing relative to wording amendment to Asheville Zoning Ordinance regarding Public Utilities, Transmission Lines and Utility Substations for June 8, 1978.

HIGHLIGHTS: Article 4 of the Asheville Zoning Ordinance #322, Section 30-4-1, Use Districts established 12 separate zoning districts.

The Planning and Zoning Commission, on May 3, 1978, voted to approve amending the allowable uses for each of those districts to include the following: "public utilities, transmission lines and utility substations (subject to the conditions of the Group Development Review provided for in this Ordinance.)"

E. Scheduling of a public hearing relative to wording amendment to Asheville Zoning Ordinance regarding Section 30-3-11, G. Minimum Parking Requirements for Miniature Golf Courses for June 8, 1978.

HIGHLIGHTS: The Asheville Zoning Ordinance does not set forth off-street parking requirements for miniature golf courses, other than those applicable to outdoor commercial recreation activities.

The Planning and Zoning Commission, at its May 3, 1978 meeting, voted to recommend to City Council that Section 30-3-11. G. Minimum Parking Requirements be amended to include the following category in Retail and Other Commercial:

"Miniature Golf Courses - One (1) space for each one (1) tee."

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Price, the consent agenda was unanimously approved.

PROCLAMATION - MAY 14 - 20 - NURSING HOME WEEK

Mayor Trantham proclaimed the week of May 14-20 as Nursing Home Week.

CLAIM - DAVID BURNETTE

The City Manager presented a claim for damages received from Mr. David Burnette.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - MR. G. F. SWEARINGEN

The City Manager presented a claim for damages received from Mr. G. F. Swearingen.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

APPROVAL OF THE CONSENT AGENDA

10. The City Manager explained that the items on the consent agenda are of a routine nature and have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City staff any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 78-102 - Resolution authorizing the Mayor to execute a contract with the North Carolina Department of Transportation for a transit marketing program.

HIGHLIGHTS: These contracts are for the transit marketing program which originally started under the Department of Commerce and were then transferred to the Department of Transportation. Resolution No. 77-168 authorized the original grant. This resolution would authorize the Mayor to sign the contracts to continue the program.

Resolution Book No. 10 page 255.

B. Resolution No. 78-103 - Resolution authorizing the Mayor to submit a grant application to the North Carolina Department of Transportation under the transit development grant program for the purpose of implementing an employees and shoppers pass through the Asheville Transit Authority.

HIGHLIGHTS: The North Carolina Department of Transportation has made available funds for transit development. The Asheville Transit Authority has examined the program in light of transit development needs in the Asheville area and found that the development of an employees pass and shoppers pass will meet transit development goals in the Asheville Area. This resolution would authorize the Mayor to submit a grant application for the aforesaid expressed purpose. The local share cost is $1,734.00.

Resolution Book No. 10 page 256.

C. Resolution No. 78-104 - Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for a 16-inch water line on Broadway and to cross Merrimon Avenue in Asheville, North Carolina.

HIGHLIGHTS: This encroachment is for a fire line feeder main. This is a Community Development project that increases the availability of water for domestic and fire protection purposes.

Resolution Book No. 10 page 257.

Tuesday - May 16, 1978 -4: 00 p. m.

Special Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen F. Jack Cole, Otis B. Michael, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Gene E. Rainey

DISPOSAL PARCEL #3 - CIVIC REDEVELOPMENT PROJECT AREA - SALE

A special meeting of the Asheville City Council was held to consider the sale of Disposal Parcel #3 in the Civic Redevelopment Project Area.

The City Manager presented the notice to the public scheduling the special meeting and the affidavit of publication.

Councilman Morris said in his opinion the Council should consider, at the request of the Executive Director of the Asheville Housing Authority, clarifying the motion made on April 6, 1978, regarding the sale of Disposal Parcel #3.

Corporation Counsel Moore said in his opinion there was no question as to the Council's authority under G. S. 160A-514 to reject all bids. He said there had been a misunderstanding between the words "disapprove" and "reject." He said one of the definitions of disapprove is to reject. However, the Housing Authority had requested a clarification of Council's intent on April 6, 1978.

Richard Wood, attorney representing Beverly-Grant, Inc., the second high bidder for Parcel #3, said he did not feel that Counsel for the Housing Authority questioned Council's authority to reject the bids but did request a clarification of approval or disapproval of the sale of Parcel #3 to Western Carolina Bank and Trust Company.

Mr. Wood recognized Mr. George Beverly, who read the following statement:

May 16, 1978

MEMORANDUM

TO: MEMBERS OF THE ASHEVILLE CITY COUNCIL

FROM: GEORGE W. BEVERLY, JR.

As I promised the Council I would, I have talked with Mr. Claude Ramsey, Chairman and President of Akzona, Inc., and Mr. Ramsey advises me that in December of 1977, they closed the purchase of property on Pack Square with Western Carolina Bank, and leased the property back to them on a month-to-month basis with the privilege of giving them 90 days notice to vacate the site. Mr. Ramsey advises me that notice was given to Western Carolina Bank to vacate the site the first part of May; therefore, according to Mr. Ramsey, Western Carolina Bank will have to be off the site the first part of August which according to Mr. Ramsey in no way will deter Akzona's building plans.

JOHN BEST - RE: INCREASE IN PENSION FOR RETIRED PERSONNEL

Captain John Best, retired police officer, asked Council if the proposed 5% salary increase for city employees would also be given to retired personnel. He said ever since the pension plan had been in effect the retired officers had never received an increase.

Mayor Trantham told Captain Best that Council would take this under consideration.

RALPH BISHOP - LOTTERY SALES

Mr. Ralph Bishop complained to Council about the open lottery sales in the City of Asheville.

Adjournment.

Ralph Trantham
MAYOR

Frances F. Holcombe
CITY CLERK

Vice-Mayor Horton said one of his major concerns was the proposed improvements of an additional $250,000 to the property by Western Carolina Bank and Trust Company by 1984. He said a $250,000 construction cost in 1978 would not be the same in 1984 due to inflation.

George Tisdale, District Manager of Southern Bell Telephone Company and Chairman of the Asheville Revitalization Commission said he felt Western Carolina Bank and Trust Company's proposed improvements would be beneficial to the area.

Robert Orr, President of the Preservation Society, said Western Carolina Bank and Trust Company had shown good corporate citizenship, especially by their cooperation with the Preservation Society as far as the concept of Pack Square is concerned.

Richard Wood said the issue to be decided by Council is not to protect the interest of Western Carolina Bank and Trust Company or Beverly-Grant, Inc., but to perform in the best interest of the citizens and taxpayers of the City of Asheville. He reminded Council that there would be 60% reduction in tax base between the two proposals.

Councilman Michael said unless there is some definite reason for disapproving the sale to Western Carolina Bank and Trust Company then the sale should be approved.

Upon questioning of Vice-Mayor Horton, Mr. Sam Blythe, President of Western Carolina Bank and Trust Company, said the bank would make a commitment to build a building containing a minimum of 5,120 square feet by 1984.

Councilman Morris moved that the City Manager be instructed to notify the Housing Authority that the action of City Council on April 6, 1978 was to disapprove the sale of Parcel #3 to Western Carolina Bank and Trust Company. This motion died for the lack of a second.

Vice-Mayor Horton moved that Council rescind their action taken on April 6, 1978, regarding the sale of Parcel #3 to Western Carolina Bank and Trust Company. This motion was seconded by Councilman Cole and passed on a voice vote of 4-1.

After discussion relative to Councilman Michael being a stockholder in Western Carolina Bank and Trust Company, Councilman Michael withdrew his vote. Therefore, in order to pass the motion, Mayor Trantham was required to vote and at this time he voted "aye" The motion passed on a vote of 4-1, with Councilman Morris voting "no," and Councilwoman Price, Councilman Cole and Vice-Mayor Horton voting "aye."

Councilman Cole then moved to approve the sale of Parcel #3 to Western Carolina Bank and Trust Company provided the proposed improvements to the property consist of a minimum of 5,120 square feet as proposed by Western Carolina Bank and Trust Company on April 6, 1978. This motion was seconded by Councilwoman Price and carried on a voice vote of 4-1, with Councilman Morris voting "no" and Councilman Michael voting "present." Vice-Mayor Horton, Councilwoman Price and Councilman Cole voted "aye."

Adjournment.

MAYOR CITY CLERK

Therefore, we are requesting that City Council proceed with their decision of Thursday, April 6, to reject Western Carolina's bid and instruct the Housing Authority to begin immediately readvertising Parcel #3 of the Civic Redevelopment Project. I once again assure the Council that Beverly-Grant, Inc., is interested in the site for an extension of Executive Park, and that we will substantially increase our bid of February 22, and that if we are the successfuly bidder, we will begin construction as soon as possible on a two-story building containing at least 9,316 square feet of net rentable space at an estimated cost of $346,690.00, not including the land. This building will go on the tax books immediately, and will begin generating additional tax revenues to the City.

I would also like to point out to the Council that this is not merely a bidding contest between Western Carolina Bank and ourselves. If you will recall at the Council meeting on April 6, Mr. Jack Bryant, of Bryant Construction Company, also expressed an interest in re-bidding the property. I have also heard rumors that there are several other developers that are interested in bidding on the site.

In order to avoid any further misinterpretations of my remarks or misunderstanding, I am requesting that the statement that I have just made be read into the minutes of today's City Council meeting, and be made a permanent part of those minutes.

/s/ George W. Beverly, Jr.

George W. Beverly, Jr.

Mr. Wood requested that Council reaffirm its action of April 6, 1978, to reject all bids and to instruct the Housing Authority to readvertise Parcel #3 of the Civic Redevelopment Project.

Mr. Max Cogburn, attorney representing Western Carolina Bank and Trust Company, said it appeared to him that based on the statement made by Mr. Beverly that Beverly-Grant, Inc. does not have an eminent need for the property. He said Western Carolina Bank and Trust Company has a pressing need for the property as it must vacate its present drive-in facility by August,1978.

Mr. Cogburn said the Commissioner of Banks had already approved the site for the banking facility. He said the Banking Commission is scheduled to consider the site at its meeting on May 18, 1978. He said, if approve, the bank would start construction immediately. He said the proposed future improvements to the property would amount to a total of $345,500 by 1984. He said Council should consider the need of the bank, the bank's 6,900 city customers, and the 300 stockholders.

Mr. Cogburn said the issue before Council is whether it will approve the sale of Parcel #3 to Western Carolina Bank and Trust Company who was the highest bidder for the property on two occasions.

Councilman Morris questioned the legality of Council rejecting the bids at one meeting then approving the sale of the property at a later date. He said the City's liability should be protected.

Comporation Counsel Moore said it would be his opinion that Council could not rescind its action of April 6, 1978, to reject all the bids.

(b) that a 50 foot greenbelt be provided between the Kalogerakis property (lot 109-1/2) and the Bell School property, and that said greenbelt remain R-2; and

(c) that no encroachment be made upon access provided by Knauth Road.

(2) This amendment would not only contain the items specified in first alternative #1 but in addition delete Lots 50, 51 and 52 from the petition.

Councilman Rainey said he felt the deletion of Lots 50, 51, and 52 would meet the objectives of the neighborhood on Craig Circle.

Carl Hyldburg, attorney representing Mr. Gus Barlas, requested that Lots 51 and 52 remain in the rezoning request. He said his client did not have any objections to the other alternatives presented by the Planning Staff.

Gary Dodd, attorney representing Ms. Dolly Kalogerakis said his client did not have any objections to the alternatives presented by the Planning Staff.

Bob Swain, representing Mr. Frank Casey, a prospective owner of the property said his client did not have any objections to the alternatives presented by the Planning Staff. He requested that Council consider the second and third reading of the ordinance at today's meeting as he would be out of town next week during the third reading of the ordinance.

After discussion, Councilman Morris moved to amend Ordinance No. 1046 by accepting Alternate #1 presented by the Planning Staff and to delete Lot No. 50 from the rezoning. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 4-1, Ordinance No. 1046, as amended, passed on second reading with Vice-Mayor Horton, Councilwoman Price, Councilman Morris, and Councilman Cole voting "aye" and Councilman Rainey voting "no."

Vice-Mayor Horton said the third reading of the ordinance would be held on May 25, 1978.

ORDINANCE NO. 1047- AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Rezoning property on Fairview Road)

4. Consideration was given to the second reading of Ordinance No. 1047, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended rezoning property on Fairview Road from R-3 Residential District to Light Industrial District, property owned by Mr. and Mrs. Keith DeWeese.

Vice-Mayor Horton said the ordinance was previously read on first reading and it would not be re-read in its entirety unless there was a specific request to do so.

Thursday - May 18, 1978 - 3:00 p. m.

Regular Meeting

Present: Vice-Mayor Bill B. Horton, Presiding; Councilwoman Norma T. Price, Councilmen Gene E. Rainey, Ralph D. Morris, Jr., F. Jack Cole, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Roy M. Trantham and Councilman Otis B. Michael

INVOCATION

Vice-Mayor Bill B. Horton gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the May 11, 1978 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, the minutes of the May 11, 1978 meeting were approved as submitted.

2. Approval of the minutes of the special meeting of May 16, 1978.

Upon motion of Councilman Cole, seconded by Councilwoman Price the minutes of the special meeting of May 16, 1978 were approved as submitted.

ORDINANCE NO. 1046 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Rezoning property on Tunnel Road near Craig Circle)

3. Consideration was given to the second reading of Ordinance No. 1046, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property on Tunnel Road near Craig Circle from R-2 and R-3 Residential Districts to Commercial Highway District, property owned by Mr. Gus Barlas and Ms. Dolly Kalogerakis.

Vice-Mayor Horton said the ordinance was previously read on first reading and it would not be re-read in its entirety unless there was a specific request to do so.

Mr. Bob McDonald of the Planning Staff presented the following alternatives that Council could consider in reviewing the rezoning of the property. He said these alternatives were prepared after several Council members expressed concerns during the first reading of the ordinance.

(1) That the petition be amended to read as follows:

(a) that the petitioners provide the vegetative buffering required in Section 30-3-14 (2) of the Zoning Ordinance in all areas abutting residentially zoned property where natural vegetation is inadequate or has been removed;

(3) Under "LICENSE SCHEDULE" — change SECTION 14 to SECTION 15 and insert the following new classifications in their proper alphabetical sequence:

ESCORT SERVICE

Every person, firm or corporation engaged in the business of providing the services of personnel as an escort for hire or by engagement or assignment shall pay, for each location from which such business is carried on with employees numbering up to five, a license tax of, per annum ..... $250.00.

Every person, firm or corporation engaged in the above defined business, for each location from which such business is carried on with employees numbering more than five, shall pay a license tax of, per annum ..... $450.00.

PROVIDED, that all employees serving on escort assignments will be currently registered by name and address with the City Tax Collector and shall be provided a current certificate of health by the County Health Service.

Also PROVIDED, that if such business involves proven unlawful or prohibited activity, such as prostitution, said license shall be immediately REVOKED.

BUSINESS CARRIED ON WITHIN THE CITY

Every person, firm or corporation located outside the city, but which delivers products or services inside the city to customers procured in the regular course of conducting its business, unless covered by some other license tax levied herein, shall pay a license tax of, per annum .....$100.00.

FLEA MARKETS

Any person or firm promoting or sponsoring a Flea Market or similar business shall pay, for each location from which such business is promoted and carried on, a license tax of, per annum ..... $75.00.

In addition, any person, or firm, promoting or sponsoring a Flea Market or similar business activity shall pay a weekly license tax — for each stall or rental space used during the week, or for every new use of each stall or rented space during the week — in the amount of $2.00

(4) In SECTION 5, after the first sentence, insert the following:

For purposes of this ordinance, sexually explicit or sex-oriented is construed to mean the same as obscene, and any picture, publication, film, article or performance is construed to be sexually explicit or sex-oriented material if it is material:

(a) Which the average person, applying contemporary community standards, would find when considered as a whole, appeals to the prurient interest in sex; and

(b) Which depicts patently offensive representations of:

1. Ultimate sex acts, normal or perverted, anal or oral, actual or simulated; or
2. Masturbation, excretory functions, or lewd exhibition of the genitals or genital area; or
3. Masochism or sadism; or
4. Sexual acts with a child or animal; and

On a roll call vote of 4-0, Ordinance No. 1047 passed on its second reading.

ORDINANCE NO. 1027 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1978 AND ENDING JUNE 30, 1979

5. Consideration was given to the third and final reading of Ordinance No. 1027, an ordinance levying, assessing, imposing and defining the license and privilege taxes of the City of Asheville for the fiscal year beginning July 1, 1978 and ending June 30, 1979.

Vice-Mayor Horton said the subcommittee had been working on the details of the ordinance for some time and had come up with a number of amendments for inclusion in the ordinance. He said combining certain classifications where businesses have a number of classifications on which they have to pay tax was also considered; however, Council has agreed not to use the overall approach at this time but to use that information during the coming year.

Vice-Mayor Horton said the subcommittee had also reviewed the state statutes that give the municipalities the perogative and the authority to regulate and license businesses. He said two in particular are 160A-211 which gives a municipality the right to levy the tax on anyone doing business in the City whether their business is located in the City or not, also 160A-194 apparently gives a municipality the right and responsibility to prohibit any business that they consider to be harmful or detrimental to the citizens of City.

He said the subcommittee gave much consideration and study to several different types of businesses which the City had received complaints over the last few years. He said included in the amendments that the subcommittee has recommended to Council are some prohibitions of certain types of businesses, which in the opinion of the subcommittee should not be tolerated in the City of Asheville.

Vice-Mayor Horton said Council had suggested that the report of the subcommittee be presented to Council for consideration. He said it was the consensus of Council to postpone the third reading until next week giving the public an opportunity to voice their opinion.

Vice-Mayor Horton then requested the City Manager to read the proposed amendments to the Revenue Ordinance.

The amendments are as follows:

(1) In Section 13, after "not prohibited by" insert the words: "this, or", and after "same is prohibited" insert the words: "by this, or some other ordinance."

(2) Insert a new Section 14, as follows:

Any business or commercial activity prohibited by this ordinance cannot legally operate under any other license, and any operation of such prohibited business or commercial activity shall be found as conducted without a license. Any person, firm or corporation violating this provision shall be fined not more than $50.00, or imprisoned for not more than thirty days, and each day such prohibited business is conducted shall constitute a separate offense.

Councilman Rainey moved to amend Ordinance No. 1027, to include the amendments read by the City Manager. This motion was seconded by Councilman Cole.

Councilman Rainey strongly supported the amendments saying that he had looked forward to this day for a little over two years. He said the backbone of this city is the family; it is not a swinging town. He congratulated Vice-Mayor Horton and Councilman Cole for their efforts in drawing up the amendments. He asked general questions relative to the amendments.

Vice-Mayor Horton, upon questioning of Councilman Rainey, said the sub-committee had not got into the technique of enforcement but it is their intention to follow through with the enforcement regulations.

ORDINANCE NO. 1049 - AN ORDINANCE AMENDING SECTIONS 28-81.5 AND 28-81.6 OF ARTICLE IV (SPEED REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO LOWER THE SPEED LIMIT ON A PORTION OF MEADOW ROAD

6. Consideration was given to an ordinance amending Section 28-81.5 and 28-81.6 of Article IV (Speed Regulations) of the Code of Ordinances of the City of Asheville to lower the speed limit on a portion of Meadow Road.

The City Manager read the ordinance. He said the North Carolina Department of Transportation had requested this change.

Councilman Morris moved for the adoption of Ordinance No. 1049. This motion was seconded by Councilman Cole.

On a roll call vote of 4-0, Ordinance No. 1049 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1049. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1049 passed on its second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1049. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1049 passed on its third and final reading.

Complete text of Ordinance No. 1049 will be found in Ordinance Book No. 8 at page 198.

ORDINANCE NO. 1050 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (financing the transit marketing program)

7. Consideration was given to an ordinance amending the operating budget of the City of Asheville for fiscal year 1977-78 which would provide for the funding of a transit market program, authorized by Resolution No. 77-168.

(c) Which, taken as a whole, lacks serious literary, artistic, political, educational or scientific value.

Any business or commercial activity which possesses for sale or rental, or sells, rents, delivers or provides, or offers or agrees to sell, rent, deliver or provide any sexually explicit or sex-oriented materials or performances as herein defined is considered to be inimical to the public health, welfare, safety, order and convenience and is, therefore, expressly PROHIBITED.

If necessary, this ordinance shall be enforced by requesting an injunction and order of abatement --through application to the appropriate division of the General Court of Justice, pursuant to appropriate statutory requirements -- for a mandatory or prohibitory injunction and order of abatement commanding the defendant to cease the unlawful use of real property used in violation of this ordinance.

(5) Under "LICENSE SCHEDULE" -- new SECTION 15 -- insert the following as indicated by attachment:

ARCADES, PENNY PARLORS, PEEP SHOW.

Include in the existing wording- PROVIDED, this shall not apply to sexually explicit or sex-oriented still or moving pictures as defined in Section 5 of this ordinance; which are PROHIBITED.

BOOK STORES AND STATIONERS

Include in the existing wording- and, PROVIDED, this shall not apply to sexually explicit or sex-oriented publications or pictures as defined in Section 5 of this ordinance; which are PROHIBITED.

DRIVE-IN THEATRES.

Include in the existing wording- PROVIDED, this shall not apply to sexually explicit or sex-oriented motion pictures or performances as defined in Section 5 of this ordinance which are PROHIBITED.

GIFT AND SOUVENIR SHOPS

Include in the existing wording - PROVIDED, this shall not apply to sexually explicit or sex-oriented articles and devices as defined in Section 5 of this ordinance; which are PROHIBITED.

MOVING PICTURES OR VAUDEVILLE SHOWS

Include in the existing wording - PROVIDED, this shall not apply to sexually explicit or sex-oriented motion pictures or performances as defined in Section 5 of this ordinance; which are PROHIBITED.

The City Manager read the ordinance. He said $6,200 in additional funds is necessary in order to prepare the Environmental Impact Statement and special engineering services that are required to complete the East End/Valley Street Revitalization Plan. He said the improvements in the Nasty Brach Drainage project have been incorporated in the East End/Valley Street Revitalization Plan. This ordinance would reflect budget amendments to increase the Land Acquisition and Relocation Project by $6,200 and decreasing the Nasty Branch Drainage Improvement by $6,200.

Councilwoman Price moved for the adoption of Ordinance No. 1051. This motion was seconded by Councilman Cole.

On a roll call vote of 4-0, Ordinance No. 1051 passed on first reading.

Councilman Rainey moved to suspend the rules and proceed to the second reading of Ordinance No. 1051. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1051 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1051. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1051 passed on third and final reading.

Complete text of Ordinance No. 1051 will be found in Ordinance Book No. 8 at page 200.

ORDINANCE NO. 1052 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (Street repairs)

10. Consideration was given to an ordinance amending the operating budget of the City of Asheville for fiscal year 1977-78.

The City Manager read the ordinance. He said current appropriations for materials and contracted construction in the Street Activity for fiscal year 1977-78 are not adequate to continue the repair program through June 30, 1978. He said this ordinance would amend the budget by transferring $100,000 from the Nondepartmental Contingency line item to the Street Activity for that purpose. He said this would enable the Street Department to take advantage of current prices as well as to continue the repair program.

Councilman Cole moved for the adoption of Ordinance No. 1052. This motion was seconded by Councilwoman Price.

On a roll call vote of 4-0, Ordinance No. 1052 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1052. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1052 passed on second reading.

The City Manager read the ordinance.

Councilman Morris moved for the adoption of Ordinance No. 1050. This motion was seconded by Councilman Rainey.

On a roll call vote of 4-0, Ordinance No. 1050 passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1050. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1050 passed on second reading.

Councilman Rainey moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1050. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1050 passed on third and final reading.

Complete text of Ordinance No. 1050 will be found in Ordinance Book No. 8 at page 199.

RESOLUTION NO. 78-105 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT AGREEMENT WITH JOHNSON AMUSEMENT RIDES, INCORPORATED FOR THE OPERATION OF AMUSEMENTS, RIDES, AND CONCESSSIONS AT RECREATION PARK

8. Consideration was given to a resolution authorizing the Mayor to sign a contract agreement with Johnson Amusement Rides, Incorporated for the operation of amusements, rides and concessions at Recreation Park.

The City Manager read the resolution. He said the rides and amusements located at Recreation Park are presently owned and operated by Johnson Amusement Rides, Inc. Johnson Amusement Rides, Inc., has operated the rides and concessions at Recreation Park for the past ten years to the satisfaction of the City. He recommended that Council adopt the resolution to extend the existing contract for one summer, contract expiring October 15, 1978. He said before another contract is issued the Director of Parks and Recreation would be negotiating with Johnson Amusement Rides, Inc., to change the relationship between the company and the city.

Upon motion of Councilman Morris, seconded by Councilman Rainey, Resolution No. 78-105 passed on a voice vote of 4-1, with Vice-Mayor Horton, Councilman Morris, Councilman Cole and Councilman Rainey voting "aye" and Councilwoman Price voting "no."

Complete text of Resolution No. 78-105 will be found in Resolution Book No. 10 at page 258.

ORDINANCE NO. 1051 - AN ORDINANCE REALLOCATING, AMENDING AND APPROVING COMMUNITY DEVELOPMENT FUNDS SET FORTH IN THE CITY OF ASHEVILLE CAPITAL PROJECT FUND BUDGET FOR 1976-77 AND 1977-78

9. Consideration was given to an ordinance reallocating, amending, and approving Community Development funds set forth in the City of Asheville Capital Project Fund Budget for 1976-77 and 1977-78.

Councilman Cole moved for the adoption of Ordinance No. 1054. This motion was seconded by Councilwoman Price.

On a roll call vote of 4-0, Ordinance No. 1054 passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1054. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1054 passed on second reading.

Councilman Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1054. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1054 passed on third and final reading.

Complete text of Ordinance No. 1054 will be found in Ordinance Book No. 8 at page 204.

COUNCIL RECESS

Vice-Mayor Horton called for a three minute recess of Council.

Council reconvened at 4:50 p. m.

ORDINANCE NO. 1055 - AN ORDINANCE AMENDING ARTICLE VII, SECTION 28-154 OF THE CITY OF ASHEVILLE CODE OF ORDINANCES

13. Consideration was given to an ordinance amending Article VII, Section 28-154 of the City of Asheville Code of Ordinances.

The City Manager read the ordinance. He said this ordinance would provide, upon personal application to the Collector of Revenue and by proof of purchase of the first auto decal, a second decal may be purchased for fifty cents (50¢) when the vehicle is traded or when the first decal is lost or destroyed.

Councilwoman Price moved for the adoption of Ordinance No. 1055. This motion was seconded by Councilman Rainey.

On a roll call vote of 4-0, Ordinance No. 1055 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1055. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1055 passed on second reading.

Councilman Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1052. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1052 passed on its third and final reading.

Complete text of Ordinance No. 1052 will be found in Ordinance Book No. 8 at page 202.

ORDINANCE NO. 1053 - AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CAPITAL PROJECTS ORDINANCE IN EFFECT AS OF MAY 12, 1978 (Additional Revenue to Capital Construction Fund)

11. Consideration was given to an ordinance amending the City of Asheville Capital Projects Ordinance in effect as of May 12, 1978.

The City Manager read the ordinance. He said this ordinance would amend the Capital Projects Ordinance by recognizing in the Capital Construction Fund (33 Fund) an additional revenue from Buncombe County in the amount of $50,000. This revenue was originally appropriated in the WSIF Fund (31 Fund).

Councilman Rainey moved for the adoption of Ordinance No. 1053. This motion was seconded by Councilwoman Price.

On a roll call vote of 4-0, Ordinance No. 1053 passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1053. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1053 passed on second reading.

Councilman Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1053. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1053 passed on third and final reading.

Complete text of Ordinance No. 1053 will be found in Ordinance Book No. 8 at page 103.

ORDINANCE NO. 1054 - AN ORDINANCE AMENDING THE CITY OF ASHEVILLE OPERATING BUDGET FOR FISCAL YEAR 1977-78 (Upgrading Electrical service to Data Processing system)

12. Consideration was given to an ordinance amending the City of Asheville operating budget for fiscal year 1977-78 to upgrade electrical service to Data Processing System.

The City Manager read the ordinance. He said informal quotes were taken for the work and the bids were higher than the appropriations.

ORDINANCE NO. 1056 - AN ORDINANCE AMENDING ARTICLE V - STOPPING, STANDING, AND PARKING, DIVISION 3 - CITY PARKING LOTS OF CITY OF ASHEVILLE CODE OF ORDINANCES BY CHANGING SECTION 28-127 CONCERNING THE RATES OF CHARGES FOR PARKING LOTS

17. Consideration was given to an ordinance amending Article V - Stopping, Standing, and Parking, Division 3 - City Parking Lots of City of Asheville Code of Ordinances by changing Section 28-127 concerning the rates of charges for parking lots.

The City Manager read the ordinance and explained that it would increase the daily parking rate for Municipal Parking Lot No. 1 located on Rankin Avenue.

Councilwoman Price moved to adopt Ordinance No. 1056. This motion was seconded by Councilman Rainey and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1056 passed on its first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1056. This motion was seconded by Councilman Rainey.

On a roll call vote of 4-0, Ordinance No. 1056 passed on its second reading.

RESOLUTION NO. 78-106 - RESOLUTION REQUESTING THAT THE BUNCOMBE COUNTY DELEGATION TO THE NORTH CAROLINA GENERAL ASSEMBLY INTRODUCE LEGISLATION IN THE 1978 GENERAL ASSEMBLY SESSION AMENDING CHAPTER 188 OF THE 1977 SESSION LAWS RELATING TO THE POLICEMEN'S AND FIREMEN'S PENSION FUNDS OF THE CITY OF ASHEVILLE

18. Consideration was given to a resolution requesting that the Buncombe County Delegation to the North Carolina General Assembly introduce legislation in the 1978 General Assembly Session amending Chapter 188 of the 1977 Session Laws relating to the Policemen's and Firemen's Pension Funds of the City of Asheville.

The City Manager read the resolution explaining that the change requested will modify and clarify Section 28 in order to facilitate the transfer of the Asheville Policemen's and Firemen's Pension and Disability Funds to the City of Asheville Uniformed Policemen's Retirement Plan or the Asheville Uniformed Firemen's Retirement Plan.

Upon motion of Councilman Morris, seconded by Councilwoman Price, Resolution No. 78-106 carried unanimously.

Complete text of Resolution No. 78-106 will be found in Resolution Book No. 10 at page 259.

APPROVAL OF THE CONSENT AGENDA

19. The City Manager explained that the items on the consent agenda are of a routine nature and have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City staff any single item scheduled for approval on the consent agenda may be considered separately.

SIGN PERMIT - ADVERTISING SIGN - LEXINGTON AVENUE FOR LAMAR DEAN OUTDOOR ADVERTISING

14. Consideration was given to a sign permit for an advertising sign on Lexington Avenue for Lamar Dean Outdoor Advertising Company.

J. E. Johnson, Director of Inspections, said Lamar Dean Outdoor Advertising Company had applied for a sign permit for an advertising sign on Lexington Avenue at the old Farmers Market. He said pursuant to Section 30-9-3 (B) (7) of the Zoning Ordinance Council must approve all signs within 600 feet of any limited access highway.

A representative of the Lamar Dean Outdoor Advertising Company said the sign would meet all zoning ordinance requirements and would be readable from Lexington Avenue only. He said the sign would be 12 x 25 which is the normal size for outdoor advertising signs. He said his compnay is trying to improve the image of outdoor advertising in the City of Asheville.

Councilman Rainey said he had several concerns with approving any off premise advertising sign in the downtown area until the revitalization efforts are completed. He suggested that Council table the matter until members of Council could look at the site.

Councilman Morris moved to table the matter until May 25, 1978. This motion was seconded by Councilman Cole. On a voice vote of 2-2, the motion was defeated with Councilwoman Price and Councilman Rainey voting "no."

Councilman Rainey moved to table the matter indefinitely. This motion was seconded by Councilwoman Price. On a voice vote of 4-1, the motion carried with Vice-Mayor Horton, Councilman Morris, Councilman Rainey and Councilwoman Price voting "aye" and Councilman Cole voting "no."

APPOINTMENT OF CHAIRMAN OF THE CIVIL SERVICE BOARD

15. Mayor Trantham said due to the resignation of Earl Williams as Chairman of the Civil Service Board Council must appoint a new chairman.

Councilwoman Price moved that Osborne Hart be appointed as Chairman of the Civil Service Board. This motion was seconded by Councilman Cole and carried unanimously.

APPOINTMENT OF A MEMBER OF THE CIVIL SERVICE BOARD

16. Councilman Morris moved to appoint Mr. Tom Posey as a member of the Civil Service Board. This motion was seconded by Councilwoman Price.

Councilman Rainey felt the appointment should be made by nominations and indicated that he would like to appoint Mr. Fred Brown. After discussion, it was the consensus of Council to discuss this matter during Tuesday's work session.

Councilman Morris withdrew his motion to appoint Mr. Tom Posey as a member of the Civil Service Board and Councilwoman Price withdrew her second.

D. Bids received May 15, 1978 for tilt cab and chassis complete with 10 yard Rear Loading Hydraulic Body fully mounted to be used in the Sanitation Department.

HIGHLIGHTS: Three (3) bids were received:

Arrowhead International Trucks	$17,175.10
Apple Tree Chevrolet	17,538.00
Matthews Motors, Inc.	17,089.64

Recommendation of low bid, submitted by Matthews Motors, Inc. in the amount of $17,089.64.

Funding: Revenue Sharing Trust Fund - Sanitation Division
Capital Outlay Equipment
Account Code 50-428.0074 (budget line item)
Unencumbered balance $39,736.38.

INVITATION TO BOXING MATCH

Mr. Ray Kisiah, Director of Parks and Recreation, invited members of the Council to the 1st Amatuer Boxing Match to be held at the Livingston Street Center on Saturday, March 20, 1978 at 7:30 p.m.

PROCLAMATION - MAY 21-27, 1978 - NATIONAL INSURANCE WOMEN'S WEEK

Vice-Mayor Horton proclamed the week of May 21-27, 1978 as "National Insurance Women's Week."

PROCLAMATION - MAY 21-27, 1978 - NATIONAL PUBLIC WORKS WEEK

Vice-Mayor Horton proclaimed the week of May 21-27, 1978 as "National Public Works Week."

RALPH BISHOP

Mr. Ralph Bishop, referring to lottery sales in the City of Asheville, asked the City Manager if he was aware of his duties as City Manager spelled out in the Code of Ordinances of the City of Asheville and in General Statutes 14-30.

Adjournment.

MAYOR

CITY CLERK

A. Resoluton authorizing the City Manager to acquire a right-of-way easement from Burl Lance and wife Rhea Lance for a 2-inch water line on U.S. 25, Buncombe County.

HIGHLIGHTS: This 2-inch water line is a system within a new apartment complex being built between Hendersonville Road (U.S. 25) and Forest Lane in Royal Pines. This is to serve domestic water and it is being built to the City specifications. We will accept ownership and maintenance after work is completed.

Resolution Book No. 10 at page 261.

B. Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for a water line on State Roads 2420 and 2002 in Buncombe County, North Carolina.

HIGHLIGHTS: This water line is to increase water supply and pressure to residential neighborhood and provide fire protection. (Dillingham Circle and Riceville Road)

Resolution Book No. 10 at page 262.

C. Bids received May 15, 1978 for site development for the Computer Machines Room, City Hall Building.

HIGHLIGHTS: Three (3) bids for the air conditioning and three (3) bids for the electrical work were received.

Air Conditioning Contractor	Base Bid	Alternate
Asheville Heating & Cooling	$36,670.00	$34,928.00
Moser, Inc.	23,400.00	20,725.00
Twentieth Century Heating	25,742.00	25,000.00
Electrical Contractor		
Hayes & Lunsford Electric	$10,554.00	$ 927.00
M. B. Haynes Electric Corp.	6,788.00	377.00
Hyatt Electric Company	10,773.00	750.00

Recommendation from Architect John Cort, Director of Date Processing Tom Stranberg, and Purchasing Agent George Phipps recommend the low base bids in the amount of $30,188.00 be accepted, and the low alternate bids in the amount of $21,102.00 be accepted contingent upon LEAA approval and acceptance of the bids. Total combined low bids all alternatives are $51,290.00.

Funding: (Base Bids) - Revenue Sharing Trust Funds, Facility Services Capital Outlay Building, Account Code 50-431.0072 - $30,188

(Alternate Bids) - LEAA Grant Funds, Capital Outlay Other Account Code 65-25-916-0-000-0073, Subject to LEAA approval and Funds - $23,000.

youth and young people. We found the juveniles are commonly noted in the audiences of adult theatres. Also, we find today pornography is especially degrading to womanhood and our traditional Judeal Christian image of them. Pornography develops perverted attitudes among young and old, we found, toward love, marriage, and morals. It corrupts the young and sickens the old. We believe most of those, who seek out today's adult entertainment more than once, must indeed be morally sick or perverted. "Now, in summary, they say this very firmly. In conclusion after three months of intensive investigation by this Grand Jury of 12 citizens selected from all over the City of San Antonio - after three months of intensive investigaion into all aspects of pornography, we are unanimously and unalterably in favor of closing the adult bookstores, peep shows, and movie houses, not only because of their front to simple public decency, but because of their corruption of public morals. These establishments violate every form of moral decency, social acceptability, and attack the very heart and fiber of traditional American values of home, religion, and country."

To make one more point - before getting to what I started out to say - just a couple of quotes from psychologists throughtout the counrty, Dr. Natalie Shainess , a New York psychoanalyst, says "From my own professional practice, I know that the more we are exposed to things that are degrading, the more we are degraded. The purpose of pornography is to sexually arouse the viewer or reader in a degrading way rather than to suggest sex in a meaningful interpersonal relationship." Instead of achieving sexual liberation we have become enslaved to sex and Dr. J. D. from Oxford University made studies of 80 primitive and civilized societies and he found a distinct correlation between increasing sexual freedom and social disintegration. Dr. J. D. Unwin of the Harvard Sociology Department says "There is no example of a community which has retained its high position on the cultural scale after less rigorous social customs have replaced more restricting ones." Dr. John H. Court, a Psychologist from Australia, who has made a several-year-long study of the effects of pornography on sex crimes, has studied different countries throughout the world and he has in his counseling of individuals with various sexual disfunctions, he has become aware of the relationship of pornography to the deviant behavior of transvestites, child molesters, and other perverts who frequently use pornographic materials to inflame their sexual appetites.

I would like to give you a couple of more statistics. In Australia, the number of rapes per 100,000 population has climbed from 2 to 7 in the past 10 years. New Zealand has increased from 5.14 to 9.12 per 100,000 population in the same period and in Denmark, which was the first nation to eliminate all obscenity laws, forcible rape has jumped from 3.5 per 100,000 in 1965 to 8.6 in 1973. On the other hand, countries that have maintained a tight rein on pornography reflect that policy in their decreasing rape statistics. In Singapore, the increase was .26 percent. Japan, which restricts hard-core pornography, has witnessed a decrease in rape statistics from 11.5 to 6.5. So giving you all those to put into perspective, that we recognize we have a problem because we are - our community is being subjected to this very harmful, commercial commodity, and unlawful commercial commodity, I might add.

We chose to approach this through the Revenue Ordinance because it was covered by this statute which gives us the right to levy the privilege taxes and it was the intention of the subcommittee that this all be brought together under one ordinance. However, due to the deadline of trying to get our Revenue Ordinance on the books, it was not possible for us to have as a refined approach to our local action directed against obscenity as we would like.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilman Norma T. Price, Councilmen Gene E. Rainey, F. Jack Cole, Otis B. Michael, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Councilman Otis B. Michael introduced Rev. Wesley Grant, who gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the May 18, 1978 meeting.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the minutes of the May 18, 1978 meeting were approved as submitted.

ORDINANCE NO. 1046 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Rezoning property on Tunnel Road near Craig Circle)

2. Consideration was given to the third reading of Ordinance No. 1046, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property on Tunnel Road near Craig Circle from R-2 and R-3 Residential Districts to Commercial Highway District, property owned by Mr. Gus Barlas and Ms. Dolly Kalogerakis.

Mayor Trantham said the ordinance was previously read on first and second reading and it would not be re-read in its entirety unless there was a specific request to do so.

Councilman Rainey requested the names and addresses of the residents on Craig Circle who opposed this rezoning.

On a roll call vote of 4-2, Ordinance No. 1046 passed on third and final reading with Councilman Rainey and Councilman Michael voting "no."

Complete text of Ordinance No. 1046 will be found in Ordinance Book No. 8 at page 194.

ORDINANCE NO. 1047 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Rezoning property on Fairview Road)

3. Consideration was given to the third and final reading of Ordinance No. 1047, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended rezoning property on Fairview Road from R-3 Residential District to Light Industrial District, property owned by Mr. and Mrs. Keith DeWeese.

СОБРЕСЛОИ

CORRECTION

Mayor Trantham said the ordinance was previously read on first and second readings and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1047 passed on its third and final reading.

Complete text of Ordinance No. 1047 will be found in Ordinance Book No. 8 at page 195.

ORDINANCE NO. 1027 - AN ORDINANCE FOR THE LEVY AND COLLECTION OF BUSINESS LICENSE TAXES

8. Consideration was given to the third and final reading of Ordinance No. 1027, an ordinance for the levy and collection of business license taxes.

The City Manager said in the course of reviewing the proposed ordinance to include amendments made by Council at the May 18, 1978 meeting and changes that were suggested it was necessary to revise the ordinance into one complete document.

Corporation Counsel Moore read the revised privilege license ordinance.

Councilman Morris moved to amend Ordinance No. 1027 to read as presented by the Corporation Counsel. This motion was seconded by Councilman Rainey and carried unanimously.

The following is a verbatum statement made by Vice-Mayor Horton:

Vice-Mayor Horton

"The U. S. Supreme Court has said, in effect, that every community has the right to maintain a decent society and in this context, it is my firm personal conviction that degrading, dehumanizing, moral pollution of obscenity and pornography has no place in a self-respecting community.

In the last four years, I have read and filed literally hundreds of reports, articles, and opinions on obscenity and pornography and have come to this unshakeable conclusion. Hard-core pornography is completely dehumanizing and degrading, both to the individual and to the society. It frequently leads to criminal sexual deviants, sexual assaults, rape and child molestation, and other acts too bestial and replusive to mention. And, it definitely brings moral corruption and, often times, nuerotic or psychological moral chaos to our youth. I am not alone in the conclusion. In 1957, twenty-one years ago, the Supreme Court said, quote in a ruling, "Obscenity is not within the area of constitutionally protected speech or press." In 1973, in explaining the action that the Court took on the famous landmark Miller Case, which was the one that gave us our guidance for what we are attempting to do in this community and other communities, Chief Justice Burger said "Today the majority of this Court has agreed on concrete guidelines to isolate hard-core pornography from expression protected by the First Amendment." So, in view of those two statements that I have just made, quoting directly from the ruling of the Supreme Court and the statement verbatum by our Chief Justice, pornography is outside the realm of censorship, so we're not engaged in censhorship here and I hope that nobody has come to throw out that red herring of censorship today, because it simply does not apply according to the U. S. Supreme Court. Now, if, of course, you want to ignore the U. S. Supreme Court, thats another thing.

Thursday - May 25, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilman Norma T. Price, Councilmen Gene E. Rainey, F. Jack Cole, Otis B. Michael, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Councilman Otis B. Michael introduced Rev. Wesley Grant, who gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the May 18, 1978 meeting.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the minutes of the May 18, 1978 meeting were approved as submitted.

ORDINANCE NO. 1046 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Rezoning property on Tunnel Road near Craig Circle)

2. Consideration was given to the third reading of Ordinance No. 1046, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property on Tunnel Road near Craig Circle from R-2 and R-3 Residential Districts to Commercial Highway District, property owned by Mr. Gus Barlas and Ms. Dolly Kalogerakis.

Mayor Trantham said the ordinance was previously read on first and second reading and it would not be re-read in its entirety unless there was a specific request to do so.

Councilman Rainey requested the names and addresses of the residents on Craig Circle who opposed this rezoning.

On a roll call vote of 4-2, Ordinance No. 1046 passed on third and final reading with Councilman Rainey and Councilman Michael voting "no."

Complete text of Ordinance No. 1046 will be found in Ordinance Book No. 8, at page 194.

ORDINANCE NO. 1047 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Rezoning property on Fairview Road)

3. Consideration was given to the third and final reading of Ordinance No. 1047, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended rezoning property on Fairview Road from R-3 Residential District to Light Industrial District, property owned by Mr. and Mrs. Keith DeWeese.

youth and young people. We found the juveniles are commonly noted in the audiences of adult theatres. Also, we find today pornography is especially degrading to womanhood and our traditional Judeal Christian image of them. Pornography develops perverted attitudes among young and old, we found, toward love, marriage, and morals. It corrupts the young and sickens the old. We believe most of those, who seek out today's adult entertainment more than once, must indeed be morally sick or perverted. "Now, in summary, they say this very firmly. In conclusion after three months of intensive investigation by this Grand Jury of 12 citizens selected from all over the City of San Antonio - after three months of intensive investigaion into all aspects of pornography, we are unanimously and unalterably in favor of closing the adult bookstores, peep shows, and movie houses, not only because of their front to simple public decency, but because of their corruption of public morals. These establishments violate every form of moral decency, social acceptability, and attack the very heart and fiber of traditional American values of home, religion, and country."

To make one more point - before getting to what I started out to say - just a couple of quotes from psychologists throughtout the counrty, Dr. Natalie Shainess , a New York psychoanalyst, says "From my own professional practice, I know that the more we are exposed to things that are degrading, the more we are degraded. The purpose of pornography is to sexually arouse the viewer or reader in a degrading way rather than to suggest sex in a meaningful interpersonal relationship." Instead of achieving sexual liberation we have become enslaved to sex and Dr. J. D. from Oxford University made studies of 80 primitive and civilized societies and he found a distinct correlation between increasing sexual freedom and social disintegration. Dr. J. D. Unwin of the Harvard Sociology Department says "There is no example of a community which has retained its high position on the cultural scale after less rigorous social customs have replaced more restricting ones." Dr. John H. Court, a Psychologist from Australia, who has made a several-year-long study of the effects of pornography on sex crimes, has studied different countries throughout the world and he has in his counseling of individuals with various sexual disfunctions, he has become aware of the relationship of pornography to the deviant behavior of transvestites, child molesters, and other perverts who frequently use pornographic materials to inflame their sexual appetites.

I would like to give you a couple of more statistics. In Australia, the number of rapes per 100,000 population has climbed from 2 to 7 in the past 10 years. New Zealand has increased from 5.14 to 9.12 per 100,000 population in the same period and in Denmark, which was the first nation to eliminate all obscenity laws, forcible rape has jumped from 3.5 per 100,000 in 1965 to 8.6 in 1973. On the other hand, countries that have maintained a tight rein on pornography reflect that policy in their decreasing rape statistics. In Singapore, the increase was .26 percent. Japan, which restricts hard-core pornography, has witnessed a decrease in rape statistics from 11.5 to 6.5. So giving you all those to put into perspective, that we recognize we have a problem because we are - our community is being subjected to this very harmful, commercial commodity, and unlawful commercial commodity, I might add.

We chose to approach this through the Revenue Ordinance because it was covered by this statute which gives us the right to levy the privilege taxes and it was the intention of the subcommittee that this all be brought together under one ordinance. However, due to the deadline of trying to get our Revenue Ordinance on the books, it was not possible for us to have as a refined approach to our local action directed against obscenity as we would like.

In the Miller Case in 1973 that I just referred to, the Supreme Court gave communities guidelines whereby they could define obscenity - that which is not protected by the Constitution of the United States- and also gave standards of recognizing the community values in determining, by the Court, whether or not a piece of material or publication was obscene. So that is to set the stage for the effort that has been made to give our City Council some guidance and something specific that we might adopt in the interest of protecting our community against this moral corruption and psychologically harmful materials that is becoming more and more prevalent in our community.

I will also point out the N. C. General Statute 14-190, which says "Obscene Literature and Exhibitions - It shall be unlawful for any person, firm, or corporation to intentionally disseminate obscenity in any public place." So, therefore, it is a criminal offense in the eyes of North Carolina.

Now, when we got into our business license ordinance, we went to the basic authority for levying these business licenses and privilege taxes and I will read to you from this State Statute (160A-194, which is the State Legislation empowering cities to levy this type of tax). "Regulation and Licensing Businesses, Trades, etc. A city may, by ordinance subject to the general law of the State, regulate and license occupations, businesses, trades, professions, and forms of amusement or entertainment and prohibit" - it's one continuing sentence - "and prohbit those that may be inimical to the public health, welfare, safety, order, or convenience." That means if it's inimical or adverse to any of these - public health, or public welfare, or public safety, or order or convenience of the community, it can be prohibited. Now, this is the reason that the subcommittee felt that it had very strong grounds on which to present an amendment that would, in effect, prohibit this specific business activity - the trafficking in obscenity, as defined by the Supreme Court, in our City. So that is in the amendment that has been approved in the revised version.

Now, in order to further orient you to the reasons that the subcommittee brought this recommendation to the Council. One, it is common knowledge that obscenity and pornography appeals to the bestial and perverse tendencies and inflicts degrading, unspeakable moral pollution upon any community that tolerates it. It goes on to say that the U. S. Supreme Court has declared it unprotected by the U. S. Constitution and has upheld numerous court rulings against obscenity and pornography, and Chief Justice Burger has stated that the community has the right to maintain a decent society. I might say here, paranthetically, that in 1975, the Supreme Court- in its first session, first quarterly session - considered 26 obscenity cases. It ruled against the pornographer, the purveyor of obscenity, in 24 of those 26 cases. The other two were not on pornography per se, but on technicalities in the proceedings. So the Supreme Court has given us very firm position for being on legal grounds if we seek to control the piliferation of obscenity in our community and, of course, law enforcement officials and psychologists do agree and are convinced that obscenity and pornography contributes to sex crimes, sexual deviants, child molestation, and etc.

Now, I would like to make a brief report to further set the stage for why your City Council is interested in this area. Of course, we are interested because the people are interested and they have asked many, many times that the City Council consider this. I would like to give some excerpts from a report on the Grand Jury in San Antonio, Texas, which was given the task of studying pornography. "We believe that pornography is one of the most evil, immoral, and degrading social problems of our times. The peep shows, dirty books and magazines, plastic and rubber sex aids, and paraphernalia along with the pornographic movies are especially damaging to the bodies, minds, and spirits of our

I do not think that tacking an obscenity amendment onto the Privilege Tax is the answer. I think there will be too many tests in the courts and I'll give you a couple of examples. One is if you have an "X" rated movie at the twin theatres and a "PG" movie on one side and an "X" rated movie on the other side, are you going to take half of the license or are you going to take the whole license? If you take someone's license for selling a book that has pornographic material in it this month, are you going to say that book will have pornographic material in it next month. So, therefore, are you going to take its license?

I think that there are too many problems for us to tack it onto a Privilege Ordinance and rush it through and pass it. I don't think we'll accomplish what Mr. Horton and what you people want an Obscenity Ordinance to accomplish. Therefore, I think, what Mr. Horton is doing is right in deleting it from this ordinance and working on an ordinance that will come as an ordinance by itself at a later time, which we can work on and then at that time decide upon."

COUNCILWOMAN PRICE

"I'm in a way welcoming the opportunity to speak because I've been quoted in the newspaper as for it and against it and I'm definitely against pornography. I had some questions on the legal area that I came in with Tuesday. As I stated, Thursday was the first opportunity to ask questions. We had two (2) Council Members absent and a lengthy agenda and did not have, at the time, an opportunity to ask some of the questions.

Some of the questions I had were with the contact with the District Attorneys:

1) What did they state?

2) Were they going to let either the civilian or the policeman who makes the warrant dangle there; or

3) Are they going to take it through the courts?

Another question I asked was has the Attorney General given any type of opinion as to whether we were acting in a Constitutional manner? If we are not, we are held up in the courts and the area continues. I much prefer to have closed all the gaps and asked all the questions before we pass an ordinance so that if we pass it, it will be upheld in the courts.

Another question I had was in enforcement guidelines, do we have them and are we ready to hand them to our Police Chief and the Police Department? How do we want this handled? How do we want the policemen to act? Where do you put it on your priority list? We have a Jaywalking Ordinance, but don't ask a policeman to stand and catch the jaywalkers. So, we need in our own minds to be ready to tell the Police Department how stiff and where and how much enforcement should be considered.

Another thing that has not been answered completely in my mind is if taken to court, where does this come into the Revenue Ordinance as a whole? I think that the Revenue Ordinance may be a very good area to approach it from, but these are questions that I asked the other day giving the impression that I may be opposing an ordinance.

These are questions that have not been fully answered in my mind and I think this is maybe why Mr. Horton chose me to be on the committee with him - because these are questions that I think as a representative of you, the people, need to be answered to the fullest extent of each of the Council Members before we can act on it in total. My feeling is that perhaps back in the Revenue Ordinance is where it belongs - to what extent, and what penalties might incur - I do not know and have not had the opportunity to have that answered."

There are some questions in the minds of some of the Council, some very good questions unanswered in their minds, but very clear to us that have been studying this for a long time and who have been in conference with law enforcement people, our District Attorney presently in office and our incoming District Attorney, our City Attorney, etc. But these are valid questions and also there needs to be a little bit more work done on refining what we have started here in order to have something that we feel will be as legally safe and as foolproof as possible.

So in the interest of getting the Revenue Ordinance taken care of and yet, at the same time in the interest of having this Council show its concern in response to the people, I am prepared to make a motion for the Council to act upon at this time, prefaced by all that I said. I hope you got it all.

Mr. Mayor, in order to put this into its proper perspective and then, of course, if any of you still have something to say, it's quite all right.

I would like to make a motion that the amendments to the Revenue Ordinance adopted last week on May 18, 1978, be rescinded and the Council appoint Vice-Mayor Horton, Councilwoman Price, and the City Attorney as a special committee to continue studying and working on the subject of obscenity and pornography in our community, conferring with appropriate officials and individuals and bring back to Council a proposed separate ordinance to effectively deal with the problem of obscenity and pornography in the City of Asheville."

This motion was seconded by Councilman Micheal.

Mayor Trantham then requested that each Council member make a statement on the issue:

Councilman Morris

"This is not a simple question it seems to me, as to whether you favor pornography or not. This is a question of whether and to what extent the members of Council are willing to subject the entire population to our particular moral code. Now, I have to sit here in judgment and I have to decide - this is my moral code, but is it proper for me to subject you to my particular moral code?

The first time I looked at the ordinance was last Thursday and in one week's time, I have not been able to get my mind clear on that point. So, I would like to see us go back and look at this thing in a more leisurely fashion and to be able to take sufficient time to satisfy myself as to what this Council's action ought to be. So, I'm not for a hurry-up thing, where I've only had time to study for a week. Pressed by a deadline that has to do with City Revenues, as this one does, I think a week's time is too short of time to consider anything as complex as this."

Councilman Michael

"Like Councilman Morris, I too think this is not an issue of whether we approve or disapprove pornography. Personally, I disapprove of pornography, but I think that I'm mature enought to purchase and look at the material that I want to and to go to what movies that I think are movies that I like to see and not go to those that are obscene. I think this is a sign of a mature individual. I think that we should guide our children as to what they should see and what they should not see, so they will grow up to be mature individuals.

I know of no other subject in politics today that we are more hypocritical about than pornography. We don't like, for instance, it in drive-in movies. We don't like it in drive-in movies because children and teens can see it from the road, so you don't want it there. But we are not allowed to outlaw in drive-in movies, where we don't want to to see it, without outlawing it in the in-door movies. What can we do? We are caught in our own hypocrisy. We don't want out children or teenages to read it in the 24-hour convenience stores, three (3) or four (4) chains of them that exist in Asheville today. It's there for them and consequently, we say we don't want it there, yet we're unwilling to rule against it.

I'm so glad Vice Mayor Horton pointed out that pornography is essentially anti-feminist. The two major news-making movies, "The Devil in Miss Jones" and "Deep Throat," illustrate this. We live in a society that is recognizing the equality of women today, and pornography is totally out of character with that development. It's totally out of character with the demeaning nature of pornography, which demeans women - not men. The major buyers, major users, major seers of movies are males, and for this reason.

So, to me the issue is not one of educational sophistication, it's one of values. We know what hard-core pornography is; we can define it; we can describe it; the Supreme Court has defined it, just like it has defined jaywalking. Since we can define it - since we can describe it - let the Courts apply the definition. That's all I'm asking and that's all I felt this ordinance would be asking today.

We have a decision to make: Do we want the definition applied? Do we want to apply the legal definition of what hard-core pornography is? The Privilege Tax would have been only the catalyst to set in motion that application, nothing else. As it stands now, we don't have a catalyst. We are opposed to hard-core pornography, y we haven't been willing to put into effect the catalyst.

Now, the issue is one of an industry that carries on several undesirable characteristics. It appeals to the base attitudes in us. You can be anti-pornographic without being anti-sex. I personally like sex. I just flat-out like it. Therefore, I hate pornography. Sex is beautiful. Sex, as God has made it and in the place that God has made it, is beautiful. But there's nothing beautiful about pornography. We had some junk brought before us by some people out in the Riceville Road area where some warped mentality was driving up and down the road throwing it out the window, and I could describe for you what was in the magazines but I would have a problem with the words simply because of the ugliness of it. There's nothing beautiful there about it at all.

The industry itself, I'm afraid, is usually allied with other industries that we simply don't like. Some of the material that Vice Mayor Horton was quoting from shows that 75% of the pornographic sources tends to be Mafia-controlled. The question then is: Do we want it in Asheville? I think the answer is "no." Until our current Police Chief came to Asheville, we had a reputation for being a wide-open town - gambling, prostitution, drugs...I don't know why it was in Asheville this way. These elements were sort of closely aligned to politics that in a sense had its own way of enforcing the law. Pornography is part of that picture. You can't, I don't think, defend one aspect of that picture - that is pornography - and overlook the alliances that have been formed. And, the alliances are there. So, I don't argue about it on the level of individual rights; I argue about it as a part of a corrupt element in our society that must be eradicated.

COUNCILMAN COLE

"Being on the Finance Committee that submitted this recommendation and seeing there is a question in the minds of some of our members of Council, the most important thing I feel for us to do today is to pass a Revenue Ordinance to provide revenue to operate the City of Asheville. As we have some questions in regard to to this ordinance here today, I feel that it is proper that we defer it for further study and give a real review of this before we put an ordinance in regard to pornography into effect. So, I feel that what we should do today really is to pass a Revenue Ordinance and that's what I'd like to see us do."

COUNCILMAN RAINEY

"I feel that if, before I could vote for this amendment, that we ought to have a time limit put in it. I'd like to see - and I will ask Bill at the end of the comments that I have if he will accept - a month's time limit. Ralph says a week is too short; perhaps, a month is a proper time. I would rather like to leave this, if it passes, with a definite time that we can expect something to come from it rather than letting the committee become a receptacle to a problem, without the problem being solved.

Now, the issue that Bill points out is not censorship - this is the smoke-screen. I think, I suppose, that I represent a type of individual that has become concerned about pornography, that so many of the people of Asheville represent. We are not - I'm not - connected with any particular theological profession by trade. I'm a middle-class individual. I suppose you would classify me as educated, although that's open to question every day among my students. And, yet, I'm concerned about it.

Censorship can only arise from the question of pornography by using so-called "logical extreme" argument. This is, if we start by saying we admit that pornography is wrong and I don't like it, but if you do this, you're going to outlaw Shakespeare tomorrow. Now, that's the logical extreme argument. It's really an illogic when you come right down to it.

We accept restraints on individual freedoms as far as the freedom of speech and press is concerned - you can't yell "Fire" in a crowded room, for instance. We accept individual restraints in pornography - we have already accepted individual restraints on pornography. We don't want it distributed to non-adults and that's a restraint. So, the question of censorship and restraint of what you can publish or print, to what you can put on in the media, is really not the question here. The question is that the industry itself is not enforcing these restraints.

Even here, those of you that represent the minority and will be concerned - and I respect your concern for individual liberities - I know you don't want this stuff distributed to non-adults and you accept that as a self-imposed restraint. The industry is not enforcing that restraint - either the distributors are not enforcing it, and obviously the publishers are not, or the sources of it, because that is where the money is made. Therefore, we get downright hypocritical about it.

night and day.

As I've already said, we want to take enough time to put this thing together where it will accomplish the job you want us to do whether it's this morning, this afternoon, or whenever - we want to have it all in there to take these magazines off the shelf where children can't go in and buy them or sit down and look at them.

One day at a certain store, on a Saturday, a man was looking around for his 12-year old boy and he was sitting in the floor looking at one of these magazines. That's the reason, I think, we should take this ordinance and get more control over these things and do a job that we're supposed to do instead of rushing into it in one week. I don't think it's fair and I'm sorry that some of you took offense to the stand that I took, but I think it's nothing but fair that I took that stand so we can come up with something that we can live with."

The following individuals spoke in support of an anti-pornography amendment to be included in the Revenue Ordinance:

Rev. Jack M. Daniels - First Christian Church (Did not state opinion)
Rev. Jack E. Guffey - Cumberland Avenue Baptist Church
Katherine Haynes - West Asheville Baptist Church
Timothy Yarborough - Beres Baptist Church
Susan Montgomery
Rev. Harold Savell - Biltmore Baptist Church
Don Taylor - Christian Action League
Sadie Sprinkle - Christian Action League
John Hicks - Director of Missions for the Baptist Church
Rev. Wesley Grant - Worldwide Baptist Tabernacle
Herman Medler
Robert Groce - Vice-President of Christian Action League

Ralph Sexton, Jr. - Trinity Baptist Church
Rev. James Johnson - West Asheville Baptist Church
Mary Ray - Swannanoa
Zora Hayes
Rev. Raymond Thompson - Beaverdam Baptist Church

The following individuals spoke in opposition to an anti-pornography amendment to be included in the Revenue Ordinance:

David Tell - student at UNC-A
Charles Lloyd -Attorney representing Fine Arts Theatre
Mrs. George Moorefield - representing her husband, Mr. George Moorefield
Grant Taibi

Councilman Michael was excused from the meeting by Mayor Trantham at 4:40 p. m.

Joe Pless, owner of Dreamland Drive-In Theater, asked Council to take time to come up with an ordinance that can be enforced.

Now, I will not oppose the amendment, but I'm wondering, Bill, if we could put a time limit on it so that we all here would know essentially when to expect something out of it."

Vice Mayor Horton suggested that a time table be put into his motion that something would be forthcoming from the committee when Council finishes working on the budget, perhaps by the end of July.

MAYOR TRANTHAM

"First, I'd like to say that I'm not for pornography, but for enforcement. I was handed a copy of this ordinance Wednesday before I left for Raleigh Thursday morning and reviewed it on Tuesday. We're about a month behind sending out our privilege tax statements. In fact, we had already had some requests from the chain stores.

I am hesitant about making any statements of being for this ordinance. I felt like it was not doing what we had set out to do. I feel like when you don't have control of your problems, you have more problems. Whenever you create something that can start bootlegging, which would be a possibility - hauling these things in in the back of your trunk, putting them under the counters and what have you - I think you're endangering the children more than you're doing them good. I know that if you don't have control, it could be just like back in prohibition - I'll grant you there was more liquor sold then than there is today and a lot of them drinking red devil lye. If you have control, then I think you can accomplish what you set out to do.

I know one of the biggest problems that this ordinance doesn't cover is the magazines in the retail stores. One of the most sickening things to see are these young children, which you have no control over as far as age is concerned, that go to these businesses and sit down in the floor and look at these magazines. One Sunday morning, I went out to one place of business and there were two (2) 15-year old girls, on the cash register - checkers - sitting there with these magazines spread on the counter. On a Sunday morning - it made me sick! This is what I'm trying to put across to you today.

We have a job to do and if we don't take time to do it thoroughly, I don't think we're going to do what we set out to do. You can not start in one week's time, and I'm not going to go ahead, and pass something when I don't know just exactly what it's all about. But I assure you that our intentions are to go ahead and pass an ordinance that you can live with, and an ordinance that we can control.

I have had many phone calls. I've been asked are you a Christian? I think in your heart you know that whether you are or not and I have no problem with it, but I do have a problem, as an elected official, to do what is in the best interest of the people. I think the only thing we can do is to control this problem we have.

You take the drugs and dope and what have you right in this City - there's plenty of it. Is there any control over that? It's not even mentioned! Instead, you pick up these kids that get on dope - they get hooked - what can they do? They are hooked! Do they go after the pushers, the ones that brings the dope in here? What I am trying to say is until you can control things of that type, you have to get these people who are on top of it and bring it in here. Whenever you pick up the kid that has been exposed to it and, as you know yourself, a lot of them are exposed to innocently - it is put on chewing gum and what have you. My main point is control and catching the pushers that bring this stuff in here and I think they are working on this

Councilman Rainey was excused from the meeting at 6:00 p. m. by Mayor Trantham.

PUBLIC HEARING - REZONING PROPERTY ON NEW LEICESTER HIGHWAY

5. A public hearing was held relative to rezoning property on New Leicester Highway from R-3 Residential District to CS Commercial Service District, property owned by Mr. Reuben Caldwell, Mr. and Mrs. Clyde Ayers, Mr. and Mrs. D. J. Graham, and Ms. Mildred B. Fenner.

Verl Emrick, Planning Director, said the petitioners had requested that the public hearing be postponed for one week.

Councilman Morris moved to postpone the public hearing until June 1, 1978. This motion was seconded by Vice-Mayor Horton and carried unanimously.

PUBLIC HEARING - COMMUNITY IMPROVEMENT PROGRAM - EAST END/VALLEY STREET AREA

RESOLUTION NO. 78-109 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA APPROVING THE REDEVELOPMENT PLAN FOR THE EAST END/VALLEY STREET IMPROVEMENT PROGRAM

6. A public hearing was held on a proposed community improvement program for the East End/Valley Street area.

Mayor Trantham opened the public hearing at 6:05 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Larry Holt, Executive Deputy Director of the Asheville Housing Authority, said most everyone was familiar with the program. He said Council approved an application for Fourth Year Community Development Funds for this particular project in the amount of $1.25 million dollars. Basically the reason for the hearing and the approval today is to comply with Article 22, Urban Renewal Law, General Statutes, State of North Carolina, Chapter 160A-513. The project area contains some 220 acres. A comprehensive development plan was developed by an ad hoc committee of the Neighborhood Residents Council. Some 600 hours were put in by this ad hoc committee in the development of this plan. They had a set of objectives that were adopted by the neighborhood residents at a public meeting, December 8, 1977. We have met the state requirements in terms of the plan, the relocation plan. We have a draft of an Environmental Impact Statement for this program which has met the cut off period without a negative comment.

Mayor Trantham asked if there were any questions or comments from members of Council or the public.

There being no questions or comments, Mayor Trantham closed the public hearing at 6:15 p. m.

The City Manager read a resolution of the City Council of the City of Asheville, North Carolina approving the redevelopment plan for the East End/Valley Street Improvement Program.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 78-109 was unanimously adopted.

Complete text of Resolution No. 78-109 will be found in Resolution Book No. 10 at page 263

Vice-Mayor Horton's motion to amend Ordinance No. 1027 was carried unanimously.

Vice-Mayor Horton moved to amend Ordinance No. 1027, Section 16 "LICENSE SCHEDULE" to include the following:

"ESCORT SERVICE

Every person, firm or corporation engaged in the business of providing the services of personnel as an escort for hire or by engagement or assignment shall pay, for each location from which such business is carried on with employees numbering up to five, a license tax of, per annum $250.00

Every person, firm or corporation engaged in the above defined business, for each location from which such business is carried on with employees numbering more than five, shall pay a license tax of, per annum $450.00

PROVIDED, that all employees serving on escort assignments will be currently registered by name and address with the City Tax Collector and shall be provided a current certificate of health by the County Health Service.

Also, PROVIDED, that if such business involves proven unlawful and prohibited activity, such as prostitution, said license shall be immediately REVOKED."

This motion was seconded by Councilwoman Price and carried unanimously.

Vice-Mayor Horton further moved to amend Ordinance No. 1027, Section 16 "LICENSE SCHEDULE" to include the following:

"BUSINESS CARRIED ON WITHIN THE CITY

Every person, firm or corporation located outside the city, but which delivers products or services inside the City to customers procured in the regular course of conducting its business, unless covered by some other license tax levied herein, shall pay a license tax of, per annum .....$100.00"

This motion was seconded by Councilman Cole, which motion carried on a voice vote of 4-1, with Councilman Morris voting "no."

Councilman Morris said Councilman Michael was opposed to this amendment and he felt it would be unfair to Councilman Michael to include this amendment in the ordinance in the absence of Councilman Michael.

Mayor Trantham then called for a roll call vote on the third and final reading of Ordinance No. 1027, as amended.

On a roll call vote of 5-0, Ordinance No. 1027, as amended passed on third and final reading.

Complete text of Ordinance No. 1027 will be found in Ordinance Book No. 8 at page 103 .

Councilman Morris moved to postpone the third reading of Ordinance No. 1042 until June 1, 1978, since amendments had been made to the ordinance. This motion was seconded by Councilwoman Price and carried unanimously.

ORDINANCE NO. 1055 - AN ORDINANCE AMENDING ARTICLE VII, SECTION 28-154 OF THE CITY OF ASHEVILLE CODE OF ORDINANCES

9. Consideration was given to the third and final reading of Ordinance No. 1055, an ordinance amending Article VII, Section 28-154 of the City of Asheville Code of Ordinances.

Mayor Trantham said the ordinance was previously read on first and second readings and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 1055 passed on third and final reading.

Complete text of Ordinance No. 1055 will be found in Ordinance Book No. 8 at page 205.

ORDINANCE NO. 1056 - AN ORDINANCE AMENDING ARTICLE V- STOPPING, STANDING, AND PARKING, DIVISION 3 - CITY PARKING LOTS OF CITY OF ASHEVILLE CODE OF ORDINANCES BY CHANGING SECTION 28-127 CONCERNING THE RATES OF CHARGES FOR PARKING LOTS

10. Consideration was given to the third and final reading of Ordinance No. 1056, an ordinance amending Article V- Stopping, Standing, and Parking, Division 3 - City Parking Lots of City of Asheville Code of Ordinances by changing Section 28-127 concerning the rates of charges for Parking Lots.

Mayor Trantham said the ordinance was previously read on first and second readings and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 1056 passed on third and final reading.

Complete text of Ordinance No. 1056 will be found in Ordinance Book No. 8 at page 206.

APPROVAL OF SALE OF DISPOSAL PARCELS IN THE EAST RIVERSIDE RENEWAL PROJECTS - PARCELS 6A-6B - 26 - 92- 155

11. Consideration was given to the approval of the sale of Disposal Parcels in the East Riverside Renewal Project.

The City Manager read a letter from the Housing Authority which stated they had received the following bids for disposal parcels in the East Riverside Renewal Project:

Parcel	Reuse	Price	Bid	Redeveloper
6A-6B	Residential (fragment)	50.00	50.00	Mr. & Mrs. Durham Jones
26	Residential	2,700.00	2,700.00	Mr. & Mrs. Dennis Goode
92	Residential	1,711.00	1,711.00	Mr. & Mrs. Bruce Pagan
155	Office-Institutional	20,000.00	20,000.00	Readling, McAnally, Garbee

PUBLIC HEARING - PROPOSED USES OF GENERAL REVENUE SHARING FUNDS - FISCAL YEAR 1978-79

7. A public hearing was held to discuss the proposed uses of General Revenue Sharing funds during Fiscal Year 1978-79.

Mayor Trantham opened the public hearing at 6:17 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Bob Wurst, Budget Director, said this public hearing is required by the Revenue Sharing Act to hear any suggested uses for the General Revenue Sharing Funds. He said the City of Asheville will receive approximately $1,435,207 in General Revenue Sharing Funds and has $410,722 in unappropriated General Revenue Sharing funds. He presented members of Council with an outline of proposed uses of the funds, which was prepared by the City staff.

Mayor Trantham asked if there were any questions or comments from members of Council or the public.

There being no questions or comments, Mayor Trantham close the public hearing at 6:22 p. m.

ORDINANCE NO. 1042 - AN ORDINANCE AMENDING SECTION 11-46 OF CHAPTER 11, OF THE CODE OF ORDINANCES, ENTITLED PERMITS TO ISSUE ONLY TO LICENSED ELECTRICAL CONTRACTORS

8. Consideration was given to the third and final reading of Ordinance No. 1042, an ordinance amending Section 11-46 of Chapter 11, of the Code of Ordinances, entitled Permits to issue only to licensed electrical contractors.

Mayor Trantham said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

Councilwoman Price moved to amend the second paragraph of Section 1 of Ordinance No. 1042 entitled Section 11-46 to read as follows:

"However, any person may be permitted to perform electrical work upon his own property, except property intended for commercial, industrial or institutional use or property intended for rent, sale, gift, provided he first makes application for and obtains a permit from the Electrial Inspector to do the specific work contemplated, provided applicant satisfied the Electrical Inspector by written examination and evidence of necessary experience that he is competent to perform the work for which permit is requested in a manner which will meet all statutory and ordinances requirements. Such examination shall be predicated on the type of work the applicant may be required to perform and shall be prepared by the Chief Electrical Inspector with review and approval by the current electrical examining board established by Section 11-23. If so satisfied, the Electrical Inspector shall issue a permit to the applicant personally to perform the particular work for which application was made. Such permit shall extend to the applicant only and shall not authorize the applicant to employ the services of any other person to assist him unless such other person is a qualified contractor. The permit granted the applicant shall automatically expire upon completion of the work for which application was made and the permit issued. All work done under such permit shall be subject to regular electrical inspection requirements and fees and shall be required to satisfy all statutory and ordinance requirements applicable to such work."

This motion was seconded by Councilman Cole and carried unanimously.

City of Asheville

POST OFFICE BOX 7148
ASHEVILLE, N.C. 28807

Councilman
Otis B. Michael, M.D.

MEMORANDUM TO: Members of Asheville City Council, Buncombe County Commissioners, and Chamber of Commerce Aviation Committee

FROM: Otis B. Michael, M. D., Councilman

DATE: May 23, 1978

RE: Facts and Suggestions Promulgating a Regional Airport Commission

1. State Statutes do not prohibit the formation of a commission designated by Asheville City Council consisting of representatives from the municipality and surrounding governing bodies that are affected by the operation of this facility.

2. An Ordinance should be passed by the City of Asheville delegating specific authorities; i. e., sale of stocks and bonds, budget matters, etc. and responsibilities to the commission. This does not require action by the State Legislature.

3. The appraised value of the Asheville Airport is $7,090,950. This is the replacement cost as judged approximately one year ago. This does not include the runway extension or any improvements and, as you can see, the value will go up over fifty percent (50%) when this is done and this would be a good investment at this time. Therefore, the commission would have approximately a $5,000,000. leverage as soon as the runway extension is completed with Federal and other funds. In other words, this would be a good time to buy in prior to the completion of the extension.

4. I hope this commission will become a reality and the Ordinance delegating its duties, obligations, responsibilities and powers will be passed before the budget is acted on.

5. As other counties see fit, they may buy into the same dollar leverage relative to the replacement value of the airport at the time they wish to participate. Therefore, it is expedient that all who wish to participate do so now so that they will begin at the present value of the airport.

The redevelopers for Parcels 6A-6B and 92 are adjacent owners who plan to use the lots purchased in connection with their existing residences. The redevelopers for Parcel 26 plan to assemble Parcel 26 with Parcel 27 which they previously purchased in order to construct a new home.

The redevelopers for Parcel 155 plan to enlarge the parking facilities for their existing medical office.

Vice-Mayor Horton moved to approve the sale of Parcels 6A-6B, 26, 92, and 155 as recommended by the Housing Authority of the City of Asheville. This motion was seconded by Councilman Cole and carried unanimously.

PUBLIC HEARING SCHEDULED - REVISION OF THE CITY SANITATION CODE

12. Consideration was given to a motion authorizing a public hearing regarding the revision of the City Sanitation Code for June 15, 1978.

Councilwoman Price moved to schedule a public hearing regarding the revision of the City Sanitation Code for June 15, 1978. This motion was seconded by Councilman Cole and carried unanimously.

RESOLUTION NO. 78-110 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CHANGE ORDER NO. III WITH RUCKMAN BROTHERS OF ENKA, NORTH CAROLINA FOR THE PROJECT KNOWN AS MONTFORD AREA PUBLIC WORKS

13. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a Change Order No. III with Ruckman Brothers of Enka, North Carolina for the project known as Montford Area Public Works.

The City Manager read the ordinance and explained that the City desires to add 2180 linear feet of curb and gutter on Westover Drive and 50 linear feet of 18-inch corrugated metal pipe at the intersection of Conestee and Spears Street to the contract currently in progress with Ruckman Brothers Construction Company for Montford Area Public Works Project. He said the additional entails all necessary equipment, materials and labor required for the installation of the work. He said sufficient funds have been appropriated to cover this change order.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Price, Resolution No. 78-110 was unanimously adopted.

Complete text of Resolution No. 78-110 will be found in Resolution Book No. 10 at page 265.

STATEMENT OF INTENT - FURTHER STUDY TO PROCEDURES TO INVOLVE BUNCOMBE COUNTY IN THE AIRPORT REGIONAL CONCEPT

14. Consideration was given to a statement of intent to give further study to the procedures to involve Buncombe County in the Airport Regional Concept.

The City Manager said Councilman Michael had requested that the following memorandum be made a part of the minutes:

NOMINATION AND APPOINTMENT OF A MEMBER TO THE CIVIL SERVICE BOARD

15. Consideration was given to the nomination and appointment of a member to the Civil Service Board.

Councilman Morris nominated Mr. Tom Posey as a member of the Civil Service Board.

Vice-Mayor Horton moved that Mr. Tom Posey be appointed as a member of the Civil Service Board. This motion was seconded by Councilwoman Price and carried unanimously.

RESOLUTION NO. 78-111 - RESOLUTION IN SUPPORT OF AIRPORT AND TRANSIT PROJECTS TO BE INCLUDED IN THE NORTH CAROLINA TRANSPORTATION IMPROVEMENT PROGRAM

16. Consideration was given to a resolution in support of Airport and Transit Projects to be included in the North Carolina Transportation Improvement Program.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Vice-Mayor Horton, Resolution No. 78-111 was unanimously adopted.

Complete text of Resolution No. 78-111 will be found in Resolution Book No. 10 at page 266 .

CLAIM - B. E. DAVIS

The City Manager presented a claim received from Mr. B. E. Davis.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - JUNE 4 - SHUT-IN'S DAY

Mayor Trantham proclaimed June 4, 1978 as Shut-in's Day in the City of Asheville.

Adjournment.

Ran M Trantham
MAYOR

William F. Walcott
CITY CLERK

6. The commission will be concerned with profit and loss, purchase and sale of surrounding property, increasing commercial air carrier and freight service to and from Western North Carolina, upgrading and maintaining service and facilities in and around the airport, and management of airport and related leases, etc.

7. The commission should consist of people other than politicians.

8. City Council will have the final say so on controversial matters until such time the City of Asheville has forty-nine percent (49%) or less monetary interest in the airport.

9. The name "Asheville Municipal Airport" will probably be changed.

10. Mr. Vernon, Attorney for airport matters, will be representating and advising us on all of these matters and others as suggested.

This will yield control of the airport in the hands of the people that use it most, as it should be.

I hope that this information will be helpful in getting the Asheville Municipal Airport established as a regional facility, which indeed it is, and the management - in my opinion - should be the same. It is hoped that the Asheville City Council Members and the Buncombe County Commissioners will pass a Resolution of Intent to establish this commission as soon as possible.

These are merely suggestions after many conferences and researching of what other airport authorities have done. I would appreciate meeting with you as soon as possible to discuss additions, deletions, or corrections relative to any of these suggestions.

The City Manager said the statement that the City Council has proposed is that the City of Asheville has developed an informal working relationship with several surrounding county governments, The Land of Sky Regional Council, and several area Chambers of Commerce to develop the Airport Regional Concept.

Since the County of Buncombe at this time is the only county having made a financial commitment to the further development of the airport, the City Council of the City of Asheville shall give further study to developing formal procedures to involve the Buncombe County Commissioners and other area governmental units in the financing, management, and the development of the airport.

2. Sufficient tracts of land near this site are already zoned CS Commercial Service District; and

3. Rezoning would be in conflict with the Commission's policy of preventing further strip commercial development within its jurisdictional area.

Mr. Emrick reviewed the definition of "spot zoning" and by the use of a map, reviewed the location of the property in question.

Mr. Emrick said the uses permitted in the Commerial Service District may be detrimental to the neighborhood.

William E. Greene, attorney representing Mr. Reuben Caldwell, owner of Lot 36, spoke in support of the petition to rezone property on New Leicester Highway. He said all the property was in the City Limits. He reviewed the commercial uses now in operation on New Leicester Highway. He said his client wants to expand his business, Caldwell's Well Drilling, which he cannot do under the R-3 Residential classification. He contended that rezoning this property would not constitute "spot zoning" as it is separated from any other R-3 Residential zoning.

Mr. Greene read a letter from Mr. Jack M. Spivey, an adjacent property owner, which stated that he had no objections to the rezoning of the Caldwell's property.

Mr. Clyde Ayers, owner of Lot 10, endorsed the rezoning to Commercial Service District. Mr. Ayers said he would be willing to buffer his property for the residents in the Westwood Drive area.

Bill Clendenin, Jerry Metcalf, Mr. Sellers, and Zeb Sheppard all spoke in favor of the rezoning request.

Mr. and Mrs. Cecil Roberts, 16 Westwood Drive, and Mr. Bob Sheppard, 24 Westwood Drive, strongly objected to the rezoning stating that such rezoning would be detrimental to the neighborhood.

Councilwoman Price presented a letter from Mrs. Honeycutt who opposed the rezoning.

Mr. Emrick, upon questioning of Councilwoman Price, said Mr. Caldwell could seek a variance from the Board of Adjustment to expand his present facilities.

Mayor Trantham closed the public hearing at 4:15 p. m.

The City Manager read the ordinance rezoning the property as petitioned.

Councilwoman Price asked Council to consider denying the request for rezoning for several reasons. She said the traffic on New Leicester Highway would be more than the residents could tolerate.

After discussion, Councilman Morris moved to table the ordinance until June 8, 1978 giving all members of Council an opportunity to see the property before taking any action. This motion was seconded by Councilman Michael and carried on a voice vote of 5-1, with Councilwoman Price voting "no."

Thursday - June 1, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey, F. Jack Cole, Otis B. Michael, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Councilman Ralph D. Morris gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the May 25, 1978 meeting.

Councilman Rainey and Councilwoman Price presented the City Clerk with several grammatical changes.

Upon motion of Councilman Rainey, seconded by Councilwoman Price, the minutes of the May 25, 1978 meeting were approved as amended.

PUBLIC HEARING - REZONING PROPERTY ON NEW LEICESTER HIGHWAY FROM R-3 RESIDENTIAL DISTRICT TO CS COMMERCIAL SERVICE DISTRICT

ORDINANCE NO. _____ - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. A public hearing was held relative to rezoning property on New Leicester Highway from R-3 Residential District to CS Commercial Service District, property owned by Mr. Reuben Caldwell, Mr. and Mrs. Clyde Ayers, Mr. and Mrs. D. J. Graham and Ms. Mildred B. Fenner.

Mayor Trantham opened the public hearing at 3:07 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission at their April 5, 1978, meeting considered the request of Mr. Reuben Caldwell, Mr. and Mrs. Clyde Ayers, Mr. and Mrs. D. J. Graham and Ms. Mildred B. Fenner that Ward 12, Sheet 13, Lots 36, 78, and 36-1/4, and 10 be rezoned from R-3 Residential District to CS Commercial Service District. After discussing the issues of this request, the Planning and Zoning Commission voted to recommend to City Council that this petition be denied for the following reasons:

1. The present extraterritorial zoning boundary eliminated the once existing Commercial Service District along this portion of New Leicester Highway. Thus, a zoning change to a commercial classification would create a spot zone;

ORDINANCE NO. 1042- AN ORDINANCE AMENDING SECTION 11-46 OF CHAPTER 11, OF THE CODE OF ORDINANCES, ENTITLED PERMITS TO ISSUE ONLY TO LICENSED ELECTRICAL CONTRACTORS

5. Consideration was given to the third reading of Ordinance No. 1042, an ordinance amending Section 11-46 of Chapter 11, of the Code of Ordinances, entitled Permits to issue only to licensed electrical contractors.

In order to include and clarify the amendments to the ordinance, the City Manager read the complete ordinance.

Councilwoman Price moved to amend Ordinance No. 1042 to read as the City Manager read. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1042, as amended passed on third and final reading.

Complete text of Ordinance No. 1042 will be found in Ordinance Book No. 8 at page 188.

RESOLUTION NO. 78-112 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH TAYLOR AND MURPHY CONSTRUCTION COMPANY FOR THE CONTRACT KNOWN AS CHESTNUT STREET FIRE LINE

6. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Taylor and Murphy Construction Company for the contract known as Chestnut Street Fire Line.

The City Manager read the resolution and explained that sealed bids were received on the project and the bid tabulation is as follows:

Taylor and Murphy Construction Company	$227,120.70
Hobson Construction Company	249,500.00
Huntley Construction Company	276,105.90

Upon motion of Councilman Rainey, seconded by Councilwoman Price, Resolution No. 78-112 was unanimously adopted.

Complete text of Resolution No. 78-112 will be found in Resolution Book No. 10 at page 267.

RESOLUTION NO. 78-113 - RESOLUTION OF APPRECIATION OF THE AUXILIARY MOTOR POLICE CORPS

7. Consideration was given to a resolution of appreciation of the Auxiliary Motor Police Corps.

The City Manager read the resolution. He said the Auxiliary Motor Police Corps announced its deactivation as of May 1, 1978.

Upon motion of Councilwoman Price, seconded by Councilman Michael, Resolution No. 78-113 was unanimously adopted.

Complete text of Resolution No. 78-113 will be found in Resolution Book No. 10 at page 268.

PUBLIC HEARING - DEMOLITION OF 49 WEST CHESTNUT STREET

ORDINANCE NO. 1057 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSE KNOWN AS 49 WEST CHESTNUT STREET

3. A public hearing was held relative to the adoption of an ordinance directing the Housing Officer to proceed with the demolition and removal of 49 West Chestnut Street.

Mayor Trantham opened the public hearing at 4:35 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

J. E. Johnson, Director of Inspections, said 49 West Chestnut Street has been found to be unfit for human habitation, unsafe and dangerous to life. He said the owner has not complied with the order to repair said structure or demolish and remove said structure. He said this property has been through due process of law for the procedures in demolishing same.

Mayor Trantham closed the public hearing at 4:37 p. m.

The City Manager read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1057. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 6-0, Ordinance No. 1057 passed on its first reading.

PRESENTATION OF CITY OF ASHEVILLE BUDGET FOR FISCAL YEAR 1978-79

4. The City Manager presented the City of Asheville Budget for FY 1978-79. He also revieved the highlights of the budget letter.

(A complete copy of the budget letter will be found on Minute Book 44 - pages 280 through 314)

Councilman Rainey, referring to the major change in the proposed budget to eliminate "at the house" pickup of garbage,requested that the City Manager invite a representative of a company which manufactures roll-out garbage cans to make a presentation to the Council.

Councilman Rainey also requested that the City Manager schedule a presentation by K-R Industries relative to 2-hour parking meters with a 30-minute free "courtesy" time period.

Councilman Rainey said the City may want to consider a gradual phase out of CETA employees rather than a complete phase out at one particular time.

Councilman Michael moved to schedule a public hearing relative to the budget for FY 78-79 for June 15, 1978. This motion was seconded by Vice-Mayor Horton and carried unanimously.

ORDINANCE NO. 1059 - AN ORDINANCE AMENDING SECTION 28-81.6 OF ARTICLE IV (SPEED REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO SET 45 M.P.H. AS THE SPEED LIMIT FOR A PORTION OF FAIRVIEW ROAD EXTENSION

10. Consideration was given to an ordinance amending Section 28-81.6 of Article IV (Speed Regulations) of the Code of Ordinances of the City of Asheville to set 45 m.p.h. as the speed limit for a portion of Fairview Road Extension.

The City Manager read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1059. This motion was seconded by Councilman Cole.

On a roll call vote of 6-0, Ordinance No. 1059 passed on first reading.

Councilman Michael moved to suspend the rules and proceed to the second reading of Ordinance No. 1059. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1059 passed on second reading.

Councilman Michael moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1059. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1059 passed on third and final reading.

Complete text of Ordinance No. 1059 will be found in Ordinance Book No. 8 at page 211.

APPROVAL OF THE CONSENT AGENDA

11. The City Manager explained that the items on the consent agenda are of a routine nature and have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City staff any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 78-115 - Resolution authorizing the Mayor to file an application for a federal grant with the North Carolina Division of Law and Order for the up-date Asheville I. D. Program.

HIGHLIGHTS: This sub-grant application for state and federal funding is to support a program to increase the capabilities of the Asheville Police Department and the Buncombe County Sheriff's Department in the areas of criminal evidence collection and processing. Funds will provide for the purchase of a mobile crime laboratory for the police department and the purchase of other equipment, primarily color photography equipment for the Asheville/Buncombe County Identification Section.

RESOLUTION NO. 78-114 - RESOLUTION OF APPRECIATION TO W. EARL WILLIAMS FOR HIS SERVICE AS DIRECTOR OF THE CITY OF ASHEVILLE CIVIL SERVICE BOARD

8. Consideration was given to a resolution of appreciation to W. Earl Williams for his service as Director of the City of Asheville Civil Service Board.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Michael, Resolution No. 78-114 was unanimously adopted.

Complete text of Resolution No. 78-114 will be found in Resolution Book No. 10 at page 269.

ORDINANCE NO. 1058 - AN ORDINANCE AMENDING, REALLOCATING AND APPROVING COMMUNITY DEVELOPMENT FUNDS SET FORTH IN THE CITY OF ASHEVILLE'S FEDERAL PROJECT FUND BUDGET FOR 1976-77

9. Consideration was given to an ordinance amending, reallocating and approving Community Development Funds set forth in the City of Asheville's federal project fund budget for 1976-77.

The City Manager read the resolution explaining that the lowest bid on the Appalachian Way/Huffman Road project exceeded the funds available for the construction and installation of the project by $9,270.71. There are ARC-HUD funds available in the Chestnut Street Fire Line Project and it is permissible under current ARC-HUD guidelines to transfer funds between the projects. He said this ordinance would reflect the transfer of funds for the two projects.

Vice-Mayor Horton moved for the adoption of Ordinance No. 1058. This motion was seconded by Councilman Rainey.

On a roll call vote of 6-0, Ordinance No. 1058 passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1058. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1058 passed on second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1058. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1058 passed on third and final reading.

Complete text of Ordinance No. 1058 will be found in Ordinance Book No. 8 at page 209.

SHILOH RECREATION CENTER CONTRACTS - AUTHORIZING THE MAYOR TO SIGN

Councilwoman Price moved to authorize the Mayor to sign the contracts for the Shiloh Recreation Center. This motion was seconded by Vice-Mayor Horton and carried unanimously.

CLAIM - LESTER KEENER

The City Manager presented a claim received from Mr. Lester Keener.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - CHARLES W. MORRIS, JR. - RIDGE REALTY COMPANY

The City Manager presented a claim received from Mr. Charles W. Morris, Jr. of Ridge Realty Company.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - RUSHELL WATKIN

The City Manager presented a claim received from Mr. Rushell Watkin.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

PETITION - CONDITION OF STREETS ON MT. CLARE PLACE AND WOODROW PLACE

The City Manager presented a petition received from property owners of Mount Clare Place and Woodrow Place regarding the condition of the streets.

Mayor Trantham referred the petition to the City Manager for investigation.

BIDS - RENOVATION OF CITY BARN

The City Manager advised that bids for renovations to the City Barn were advertised and let on two separate occasions with only one bidder on each occasion. He said the only bidder was Southworth Construction Company, Inc., in the amount of $135,534.00. However, for the renovation of the toilet areas in the Street and Sanitation Department, an additional $5,825 for the toilet in the Street Department and $3,234 for that in the Sanitation Department would have to be added to the contract. He said funds are available in the Operations Complex Fund to cover this contract.

Councilwoman Price moved to accept the bid of Southworth Construction Company, Inc. for the renovation of the City Barn in the amount of $135,534.00;plus the $5,825 for the renovation of the toilet area in the Street Department; plus the $3,234 for the renovation of the toilet area in the Sanitation Department. This motion was seconded by Vice-Mayor Horton and carried unanimously.

A (ent'd)	Total Project		$38,000
	Federal Contribution	90%	34,200
	State Contribution	5%	1,900
	Local Contribution	5%	1,900
	Asheville		1,475
	[redacted]		425

Resolution Book No. 10 page 270.

B. Approval of the sale of salvage from the East Riverside Renewal Project.

HIGHLIGHTS: The Housing Authority has received bids for various items of salvage from the East Riverside Renewal Project.

C. Resolution No. 78-116 - Resolution to provide for a referendum by the governmental unit's eligible policemen under provisions of Article 2 of Chapter 135 of the General Statutes of North Carolina and under provisions of the Governor's Executive Order of July 21, 1961.

Resolution Book No. 10 page 272.

D. Resolution No. 78-117 - Resolution to provide for a referendum by the governmental unit's eligible firemen under provisions of Article 2 of Chapter 135 of the General Statutes of North Carolina and under provisions of the Governor's Executive Order of July 21, 1961.

Resolution Book No. 10 page 273.

E. Resolution No. 78-118 - Resolution requesting the State of North Carolina to appropriate funds for the purpose of repairing street and highway damage which resulted from flood and winter storm damage.

Resolution Book No. 10 page 274.

F. Scheduling of a public hearing relative to an ordinance establishing an Advisory Body known as the Asheville Tree Commission for June 22, 1978.

G. Resolution No. 78-119 - Resolution providing for the in-kind match required for the Grant from the Department of Archives and History for the Asheville/Buncombe County Comprehensive Historic Sites Inventory.

Resolution Book No. 10 page 275.

H. Resolution No. 78-120 - Resolution in support of highway projects to be included in the North Carolina Highway Improvement Program 1979-1985.

Resolution Book No. 10 page 277.

Upon motion of Councilman Michael, seconded by Councilman Morris, the consent agenda was approved.

CITY OF ASHEVILLE

ASHEVILLE, NORTH CAROLINA

June 1, 1978

OFFICE OF
CITY MANAGER

Honorable Mayor and
Members of City Council
City of Asheville
City Hall Building
Asheville, North Carolina 28807

Dear Mayor and Members of Council:

Submitted herewith are the budget estimates for Fiscal Year 1978-79 which begins July 1, 1978. The budget was prepared to the provisions of The Local Government Budget and Fiscal Control Act, as amended.

In accordance with the Act, a copy of the budget will be filed in the Office of the City Clerk "where it shall remain available for public inspection until the Budget Ordinance is adopted." The Act also requires that the Clerk publish a statement that the budget has been submitted to the Governing Board and is available for public inspection in his office. The statement shall also give notice of the time and place of a required public hearing. The Budget Ordinance requires three (3) readings before adoption and should be adopted "not earlier than ten (10) days after the budget is presented to the Board and not later than July 1." Changes may be made in the budget at any of the three (3) readings.

The Asheville City Government is a large diversified enterprise that provides services not only to residents of the City of Asheville, but to all of Western North Carolina. Major services which extend beyond the City Limits, include the Airport, with 350,000 passengers a year; the Water Department serving 33,000 customers and several municipalities with an average of over 20 million gallons of water a day; the Civic Center serving 544,552 patrons annually; and the Parks and Recreation Department with Bee Tree Lake, Municipal Golf Course, Aston Park Tennis Courts, and Recreation Park. In addition to the spillover effects of City of Asheville services beyond the City Limits, there are some

VICE-MAYOR HORTON - COMMENTS

Vice-Mayor Horton commented that that new parking experimental program which went into effect today seemed to be getting off to a good start.

He also commented on the beautiful roses which are in bloom along the Expressway.

Vice-Mayor Horton suggested that when the filter plant is in full operation, that some plans be made for a ceremony at the plant.

RALPH BISHOP

Ralph Bishop spoke to Council relative to freedom of speech in a public meeting.

Adjournment.

Ray M. Learnham
MAYOR

Miriam D. Roberts
CITY CLERK

expense. It was a giant step forward for that City Council to recognize the need to actuarially fund this retirement program to assure the employees of their benefits and to save future administrations of the disproportionate cost.

However, even with the actuarial funding, this is a continuing expense in excess of $1 million a year (over 16¢ on the 1978-79 tax rate) and we have paid and we anticipate paying for this from the Federal General Revenue Sharing Funds, a source of funds which in itself is not guaranteed.

By continuing this funding under the Federal General Revenue Sharing Program in place of a progressive funding plan through the General Fund local revenues, we have affected the fiscal policy of this and future City Councils. For example, the Revenue Sharing Entitlement for FY 1978-79 is $1,435,207 and we plan to use $1,113,740 of that for the Police/Fire Pension. Due to the increased "line of duty disability retirements" and retirements in general, this cost is increasing by $300,000 to $400,000 annually. This increase is because the Police/Fire Pension Act is vague in defining "line of duty disabilities" and the Board of Trustees and Board of Examiners are receiving a number of requests to review existing and consider most proposed retirements as "line of duty."

2) Federal Program Capital Funds - (Model Cities, Community Development, Bureau of Outdoor Recreation, Urban Renewal, etc.) These funds improved materially the physical decay and quality of life in our City in numerous blighted areas that we would probably never have gotten to improve otherwise. However, in the area of recreation improvements alone, we will add $300,000 to $500,000 in continuing annual operational expense to support the facilities constructed with these funds. Examples are: Senior Opportunity Center, North Asheville Park, Shiloh Recreation Center, Montford Recreation Center, Burton Street Recreation Center, Livingston Street Recreation Center. These improvements also changed our Recreational Programs Concept from a seasonal outdoor recreation program to a large indoor recreation center and outdoor program.

3) Bus System - The City of Asheville assumed the operation of the bus system in 1967. Through federal grants and a bond issue, we gained a new building and new buses. From 1967 to 1970 our losses were zero and in 1977-78 our losses were $316,985 even considering the fact that in 1975 the Federal Government came out with a program to subsidize one-half of our operating loss. For FY 1978-79, the total loss will be $704,350. As a comparison, the total loss in 1975-76 was

significant facts about the internal service and organization of the City of Asheville that are important to the budgetary considerations. These are:

1) Our service area is approximately 25 square miles;

2) We have over 400 miles of streets;

3) We serve over 60,000 people in over 20,000 dwellings and businesses; 24 hours a day - 7 days a week;

4) We have in excess of 1,000 full and part-time employees in 20 different departments and divisions;

5) We support approximately 20 different boards and commissions;

6) We have a total annual budget of over $25 million of which only $6 million comes from ad valorem tax, based on a tax base of approximately $695 million; and

7) We have over 750 miles of water transmission lines - probably the largest in the State.

The budget process for FY 1978-79 really began years ago with the decisions made in previous fiscal years and our status at this point in time reflects the policy and administrative decisions of this and previous City Councils, City Managers, and the attitudes and desires of the general public. Simply meaning that there are numerous activities we are now involved in for which we had no control and no say, but we have an obligation to complete. To dwell on whether those past decisions were good or bad is inconsequential, but to use those decisions as a basis for determining fiscal and management plans for the future is important. In addition, this budget generally reflects a time span of 12 months, but the final decisions we make this year shall again perpetuate policy and administrative direction far into the future.

SOME MAJOR EXAMPLES OF MATTERS THAT AFFECT THE BUDGET FOR WHICH PREVIOUS DECISIONS AFFECT THIS BUDGET ARE AS FOLLOWS:

1) 1939 - Police/Fire Pension - In FY 1976-77, the City Council took a giant step forward in beginning the full funding of the Police/Fire Pension Plan started in 1939. Up and until this time, the funding had been on a "pay-as-you-go" basis which did not materially affect the budget while employees were young and able. However, the employees under this plan had a number of years of service, retirement ages were being reached and disabilities were increasing, and the "pay-as-you -go" basis would soon have put the City into a position of using large amounts of operating funds to pay the retirement

hundred thousand dollars damage to streets and drainage ways for which the City has responsibility.

These are just a few of the inherited obligations that this City Council has assumed.

SIGNIFICANT MATTERS PERTAINING TO REVENUES:

The General Fund operates on revenues from fees and charges, ad valorem taxes, local, State and Federal Grants, and shared revenues.

The General Fund has been balanced showing no increase in ad valorem tax and some few new revenue sources. However, some possible sources of additional revenues are:

A) Request the State to assume responsibility for the expressway lighting from the Tunnel to the Smoky Mountain Bridge. ($10,000 plus annually)

B) Request that the County reduce the City's share in support of the Board of Tax Supervision to thirty percent (30%). (Savings of approximately $35,000)

C) Request that the Asheville City Schools assume the cost of paying the School Crossing Guards. ($26,512)

D) Increase ad valorem taxes. (Each penny yields $66,044)

E) Consider other charges for direct City services to governmental and non-profit agencies. (Charging for garbage collection alone will produce $25,000 annually.)

F) Continue to work with the County Government to fund those City activities which are countywide in service.

The following information is a summary of significant matters pertaining to revenues that the City Council should consider:

1) State Law requires the City of Asheville to budget no more for ad valorem tax revenue than the percentage actually collected the previous year. Consequently, for FY 77-78 we budgeted to collect 93% of the levy. However, through tax collection efforts and other factors during the year, we realized a 95% collection rate, thus producing a surplus in FY 1977-78 and permitting us to budget at a 95% rate for FY 1978-79. In FY 1978-79, we expect this to produce a $135,000 revenue increase.

2) It is anticipated that the County will increase their contribution to the library from a 50/50

$416,657 and the City's share was $203,240. This loss is growing every year with no realistic way to cut costs except to reduce service and/or increase fares.

We submitted an application to the Federal Government for a grant almost five years to begin a replacement program of our old buses. However, our request has not been granted. In the meantime, the price of a bus has increased from $41,233 in 1974 to $75,625 in 1978 and there is an 18-month to 2-year delivery time. Also, we have no budget provision for matching the grant if we are considered this year. See "Exhibit E."

4) Governmental and Non-Profit Organizations - Inside the City Limits has become a good location for governmental agencies and non-profit organizations. However, these agencies don't pay taxes, yet use a variety of City services. For example, I have estimated that these agencies receive approximately $25,000 annually in garbage collection service alone. On the other hand, tax-paying residential development and business development is primarily taking place outside the City Limits. This can easily be illustrated by the growth in the County Tax Base.

5) Annexation Moritorium - The City has been under an annexation moritorium for more than three (3) years, under the authority of the General Assembly. This moritorium encourages growth surrounding the City Limits. This also encourages the use of City services without giving the City the option to incorporate those areas to help us provide the revenues to pay for services rendered. This artificial restriction of Asheville's natural growth affects not only ad valorem tax receipts, but also many State and Federal shared revenues. Many State and Federal revenues are based on population growth, local tax effort, and relative size of the city compared to other cities.

6) Civic Center - The Civic Center has been and is an excellent entertainment and convention resource for all of Western North Carolina. However, the operational and debt service deficit directly to the City of Asheville amounted to $1,042,985 or 15.8¢ on the tax rate for FY 1978-79 after revenues are considered. Furthermore, the Civic Center supports almost $54,000 in cost directly associated with The Art Museum, Mineral Museum, and Symphony.

7) Winter Conditions and Flooding - While this is not a matter of human decision, the winter conditions of 1976 and 1977, plus the severe flooding in the fall of 1977, did several

10) Until this year, the City had several federal programs from which we derived revenues for construction and inspection work primarily. Due to the reduction in programs and our goal of using outside contractors for construction, this will amount to approximately $65,000 in annual revenue loss.

11) In FY 1977-78, Civic Center Revenues will be approximately $71,000 less than budgeted. However, management decisions were made decreasing the expenses proportionately.

12) There has been a significant increase in the cost of Parks and Recreation, but no significant increase in revenues.

13) During FY 1977-78, the City received a refund from the Sinking Fund in the amount of $885,818: $665,495 is set up in FY 1978-79 as a Capital Reserve along with $171,044 which was set aside in FY 1977-78 as undesignated. $190,323 has been put in the Water Fund to pay operational expenses for FY 1978-79. (Refer to the statement in the Water Fund Section of this letter, page 19.)

14) The following revenues are anticipated from the County of Buncombe. However, the City Council had requested funding by the County of Buncombe in the amounts indicated in "Exhibit C."

A) $20,000 - McCormick Field Baseball Field Lighting.

B) $50,000 - Improvements to Memorial Stadium.

C) $60,000 - Matching for the Airport Runway Extension (FY 1978-79)

15) I am recommending that all governmental and non-profit agencies pay for garbage collection - estimated income $25,000.

16) We are entering the 1978-79 Fiscal Year with the concept of retaining only $1,000,000 of Fund Balance for City functions during the slow revenue periods. This amounts to about one month's operating costs. The philosophy of not appropriating these funds to operations is a sound fiscal policy for several reasons: Interest earned adds to the revenues and further reduces the need for a tax increase; the policy is favorably considered on the bond market; and we are less likely to have to borrow money during slow periods of cash flow.

arrangement with the City of Asheville to the City of Asheville paying 40% of the cost and the County paying 60% of the cost. This is a net $9,646 decrease in City cost compared to FY 1977-78. However, the cost savings to the City are not too significant due to the increase in total cost of the library functions moving to the new facilities.

3) Timber sales on the watershed produced approximately $75,000 annually for 15 years. However, the harvesting ends as of June 30, 1978, meaning a major revenue loss. Reharvesting cannot occur for 5 to 10 years.

4) The increase in Motor Vehicle City Stickers from $1 to $5 has increased revenues $120,000 annually.

5) For FY 1977-78, the ad valorem tax rate was 97¢ per $100 valuation, one cent (1¢) on the tax rate yielded $63,078 in revenues.

   For FY 1978-79, no ad valorem tax rate increase is budgeted. However, for FY 1978-79, one cent (1¢) on the tax rate will yield $66,044 in revenues. This is due to a slight increase in the tax base and the increase in the estimated percentage of collection.

6) We are anticipating a $16,000 to $20,000 decrease in on and off-street parking revenues due to parking policy changes and business conditions.

7) The 25% increase in Privilege License Tax will produce approximately $30,000 annually in new revenues.

8) While local and state-shared revenues show increases, it is important to note that we are not keeping pace with statewide growth areas. Therefore, we based our budget estimates on North Carolina League of Municipalities Guidelines which caution local governments to consider slow or no growth tax base and population in budgeting revenues.

9) Federal Anti-Recession Fiscal Assistance in past years has been granted based on unemployment in the City. However, since our unemployment rate is improving, we can expect the revenue to decline. In addition, the program is to end September 30, 1978, unless re-enacted by the Congress.

   For example, in FY 1977, we received $229,472; FY 1978 $238,073, and we are projecting receiving only $40,000 in FY 1979.

D) The funds saved will also be used to staff, on a temporary basis, crews to work the fall and spring peak residential cleanup periods.

E) These policy changes should result in much needed and much improved leaf and trash collection, better manpower utilization, and a net savings of $137,000 or 2.1¢ on the tax rate.

2) Funds for the Asheville-Buncombe Community Relations Council RETAINED AT the FY 1977-78 level of $33,857 rather than the $41,804 requested.

3) $3,000 has been INCLUDED for the Civic Center Management Study.

4) NO matching funds have been included for the LEAA School Liaison Program ($23,194).

5) NO secretary has been included for the Revitalization Commission. Cost would be $6,500 plus benefits.

6) NO funds have been included for the Smith McDowell House ($8,333).

7) Plans are to SELL the West Asheville Fire Station and put the funds into the Asheville-Buncombe Revitalization Capital Improvement Fund.

8) In the FY 1977-78 Budget, we authorized that $1,317,993 be used to support General Fund Continuing Operations. This was equivalent to 20.9¢ on the ad valorem tax rate. We have absorbed $762,881 of that amount into the FY 1978-79 General Fund Budget and WITH THE EXCEPTION OF CAPITAL OUTLAY AND THE POLICE/FIRE PENSION FUNDING, WE ARE NO LONGER DEPENDENT ON REVENUE SHARING FUNDS FOR OPERATIONS.

9) Personnel - Even with all of the new activities assumed in the General Fund, we have made several significant decreases in the number of permanent City employees and I can say that we are NO LONGER DEPENDENT UPON FEDERALLY FUNDED POSITIONS TO OPERATE IN CRITICAL CITY SERVICES. This is an extremely important policy decision and one that I am pleased to say that we reached in less than a year.

For example, the Police Department cut 12 positions, the Street and Sanitation Divisions had a net reduction of 20 positions, Facility Services cut 3, the Civic Center

SIGNIFICANT MATTERS PERTAINING TO EXPENDITURES:

In early May, the City Manager and budget staff met with the City Council to review the uncut budget requests of the City staff. At that time, the budget requests were $1,030,574 in excess of anticipated revenues for General Fund Operations, excluding an across-the-board five percent (5%) pay schedule adjustment and $789,388 in excess of Revenue Sharing Revenues for General Fund Capital Expense. The total combined out-of-balance amount being $2,159,962 or over 40¢ on the tax rate. At that time, the City Manager presented a philosophy planning paper to reduce the budget and certain recommended decisions to be made by the City Council. (See Attached "Exhibits A and B") Based on the mutual decisions that have been made regarding these planning papers, the City Manager met with Department and Division Heads to reduce the budget requests to the anticipated revenues without a tax increase and add in the five percent (5%) across-the-board pay schedule adjustment.

The following information represents decisions that have been made by the City Manager with reference to reducing the budget:

1) The most significant change in City services would be that we would begin curbside, residential refuse collection as soon as possible after July 1, 1978. This would eliminate the City Refuse Collectors bringing garbage cans to the curb and setting them back and this would eliminate 18 positions in the Sanitation Division. HOWEVER, A SPECIAL SERVICE FOR HARDSHIP CASES SUCH AS AGE, DISABILITY OR INFIRMITY, WHEN CONFIRMED BY THE SUPERINTENDENT OF SANITATION OR HIS DESIGNEE, WILL BE GRANTED INDIVIDUALS. THE SPECIAL SERVICE MAY CONSIST OF REFUSE RECEPTACLE CARRY OUT OR CARRY BACK UPON APPLICATION.

   My reasons for recommending this change are as follows:

   A) This is one of the only City services that an individual can do for themselves;

   B) It is the rule rather than the exception in reviewing services of other municipalities;

   C) SOME OF THE PERSONNEL SAVED IN THIS SERVICE SHALL BE USED TO MAN A MINIMUM OF SIX (6) LEAF AND BRUSH CREWS TO WORK DAILY.

      This is a service which is drastically needed and a service which most property owners cannot provide for themselves.

G) Increase Coverage in Group Hospitalization - Improvement took place in January 1978 $ 22,000

H) Additional Social Security Coverage from 5.85 to 6.05 $ 40,000

Note: In computing these benefits, we have considered the personnel reduction of over $100,000 in permanent position salaries.

The Parks and Recreation Department will be making greater use of volunteers in their program activities in order to maintain or reduce the number of permanent employees.

Even with all of these changes, it may be necessary to put a freeze on employment sometime during the Fiscal Year.

10) NO funds are budgeted for the Mayor's Committee on Employment of the Handicapped. However, these costs have been absorbed in previous years through providing mail service and some awards without special appropriation ($250).

11) Motor Transport operations will be closed from 8:30 P.M. Friday until 6:00 A.M. Monday - except for emergencies.

12) Gas pumps will be closed from 12:00 Midnight to 5:00 A.M. daily.

13) The Elevator Operator in the City Building has been eliminated from 12:00 Midnight to 4:00 A.M. daily.

14) We have eliminated one (1) janitor position and two (2) elevator operators. In FY 1977-78, we were staffed to operate three (3) elevators all day. However, in fact, we are usually only operating two (2). Therefore, we are reducing the permanent staff to accomplish this change in service.

15) The CIVIC CENTER REQUEST has been REDUCED BY APPROXIMATELY $50,000 FROM THAT WHICH WAS REQUESTED BY THE CIVIC CENTER COMMISSION. ALSO, THE $50,000 FOR BUILDING RESERVE HAS BEEN DELETED.

16) Small amounts of overtime are budgeted in small City Divisions. However, NO OVERTIME IS BUDGETED IN THE STREET AND SANITATION DIVISIONS. We plan to save sufficient funds through attrition to take care of this. However $106,000 WAS ESTIMATED AS BEING NEEDED.

cut 10, and Park Maintenance cut 6.

In some cases, permanent positions were changed to provide temporary salaries in order to obtain a labor pool when it is needed. Therefore, in summary:

FY 1977-78 - 734 positions were authorized in the General Fund, plus 26 CETA positions.

FY 1978-79 - 788 positions were requested.

FY 1978-79 - This General Fund Budget now contains 689 permanent positions and 3 CETA positions.

NO LAYOFF OF FULL-TIME, CERTIFIED CITY EMPLOYEES WILL OCCUR IN THIS PERSONNEL REDUCTION. THIS WILL BE ACCOMPLISHED THROUGH ATTRITION.

This change will also require that any City employee seventy (70) years and older to retire and/or be transferred from permanent City employment to part-time employment. However, we will give these employees preference in part-time employment.

The following are significant employee benefit costs to the City that are contained in this budget:

A)	Five percent (5%) Pay Schedule Adjustment - effective July 1, 1978	$340,000
B)	Adoption of Pay/Performance Evaluation & Bonus Plan (Note: We anticipate that approximately 60% of all employees will go from Step A to Step B sometime during the year.)	$204,000
C)	Position Reallocation - approximately 50 employees affected.	$ 51,000
D)	Pay Grade Adjustment based on 4-City Pay Study - affects approximately 200 employees	$116,000
E)	Longevity Pay - would affect approximately 50% of the employees	$111,000
F)	Increased Life Insurance - From $2,000 to $5,000	$ 18,000

32) The Montford Recreation Center is scheduled for opening September 1, 1978.

33) The Shiloh Recreation Center is not scheduled to open until July 1, 1979.

34) Deleted Tennis Director and Shop Attendants at Aston Park $18,000

35) NO provision for City purchasing the Hayes and Hopson Building has been included.

36) Deleted from the Fire Department request were 34 positions for manning the ladder companies and the Pipefitter Crew to work on fire hydrants. Total cost - $410,000.

37) FUNDS HAVE BEEN INCLUDED FOR INSPECTION OF CITY JOBS AND DUTY OFFICER PROGRAM.

38) The City will request County funding for Memorial Stadium Improvements - ($50,000).

39) Fencing and paving employees parking lot has been included.

40) NO funding has been included for The Opportunity Corporation beyond that which they are receiving from the Community Development Program. (Requested $10,000). THEY ARE CURRENTLY SCHEDULED TO RECEIVE $10,000 IN COMMUNITY DEVELOPMENT FUNDS.

41) NO funds were included for the YMCA Project Youth Outreach - National Youth Project Using Mini-Bikes. (Requested $4,000).

42) NO funds were included for the Red Cross Project at Edgewood Road nor the culvert at Edgewood Road.

43) Special capital improvement for the Airport not included ($3,000) - General Aviation Aircraft use of the Terminal Ramp.

44) NO funds were included for improvements to the City Council Chambers - padded seats cost from $9.50 each to $18 each. No funds for recarpeting City Council area of the Council Chambers - $375.

45) NO funds were included for legal fees associated with implementing a Pornography Ordinance.

17) NOT included in this budget is $22,000 to pave the parking lots at the Airport for the rental car agencies.

18) INCLUDED are funds to hire a STAFF ATTORNEY.

19) Only $100,000 in Contingency Funds are budgeted.

20) The insurance and bonds appropriation is budgeted $100,000 less than FY 1977-78.

21) Funds for the W. N. C. Development Association were RETAINED AT the FY 1977-78 level of $5,000 rather than the $7,500 requested.

22) Funds for Quality Forward were RETAINED AT the FY 1977-78 level of $10,000 rather than the $15,000 requested.

23) NO funding was included for The Health Adventure Program - $10,000.

24) NO additional funds beyond the Tree Trimming Crew was included for The Tree Commission.

25) NO funds were included for changing the pension program for City employees that retired prior to the General Employees Retirement Program being established.

26) NO funds were included for increasing the retiree and survivor benefits in the old Police/Fire Pension Programs.

27) NO funds were included for the Museum Security Alarm System.

28) Funds for the WNC Regional Air Pollution Control were RETAINED AT the FY 1977-78 level of $13,000 rather than the $15,000 requested.

29) The Police Auxiliary was deleted due to the dissolving of the organization ($2,000).

30) While there is no requirement for the Board of Elections this Fiscal Year, there will need to be budgeted next Fiscal Year $20,000 unless there is a statewide vote at the same time.

31) $5,000 has been INCLUDED for the LEASE/PURCHASE OF DEAVERVIEW PARK.

10) Study routes - refuse collection.

11) Study of janitorial and night watchmen services.

12) Study use of a collection agency for collecting doubtful accounts.

13) Study City providing its own rodent and insect control service.

14) Study implementing a new revenue and expense report.

15) Study consolidation of Police/Fire Dispatch.

16) Further implementation of the program to enroll all City employees in the State Retirement Program.

17) Study and implement policies and procedures for on and off-street equipment use.

18) Study policy and procedures for involving local governments in the airport development, financing, and operations.

19) Study implementing a Departmental Bonus Pay Plan for those Departments that either can or have reduced the number of permanent employees and maintained an acceptable level of service.

20) Study insurance risk management.

21) Implement a realistic Affirmative Action Program.

Capital Reserve and General Revenue Sharing Funds

Over the past several years, the City Council has set aside funds for capital improvement projects. Some examples of these types of appropriations are FY 1977-78 $171,044 undesignated; FY 1974-75 $500,000 Operations Complex.

Also, since the establishment of the Federal General Revenue Sharing Program, we have used those funds as the primary source of funds for capital equipment and capital expense. However, each year we have used the General Revenue Sharing Funds more and more for general operating expenses to the point that this year $1,113,740 or 77.6% of our FY 1978-79 entitlement of $1,435,207 is going to general operating expense (Police/Fire Pension) instead of providing funds for capital improvements and capital equipment. The following is a schedule of the proposed use of General Revenue Sharing Funds for FY 1978-79:

46) NO special funds were budgeted for changing our policy related to drainage problems.

47) NO funds were included for changes in the landfill operations.

Management Emphasis - General Funds

In the past 25 years, the City of Asheville has had four (4) City Managers, five (5) Mayors, and more than five (5) City Councils - and each of these individuals and groups brought to their responsibilities the priorities as they perceived them. Economic conditions varied over this 25-year period with no significant improvements being made until the past decade.

In the past decade, the City began to grow rapidly. The economy improved, federal and state grants became more prevalent, and the technology of providing services improved. The City of Asheville kept up well with the changing times and took advantage of almost every outside resource to improve the physical and human needs of the City.

This activity and attention on the part of the management and the policy-makers left little time to change the traditional unwritten internal management policies going on in various departments and almost daily we are even now faced with reacting to the systems and procedures of years gone by. Therefore, in order to fine tune the policies and procedures and the personnel and customer services of this municipal government, I am recommending this year that we concentrate on the following matters:

1) Training - basic adult education, skills, management, and employee orientation.

2) Use of part-time employees during peak work periods during the year.

3) Major construction done through contract.

4) Some reorganization of Department and Division functions.

5) Policy development for internal and external procedures.

6) Emphasis on better customer relations.

7) Placing the emphasis of responsibility for quality of performance and productivity on supervisors at the lowest possible level in the department organization.

8) Major engineering work done through contract.

9) Duty Officer Program developed further and formalized.

The City also received a large amount of money is 1977-78 through a refund of $855,818 from the Sinking Fund Commission. This refund was a result of excess interest and principle payments for general and water related bonds issued. Based on the various bonds involved $190,323 has been allocated to be spent in the water budget and $665,495 is allocated to be spent in the general fund. This is revenue that the City did not expect, is a one-time receipt, and I feel it should be treated as such. Consequently, I am recommending that it be used for capital improvements rather than be included as revenue in the General Fund and used for general routine operations.

Another fund that was created in 1977 was the Asheville-Buncombe Revitalization Improvement Fund. These funds were to be used to stimulate private development.

A summary of all of these funds is contained in "Exhibit F."

I am recommending that we:

1) Continue to phase out our dependency of using General Revenue Sharing Funds for operational expense and that we establish a progressive funding of the Police/Fire Pension with the General Fund revenues;

2) That the refund from the Sinking Fund be used in a capital reserve initially to fund the following activities:

   A) Phase I of the Safety to Life Requirements - Asheville City Building $ 81,000

   B) Repair of storm damage to City streets $150,000

   C) Repair to sidewalks $ 50,000

   D) Additional funds needed for the operations complex (unknown at this time)

   E) Matching airport runway extension (unknown at this time)

   F) Balance to be determined by the City Council after guidelines are established

3) That the $171,044 be added to this capital reserve and appropriated as determined by 2-F above;

4) That some of the guidelines established by the City Council include, but not be limited to:

   A) Funds will not be used for General Operations.

CITY OF ASHEVILLE
FISCAL 1978/79 PROPOSED USE
REVENUE SHARING TRUST FUND

Estimated Revenues	
Federal Revenue Sharing	$1,435,207
Prior Year Surplus	358,471
Other	70,000
	$1,863,942
Proposed Use	
Operations:	
Fire and Police Pensions	$1,113,740
Capital Outlay and One-Time Appropriations:	
Functions:	
Administrative and Support	92,662
Operations	324,271
Public Safety	185,000
Recreation	148,005
	$1,863,678

SIGNIFICANT MATTERS PERTAINING TO REVENUES FOR FY 1978-79

1) In projecting the final expense for FY 1977-78, we anticipate a $125,000 surplus. However, the harsh winter of 1976-77 caused severe damage to the water system and in order to maintain a reasonable level of service to customers with frozen water lines, our expense was in the hundreds of thousands of dollars. Consequently, when the deficits of that year are transferred into FY 1977-78, we show a $206,000 deficit instead of a $125,000 surplus. Furthermore, North Carolina Law requires us to budget this deficit as an expense to be recovered in FY 1978-79.

2) On September 15, 1977, the Sinking Fund Commission refunded $855,818 to the City of Asheville, for interest earned and overpayment relating to various bond issues. It was determined that $190,323 of this amount was generated through water bond related activities. THEREFORE, THIS AMOUNT IS DESIGNATED TO BE USED IN THE WATER FUND. THIS FUND SHOULD BE USED FOR CAPITAL ONE-TIME EXPENSE, BECAUSE IT IS A ONE-TIME REVENUE. HOWEVER, IN ORDER TO BALANCE THE BUDGET WITH EXISTING REVENUES, IT WAS NECESSARY TO USE THE FUNDS FOR GENERAL OPERATIONS. THIS IS NOT A SOUND FINANCE POLICY AND SHOULD BE RECONSIDERED.

3) County participation is providing assistance to general maintenance at the same level as the existing water agreement which ends June 30, 1978. This amount is $350,000 and has been that amount for the two (2) previous years. The City Council requested that this amount be increased to $400,000 for FY 1978-79 and that the water agreement be continued for one (1) year. This was approved by the County Commissioners on May 30, 1978. We estimate that County maintenance and repair expense will be $406,621 for FY 1978-79 and the departmental requested amount for FY 1978-79 before cuts were made, was $487,208.

4) Revenues reflect $99,000 in one-time federal grant recoveries from the 1977 November Flood. However, our actual expense related to that flood was more than double that amount.

5) Final payment has been received on the sale of the Fletcher Water System to the City of Hendersonville. This is a revenue loss of $40,000 annually that has been used for operations. Funds received for the sale of fixed assets in the future should not be used for operations. They should be used for capital improvements.

6) For several years, the Water Department has done construction services for various federal grant programs. However, these programs are nearing completion and this source of revenue will be approximately one-half that which it was in FY 1977-78.

B) Funds will be used for items that result in saving general operating expense.

C) Funds not be used for routine capital equipment.

D) Funds could be used to match federal grants whenever possible.

E) That future funds from the sale of fixed assets be placed either into this fund or into the Asheville-Buncombe Revitalization Improvement Fund or into the Capital Reserve Fund.

WATER FUND

The Water Fund operates on revenues from fees and charges, contributions from the City and County of Buncombe for maintenance and capital improvements, Federal and State Grants and Bond Funds approved by the residents of the City of Asheville.

The Water Fund has been balanced showing no new revenues, although the need for additional revenues for maintenance and capital improvements is absolutely necessary. In the event that the City Council wishes to increase revenues for some water fund activities, consideration could be given to the following revenue sources:

1) Increase water rates.

2) Request that the County of Buncombe contribute to the deficit for 1976-77 due to the fact that the larger precentage of people affected by the freeze were individuals that lived outside the City Limits.

3) Increase tap fees.

4) Increase efforts to collect old accounts - turn delinquent accounts over to a collection agency.

5) Bi-monthly water billing.

6) Repeal of the Sullivan Act.

7) Increase charges to MSD.

8) Request from the County additional funds for lowering water lines.

9) Surcharge for pumping water.

10) Surcharge for hydrants.

9) The new filtration plant will be in full operation in FY 1978-79, therefore, utility costs and chemical costs will increase considerably.

10) The Water Study will be completed during the Fiscal Year. However, there are no funds for implementing significant new activities this Fiscal Year.

11) The same personnel benefits considered for City employees listed on page 10 have been included for Water Department employees.

MANAGEMENT EMPHASIS - WATER DEPARTMENT

Management emphasis in the Water Department shall be in the following areas this Fiscal Year:

1) Training - basic adult education, skills, management, and employee orientation.

2) Use of part-time employees during peak work periods during the year.

3) Institution of an inspection program of City work.

4) Major engineering work done through contract.

5) Major construction done through contract.

6) Duty Officer Program developed further and formalized.

7) Reorganization of the Department and service areas.

8) Completion of The Water Study.

9) Consideration of a sewer maintenance and policy study.

10) Policy development for internal and external procedures.

11) Emphasis on better customer relations.

12) Centralizing all meter service functions.

13) Placing the emphasis of responsibility for quality of performance and productivity on supervisors at the lowest possible level in the departmental organization.

SUMMARY

No budget is easy and no budget should be final - it should be viewed as the general plan of activity for the year indicated - capable of adjusting reasonably to the unexpected, with the overall expense and

7) The Water Fund also provides the Citywide functions of engineering and after-duty hours contact with the public. In turn, the Water Department charges other City Departments and Divisions for services rendered.

WATER FUND

SIGNIFICANT MATTERS PERTAINING TO EXPENSES

The expense side of this budget is very tight and leaves no room for the unanticipated types of problems that can happen during the Fiscal Year. Some of the more significant expenses are:

1) As a part of improving the quality of work performed, two (2) additional inspectors have been budgeted to inspect City work in the Water and Street Department.

2) Recommended operational expenditures for 1978-79 are only 1.3% greater than the budget estimate for FY 1977-78.

3) The departmental request for FY 1978-79 was $5,580,898. Approximately $600,000 was cut to balance the budget. These cuts were primarily capital equipment and personnel. For example, the full-time authorized personnel strength for FY 1977-78 was 213, the request for FY 1978-79 was 220. The budgeted positions recommended at this time are 195. THIS WILL BE ACHIEVED WITH NO LAYOFFS AND THROUGH THE USE OF PART-TIME EMPLOYEES.

4) There is no dependency in the Water Department on federally funded positions.

5) No significant funds are being placed in the construction program for this year, with the exception of the meter change-out program which is revenue producing, although there is a total of approximately half-million water and sewer improvements requested within the City Limits and over one million in water line improvements outside the City Limits.

6) The Water Department assumed the entire one-time cost of the major water study, a total of $134,522 for 1977-78 and 1978-79, of which $84,522 is budgeted for FY 1978-79.

7) The Duty Officer Program was started during the winter of 1978. This program serves all City functions after regular working hours, weekends, and holidays. The program has significantly cut overtime expenses and improved public relations since its inception.

8) Placing funds into water operations activities is significantly hampered by the fact that 20% of the Water Department Budget is designated to debt service. Also, due to prior funding decisions, insufficient funds have been appropriated to adequately maintain the water system.

EXHIBITS

A. CITY MANAGER'S PHILOSOPHY IN APPROACHING THE REDUCTION OF THE BUDGET REQUESTS FOR 1978-79.

B. CITY COUNCIL DECISIONS NEEDED REGARDING REDUCING THE BUDGET REQUESTS FOR 1978-79.

C. FUNDING OF PROJECTS AND ACTIVITIES WHICH BENEFIT RESIDENTS OF BUNCOMBE COUNTY.

D. CITY OF ASHEVILLE - REVENUE SHARING TRUST FUND - MAY 30, 1977 - $3,088,616.

E. ASHEVILLE TRANSIT AUTHORITY SCHEDULE OF DEFICITS AND NEW BUS COSTS.

F. SUMMARY OF VARIOUS CAPITAL RESERVES.

revenue total or less being the acceptable management goal for the year.

Recognition is due to the Department and Division Heads for their cooperation in preparing this budget with special recognition for direct assistance in preparation and production of the budget to the Personnel Division, Data Processing Division, Accounting Division, the Finance Department, Print Shop personnel, and to the City Council for their long hours of deliberation over this budget.

Respectfully submitted,

K. M. Michalove
City Manager

KMM/msm

Attachments

9. Avoidance of deficit spending.

10. Maintenance of a Capital Reserve Fund.

11. Emphasis on service to employees and the public.

12. Reducing the cost of on and off-street equipment operations.

"EXHIBIT A"

CITY MANAGER'S PHILOSOPHY IN APPROACHING THE REDUCTION OF THE BUDGET REQUESTS FOR 1978-79

1. Emphasis on providing management tools and improving general administration.

   A. Personnel services becoming more personal.

   B. Pay incentives and benefits improved (lost time annual leave).

   C. Data Processing equipment improved.

   D. Training - Basic adult education, skills, management.

2. Use federal funded sources for one-time capital expense activities to the extent allowable.

   A. Hazel Mill Bridge and Chestnut Street Viaduct.

3. Program inspection of City work.

4. Moving away from the dependency on federally funded positions which are critical to operations.

5. Moving to rid ourselves of the dependency on Revenue Sharing Funds for supporting General Fund Operations.

6. Further development of an Operations Complex.

7. Decision not to fund any new outside programs or increase the funding for any existing program.

8. Re-analysis of employee needs:

   A. Eliminating unnecessary positions.

   B. Labor shifts to meet peak demands.

   C. Changing some permanent positions to part-time.

   D. Consolidating some functions:

      1. Dispatching

      2. Night Watchmen

      3. Janitorial Service

"EXHIBIT C"

City of Asheville

Office of the Mayor
POST OFFICE BOX 7148
ASHEVILLE, N.C. 28807

Mayor
Roy M. Trantham

Vice Mayor
Bill B. Horton

Councilmembers
Otis B. Michael, M.D.
Gene E. Rainey
Ralph D. Morris, Jr.
F. Jack Cole
Norma T. Price

MEMORANDUM TO: The Buncombe County Commissioners

FROM: The Asheville City Council

DATE: May 2, 1978

SUBJECT: Funding of Projects and Activities Which Benefit Residents of Buncombe County

In recent months, we have accomplished numerous improvements in City/County cooperative efforts and our goal in each instance has been the welfare and improvement of services to all of the residents of Buncombe County. The purposes of this memorandum are:

1) To itemize the various projects and activities that benefit all of the residents of Buncombe County which are not funded in whole or in part by the City of Asheville; and

2) To indicate which projects and activities we would like the County Commissioners to consider increased or the entire funding of based on the benefit of the project or activity to all of the residents of Buncombe County; and

3) To indicate projects and activities which are countywide in scope and service and of such special service to the City of Asheville that we feel a continued commitment to fund.

In listing these projects and activities, the City Council of the City of Asheville fully realizes the budgetary constraints of the County and although there are some projects and activities indicated that we would like to see accomplished this year, we provide this as information on the basis that we don't expect everything and these will have to transition on a "Do what you can basis."

ACC/msm
Attachments

"EXHIBIT B"

CITY COUNCIL DECISIONS NEEDED REGARDING REDUCING THE BUDGET REQUESTS FOR 1978-79

1. Is there general agreement with the City Manager's approach?
2. Do you want a budget presented June 1, 1978, showing a balanced budget with no tax increase?
3. Personnel
   A. Bonus for 1977-78 - $200 each for evaluation of "Outstanding."
   B. Decision to go with 4-City Pay Study..
   C. Decision to go with $5,000 or $8,000 Group Life.
   D. Decision regarding minimum wage.
   E. Decision regarding pay plan - bonus plan and scale adjustment.
4. Decision on changing City Council salaries, travel, 4-year term.
5. Amount of money to expect from the County.
6. Purchase of Hayes and Hopson Building.
7. Funds for League of Municipalities Convention.
8. State Franchise Tax on Water Fund.
9. Service Cuts - garbage can set back.
10. Street resurfacing list.
11. Sidewalk repair program.
12. Funds for Deaverview Park Purchase.
13. Use of Pack Library Building.
14. Use of West Asheville Fire Station.
15. Tree Commission.
16. Read budget only one (1) time rather than three (3) separate readings as in the past (continue public hearing).
17. Specific Department or Division Heads to meet with.
18. School Liaison Program.

ACTIVITY	1977/78 BUDGET	CITY TAX RATE VALUE (1)	PRELIMINARY 1978/79 BUDGET	CITY TAX RATE VALUE (1)	ASSOCIATED REVENUES	COMMENTS
Civic Center	$675,091	10.70¢	$707,985	11.22¢	$437,065	There are certain activities at the Civic Center - Art Museum, Colburn Mineral Museum, Civic Arts Council, Symphony, etc. that we provide assistance through actual funding or in-kind services.
Airport	$529,324	8.39¢	$429,394	6.81¢	$468,000	General operations of the Airport do not need financial assistance. However, capital improvements which cannot be federally funded or need cash match for a federal grant are the needed items. We appreciate the extra comments by the Commissioners for the runway extension and we would hope that consideration would be given to jointly committing to complete the runway in 1978-79 - plus a continuing annual contribution of $40,000 for general capital improvements. For example, these funds could go to install the sewer line which would benefit a broad area of the County.
Chamber of Commerce	$ 80,000	1.27¢	$ 80,000	1.27¢	- 0 -	We suggest that both the City and the County detail budget expense for specific services to be rendered.
Asheville-Buncombe ID Bureau	$ 18,000	.29¢	$ 20,000	.32¢	- 0 -	No Change

ACTIVITY	1977/78 BUDGET	CITY TAX RATE VALUE (1)	PRELIMINARY 1978/79 BUDGET	CITY TAX RATE VALUE (1)	ASSOCIATED REVENUES	COMMENTS
RECREATION						
Stadium/McCormick Field Operations Capital Outlay	$ 59,928	.95¢	$ 66,395 60,000	1.05¢ .95¢	$ 3,000	$20,000 committed from the County for lighting improvements.
Recreation Park	$141,233	2.24¢	$148,801	2.36$	$ 37,500(3)	Even if the County were to assume some or all of the responsibility for the County-wide facilities, it would still leave $987,000 to be funded by the City for administrative and maintenance of neighborhood parks and centers. We further recommend that the City and County give full consideration to the recommendations of the Asheville-Buncombe Local Government Commission.
Bee Tree Lake	$106,774	1.69¢	$113,864	1.81¢	$ 48,000	
Golf Course	$106,608	1.69¢	$109,394	1.73¢	$112,500	
Aston Park	$ 32,000*	.51¢	$ 35,000*	.55¢	$ 3,500	
CULTURAL ACTIVITIES						
Library	$263,334	4.17¢	$370,582(2)	5.88¢	$ 83,925	We are requesting that the Buncombe County Commissioners assume administrative responsibility for the day-to-day operation of the Library - July 1, 1978 or as soon as possible thereafter and that the City contribute a fair share amount to subsidize the operations.

ACTIVITY	1977/78 BUDGET	CITY TAX RATE VALUE (1)	PRELIMINARY 1978/79 BUDGET	CITY TAX RATE VALUE (1)	ASSOCIATED REVENUES	COMMENTS
Nutrition Program	$ 5,500	.09¢	$ 5,500	.09¢	- 0 -	No Change
WNC Regional Air Pollution	$ 13,000	.21¢	$ 15,000	.24¢	?	No Change
Asheville-Buncombe Interagency Drug Squad	$ 52,387	.83¢	$ 57,000*	.90¢	- 0 -	No Change
Board of Tax Supervision	$227,500	3.61¢	$245,000	3.88¢	- 0 -	
Sinking Fund Commission	$ 10,290	.16¢	$ 7,066	.11¢	- 0 -	

* - Assuming No County Increase
(1) - 1.00¢ = $63,078
(2) - Estimates - Not Separated in Budget
(3) - Associated Revenues Will Be Approximately $15,000 Lower if County Cancels Security Agreement.

ACTIVITY	1977/78 BUDGET	CITY TAX RATE VALUE (1)	PRELIMINARY 1978/79 BUDGET	CITY TAX RATE VALUE (1)	ASSOCIATED REVENUES	COMMENTS
Quality Forward	$ 10,000	.16¢	$ 15,000	.24¢	- 0 -	No Change
Buncombe County Rescue Squad	$ 5,000	.08¢	$ 5,000	.08¢	- 0 -	No Change
Asheville-Buncombe County Community Relations Council	$ 33,857	.54¢	$ 41,804	.66¢	- 0 -	No Change
Landfill	$ 82,362*	1.32¢	$ 94,715*	1.50¢	$ 13,000	We suggest that the County assume responsibility for operating landfills in 1978-79 and that the City pay the County a per capita rate or provide in-kind services such as road maintenance, equipment, etc.
Water Agreement						
Operations	$350,000	N/A	$350,000	N/A	N/A	We suggest that the water agreement be extended through June 30, 1979 under the same conditions as are presently contained in the agreement, except we would like to see added to the funding $50,000 for general operation and maintenance.
WSIF	$ 80,000	N/A	$ 80,000	N/A	N/A	

"EXHIBIT E"

ASHEVILLE TRANSIT AUTHORITY PURCHASED WHITE TRANSPORTATION COMPANY ON DECEMBER 28, 1967 - COST - $19,194.50

OPERATING COST

	CITY		UMTA	
1970				$ 9,683
1971				27,170
1972				51,184
1973				58,742
1974				148,840
1975	$185,993		$ 93,165	279,206
1976	203,240		213,417	416,657
1977	313,264		168,101	481,365
1978	346,985		260,468	607,033
1979	396,850	Estimated	307,500	704,350

COST OF NEW BUS

1969	$ 25,000
1974	41,233
1976	67,500
1979	75,625

"EXHIBIT D"

CITY OF ASHEVILLE
REVENUE SHARING TRUST FUND
MAY 30, 1977

Audited Fund Balance - 6/30/76	$1,696,703
Fiscal 76/77 Estimated Balance	1,672,683
Less: Fiscal 76/77 Estimated Expenditures (Including Operations Complex)	(1,880,855)
BALANCE 6/30/77	$1,488,531
Add Fiscal 77/78 Estimated Revenues	$1,600,085
Less Fiscal 77/78 Estimated Expenditures	(3,088,616)
BALANCE	-0-

Includes:	Contributions to General Fund	
	Street - Summer Crews	$ 67,658*
	Street - Rights of Way	183,600*
	Street - Paving	150,000*
	Parks - Tree Trimming	54,072*
	Longevity Pay	117,555*
	General Contribution	270,111*
	Legal Advisor	26,436*
	Library Construction	543,000
	Retirement Expense	512,555*
	Capital Outlay	1,146,129
	Senior Opportunity Van	17,500
		$3,088,616

*Starred items "$1,381,987" support General Fund Continuing Operations. $1,381,987 = 21.9¢ on the tax rate. (1¢ = $63,078)

"EXHIBIT F"

DEBT SERVICE WINDFALL (Sinking Fund Commission Refund)	$665,495	
CAPITAL RESERVE	171,044	TAX
OPERATIONS COMPLEX	463,000	R/S
FIRE AND POLICE PENSION RESERVE	158,000	R/S
DOWNTOWN REVITALIZATION	76,500	SALE OF FIXED ASSETS

During the Summer of 1974, the Contractor experienced a cash flow problem which resulted in liens being placed by material suppliers and subcontractors in the approximate amount of $300,000.00.

In September of 1974, the City of Asheville and Ranger Construction Co. signed Change Order 13 which provided that from the approximately $600,000.00 remaining in the contract, $200,000.00 would be paid to material suppliers and subcontractors to satisfy liens. The remaining $400,000.00 would be paid to material suppliers and subcontractors to complete the work. This agreement contemplated that Ranger would provide all labor and overhead not subcontracted for, which was required to complete the contract.

Change Order 13 also provided that the work in the arena be completed by November 15, 1974, and that the work in the auditorium be completed by December 31, 1974. If these dates were not met, Ranger agreed to pay the City $500.00 per day as liquidated damages for each portion of the building.

As stated above, the City occupied the arena level in June of 1974 for the Bob Hope Show.

Ranger's work continued in the new construction under the terms of Change Order 13 and the City occupied the Exhibition Level in November of 1974, and the Banquet Room in April of 1975 for the Art Auction.

In May of 1975, the work in the new construction was sufficiently complete to allow the Architects to prepare a punch list on that portion of the work. A 96 page punch list was delivered to the contractor on May 22, 1975.

Little work was performed by Ranger in the existing auditorium until the arena was completed to the punch list stage.

During the Spring, Summer and Fall of 1975, Ranger continued work in the existing auditorium. Ranger's work in the auditorium was encumbered by many factors. The delivery date for the steel for the auditorium floor was substantially delayed. The City had six other prime contractors performing contracts on the Mechanical Sys Electrical System, Seating, Sound System, Acoustical Ceiling elements and loading dock, Ranger having no control of this work. The Art Museum area was flooded in May of 1975, due to work by other contractors. The City asked Ranger to perform necessary extra work such as the rebuilding of the parapet at the stage fly loft. Ranger had problems with material delivery due to a poor credit situation resulting from publicity associated with the contract.

Ranger completed the work in the auditorium in October of 1975 to the extent to allow a punch list to be made, and allowed the owner to occupy the auditorium on December 11, 1975 for the performance of the North Carolina Symphony.

Little work had been performed in the Arena on the 96 page punch list until after the auditorium had been completed in January of 1976. Ranger continued work

Thursday - June 8, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey, F. Jack Cole, Otis B. Michael, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Acting City Clerk Carol Hensley.

Absent: Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

Councilman Rainey introduced Rev. Bob Hawkins, Minister of East Chestnut Church of Christ, who gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the June 1, 1978 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Price, the minutes of the June 8, 1978 meeting were approved as submitted.

RESOLUTION NO. 78-121 - RESOLUTION AUTHORIZING SETTLEMENT WITH BALLENGER CONSTRUCTION COMPANY, SUCCESSOR TO RANGER CONSTRUCTION COMPANY FOR WORK ON THE ASHEVILLE CIVIC CENTER AND ACCEPTANCE OF THE CIVIC CENTER

2. Consideration was given to a resolution authorizing settlement with Ballenger Construction Company, successor to Ranger Construction Company for work on the Asheville Civic Center and acceptance of the Civic Center.

Mayor Trantham commented that the Asheville Civic Center construction process had begun in 1968. He recognized former Mayors Eller, Montgomery, Wood and Ochsenreiter for their input to the Civic Center.

John Cort of Wood and Cort, architects for the Asheville Civic Center, read the following report regarding the construction of the Civic Center:

ASHEVILLE CIVIC CENTER

REPORT TO CITY COUNCIL CONCERNING THE STATUS OF THE CONTRACT WITH RANGER CONST. CO.

As requested by Mr. Kenneth Michalove, Asheville City Manager, we will set forth below a brief chronology of the progress of the construction since June 1974, and state what the present status of the contract is with Ranger Construction Co.

The original completion date for the new construction was in June 1974. The work was not complete on that date, however, the contractor agreed to allow the owner to occupy the building for the Bob Hope Show and the owner has had continuous occupancy of various portions of the building since that time.

ASHEVILLE CIVIC CENTER REPORT: (continued)

Stafford's report of June 24, 1977 was reviewed by the Architects and the methods of correction were agreed upon.

Work on the roofs began in the Summer and Fall of 1977 and was completed in December of 1977. Extensive repairs were made to the arena roof and the roof on the existing auditorium was completely replaced. The total cost of the roof repairs was paid for by Ballenger. The cost of these repairs was approximately $100,000.00. All portions of the roofs for both buildings now have a 20 year roof bond.

Once all roofing work had been completed, discussions could resume concerning "Selling" the March 15, 1976 punch list.

During 1977, the City employed a professional construction estimator to make a detailed estimate of the value of the work remaining to be done as outlined in the March 15 punch list.

Ballenger also made a detailed estimate of the value of the March 15 punch list

On December 6, 1977, representatives of Ballenger and representatives of the City met and compared estimates. The estimates varied so greatly that no "Selling Price" could be agreed upon, so Ballenger elected to complete the work.

Ballenger began work in January 1978, and continued this work through April of 1978, expending approximately $55,000.00 of their funds for the completion of the work.

Prior to Ballenger completing the punch list work, the City Council was advise that the Architects and management of the Civic Center recommended that certain items of work such as repainting the arena ceiling, be left undone, due to the fact that this would disrupt operations. It was recommended to the City Council that an equitable credit be received for this work and the work performed by the City at its convenience. The Council agreed with this recommendation and instructed its representatives to negotiate a price for deleting this work from the contract.

On April 26, representatives of the City met with representatives of Ballenger, and a negotiated price of $7,073.00 was agreed upon for the value of the work which

on the punch list items and in March asked for another inspection of the entire project.

An inspection was made which resulted in a 37 page punch list dated March 15, 1976, being compiled by the Architects.

After the March 15, 1976 punch list was delivered to the Contractor, Ranger asked that time be given to evaluate the work remaining to be done with respect to Ranger paying the City for work contained in the punch list, rather than completing the work.

Mr. Howard Gleason, Vice President of Ranger, in his letter of June 18, 1976, proposed that the City retain and use for the completion of the work $15,000.00 of the contract funds and pay over the balance to Ranger.

The Architects evaluated the work remaining to be done and in November of 1976, Ranger was advised that all roofing corrections must be performed by Ranger, since this work was guaranteed under a roofing bond. The Architects expressed the opinion that the remainder of the work could be "Sold" since the work could be performed by another General Contractor, or by the City's forces during normal maintenance operations. Some work could be left undone due to the fact that work such as repainting the ceiling of the arena would disrupt operations. If work were left undone, an equitable credit would be received.

Ranger was advised that the "Selling" of the punch list would only be discussed after all roofing correction work had been completed by Ranger.

During the Spring of 1977, Ranger's management changed, and the firm was restructured as the Ballenger Corporation. With the restructuring of Ranger, it was evident that positive steps were being taken to complete the contract.

In May of 1977, Ballenger employed the roofing consulting firm of Robert M. Stafford, Inc., professional engineers to recommend corrective action for the arena roof and the auditorium roof.

Corporation Counsel Moore said he had been in negotiations with Ranger's attorney, along with Mr. John Cort, architect and Associate Corporate Counsel Harold Bennett and have agreed upon terms of a settlement whereby the total 324 days overrun in time shall be reduced by 157 days to a total of 167 days for which overrun liquidated damages at the rate of $500 per day shall be assessed against Ranger, for a total of $83,500 when added to the sum of $162,000 which was expended by Ranger for work performed or credited to the City, make a total in work and money received from Ranger since January 1977 of $245,500. He said Ranger Construction Company expended $991,774.16 more than was received by it on the contract as modified by change orders. He said he felt this was a fair settlement.

The City Manager read the resolution.

Councilman Rainey said he was satisfied that the City has the best arrangement for the Civic Center. He said the City would break even with the penalties paid because of high legal and architectural fees.

Vice-Mayor Horton also said he was satisfied with the outcome of the negotiations. He commended Corporate Counsel William C. Moore, Associate Corporte Counsel Harold Bennett and Architect John Cort for their patience and perseverance.

Upon motion of Vice-Mayor Horton, seconded by Councilman Cole, Resolution No. 78-121 was unanimously adopted.

Eugene C. Ochsenreiter,Jr., former Mayor, said the construction cost of the Civic Center was less that $9 million and today it would appraise for more than $15 million.

Complete text of Resolution No. 78-121 will be found in Resolution Book No. 10 at page 281.

PUBLIC HEARING - WORDING AMENDMENT-ZONING ORDINANCE - PUBLIC UTILITIES, TRANSMISSION LINES AND UTILITY SUBSTATIONS

ORDINANCE NO. 1060 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

3. A public hearing was held relative to wording amendment to Asheville Zoning Ordinance regarding Public Utilities, Transmission Lines and Utility Substations.

Mayor Tranthum opened the public hearing at 3:30 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, on May 3, 1978, voted to approve amending the allowable uses for each of the 12 established separate zoning districts described in Article 5 of the Asheville zoning Ordinance #322 by including the following: "public utilities, transmission lines and utility substations (subject to the conditions of the Group Development Review provided for in the ordinance). He said this was a follow-up on action taken by City Council on April 27 to include public utilities, transmission lines and utility substations in the definitions in the Zoning Ordinance.

was to be left undone. This figure takes into account extra work performed by Ballenger correcting some maintenance items while performing punch list work. Also, taken into consideration was the punch list work performed by the City during its regular maintenance operations.

A summary of the approximate value of the work performed by Ballenger, or credited to the City, since the Summer of 1977, is as follows:

Roofing Repairs	$100,000.00
Punch List Corrections	55,000.00
Credit for Work left undone	7,000.00
Total Value of Work	$162,000.00

Present Status of the Contract:

As mentioned above, over the past four years, Ballenger has performed extra miscellaneous work such as rebuilding the parapet at the auditorium fly loft, and is due $2,112.65 for the performance of that work. Also, mentioned above, work such as repainting the arena ceiling, is to be deleted from the contract and the City is due a credit of $7,073.00 for this deletion. Change Order 14, deductiong the amount of $4,960.35 from the contract is to be executed by Ballenger and the City in order to reflect these changes in the contract.

Once Change Order 14 has been executed by the owner and the contractor, the Architects can state that in their opinion, ALL WORK UNDER THE CONTRACT IS NOW COMPLETE IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.

Liquidated Damages:

Liquidated damages are not included in this report. A summary of the provisions of the contract with respect to liquidated damages will be presented by the City Attorney.

If you have further questions concerning the status of the work, please feel free to call on us.

Respectfully submitted,
WOOD AND CORT, P.A.

PUBLIC HEARING - URBAN DEVELOPMENT ACTION GRANT PROGRAM TO REVITALIZE THE EAGLE-MARKET STREET AREA

RESOLUTION NO. 78-122- RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT THROUGH THE URBAN DEVELOPMENT ACTION GRANT PROGRAM

5. A public hearing was held to approve the application for an Urban Development Action Grant program to revitalize the Eagle-Market Street area.

Mayor Trantham opened the public hearing at 3:48 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the revitalization of the Eagle-Market Street area evolves from the Community Development Block Grant in an effort to include the project in the Urban Development Action Grant Project. He said the proposed development would take place within a prescribed geographical area lying between Census Tracts 1 and 7 (bordered on the west by Biltmore Avenue, on the east by Valley Street, on the north by Marjorie Street and Pack Square and on the south by Beaumont Street). He said the project includes the improvement of streets, sidewalks, water, sewer, and drainage lines, grading, demolition, underground wiring and related public facility improvements to attract new private development. He said recipients of funds for public works improvements will be local contractors receiving construction contracts through normal bid procedures. Indirect recipients would be those residents and businesses located in the project area.

Mr. Emrick said the funding would also be utilized to subsidize interest rates for construction and business loans and to reduce land costs for new construction projects.

Mr. Emrick said neighborhood renewal activities are planned to take place immediately east of the project with the East End/Valley Street Area Project, and commercial revitalization activities are being planned for the central business district located to the immediate northwest of the project area. The UDAG project will therefore support and augment improvements planned to take place in close proximity.

Mr. Ermick said the total project would amount to $19,910,070 with the City requesting approximatley $4 million from the UDAG funding and $12 million will come from private commitments. He said the local lending institutions have set aside funds for low interest loans for business and operational loans in the project area. He said several activities to attract private investment will be initiated. He said letters of commitment have been received from nine (9) businesses that will be constructing new commerical facilities or renovating existing structires.

By the use of a map, Mr. Emrick reviewed the location of the Eagle-Market Street area. He also reviewed the soundness of the existing buildings in the area.

Logan Delany, Community Development Coordinator, said the project would enhance the Downtown Revitalization efforts. He said the project would provide leverage to attract private investment in the blighted area. He said the project would also increase the tax base of the City by $88,000 to $90,000 per year.

Councilman Michael said it would be his hope that minorities would be given every opportunity in the project. He said he would be monitoring the program from the beginning.

Mayor Trantham closed the public hearing at 3:35 p. m.

The City Manager read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1060. This motion was seconded by Councilman Cole.

During the discussion, Councilwoman Price suggested including transmission lines as a conditional use in the residential areas.

Mr. Emrick said a separate ordinance would be forthcoming to cover the requirements of transmission lines that encroach upon the city's rights-of-way. He said the ordinance would set specific standards for transmission lines.

On a roll call vote of 6-0, Ordinance No. 1060 passed on first reading.

PUBLIC HEARING - WORDING AMENDMENT - ZONING ORDINANCE - MINIMUM PARKING REQUIREMENTS FOR MINATURE GOLF COURSES

ORDINANCE NO. 1061- AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED.

4. A public hearing was held relative to wording amendment to Asheville Zoning Ordinance regarding Section 30-3-11, G. Minimum Parking Requirements for Miniature Golf Courses.

Mayor Trantham opened the public hearing at 3:43 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said at the May 3, 1978 meeting of the Planning and Zoning Commission, the staff pointed out that the Asheville Zoning Ordinance does not set forth off-street parking requirements for miniature golf courses, other than those applicable to outdoor commercial recreation activities. After discussion, the Commission voted to recommend to City Council that Section 30-3-11, G, Minimum Parking Requirements be amended to include the following category in Retail and Other Commercial: "Miniature Golf Courses - One (1) space for each one (1) tee.

Mayor Trantham closed the public hearing at 3:45 p. m.

The City Manager read the ordinance.

Councilman Morris moved for the adoption of Ordinance No. 1061. This motion was seconded by Councilwoman Price.

On a roll call vote of 6-0, Ordinance No. 1061 passed on first reading.

ORDINANCE NO. 1057 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSE KNOWN AS 49 WEST CHESTNUT STREET

7. Consideration was given to the second reading of Ordinance No. 1057, an ordinance directing the Housing Officer to demolish the dwelling house known as 49 West Chestnut Street.

Mayor Trantham advised that this ordinance was previously read on first reading and it would not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1057 passed on second reading.

APPROVAL OF THE CONSENT AGENDA

8. The City Manager explained that the items on the consent agenda are of a routine nature and have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City staff any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 78-123 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Huntley Construction Company for the project known as Appalachian Way Area Water Improvements.

HIGHLIGHTS: Bids were received on May 25, 1978 for the Appalachian Way Area Water Improvement Project.

The bids are as follows:

Huntley Construction Company	$249,481.50
Taylor and Murphy Construction Co.	330,566.03
Hobson Construction Company	317,229.75
Joyce Construction Company	324,132.90

Recommendation of low bid, Huntley Construction Company, in the amount of $249,481.50.

Resolution Book No. 10 Page 285 .

B. Resolution No. 78-124 - Resolution requesting changes in North Carolina Department of Transportation/City of Asheville road maintenance and signing responsibilities.

HIGHLIGHTS: The City and the North Carolina Department of Transportation have discovered several changes, on certain streets and highways in Asheville which are designated as State Highways and secondary roads, which would improve the system.

Resolution Book No. 10 Page 286 .

Mayor Trantham closed the public hearing at 4:17 p. m.

The City Manager read the resolution.

Upon motion of Councilman Rainey, seconded by Councilwoman Price, Resolution No. 78-122 was unanimously adopted.

Complete text of Resolution No. 78-122 will be found in Resolution Book No. 10 at page 283 .

ORDINANCE NO. _____ - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED. (Rezoning property on New Leicester Highway from R-3 Residential District to CS Commercial Service District)

6. Consideration was given to an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property on New Leicester Highwy from R-3 Residential District to CS Commercial Service District, property owned by Mr. Reuben Caldwell, Mr. and Mrs. Clyde Ayers, Mr. and Mrs. D. J. Graham and Ms. Mildred B. Fenner.

Mayor Trantham said the ordinance was previously read by the City Manager and a public hearing was held on the matter at the June 1, 1978 meeting and it would not be re-read in its entirety unless there was a specific request to do so. He said the ordinance was tabled for one week on June 1, 1978.

Verl Emrick, Planning Director, again reviewed the recommendation of the Planning and Zoning Commission to deny the rezoning petition.

William Greene, attorney representing Reuben Caldwell, again spoke in favor of the rezoning request. He reviewed a map showing the residents that adjoin the property in question.

Bill Clendenin, representing Mr. Clyde Ayers, said Mr. Ayers is proposing to amend his request to rezone only 200' off of New Leicester Hihgway to Commercial Service District. He said this would leave the back of Mr. Ayers property residential for the protection of the residents on Westwood Drive. He said Mr. Ayers said he would also provide a buffer of white pines across the west side and in the back of the property.

Mrs. Cecil Roberts, 16 Westwood Drive, again strongly objected to the rezoning request.

Jerry Metcalf, owner of Lot 36-1/4, spoke in favor of the rezoning request.

Bob Thompson, Westwood Drive, spoke in opposition to the rezoning.

Linda Jarvis, Westwood Drive, spoke in opposition to the rezoning.

After discussion, the City Manager said when the ordinance was first read on June 1, 1978 Lot #36 was inadvertently left off.

Councilman Michael moved to include Lot #36 in the ordinance. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Mayor Trantham then called for a motion for the adoption of the ordinance.

The ordinance died for the lack of a motion for adoption.

ASHEVILLE REVITALIZATION COMMISSION RESOLUTION

The City Manager read a resolution adopted by the Asheville Revitalization Commission which approves the proposed strategy for revitalization of central Asheville and recommends to City Council the adoption of the Asheville Revitalization Plan. The Commission also urged that all parties involved in the implementation of the plan commit their full moral and financial support to its success so that the economic stability of the project area as well as the remaining community might be achieved.

Verl Emrick, Planning Director, said the Commission suggested that Council schedule a public hearing on the plan to discuss the specifics of the plan.

After discussion, Councilwoman Price moved to schedule a public hearing for July 13, 1978 to discuss the specifics of the Asheville Revitalization Plan. This motion was seconded by Councilman Morris and carried unanimously.

POLICE/FIRE PENSION - REQUEST FOR INCREASE

Ronald Brown, attorney representing the retired policemen and firemen of Asheville, requested that the Council consider increasing the pension checks for the retired policemen and firemen whenever city employees receive salary increases. He said the pension plan now in effect for the retired officers does not include any method of increasing the amount of the monthly check.

Mr. Brown suggested that Council request the Board of Trustees for both pension funds to make a study of the situation.

After discussion, Council agreed to meet with the Board of Trustees of both pension funds and H. Gray Hutchinson, the city's actuary, to determine what can be done.

LIVINGSTON STREET RECREATION CENTER DIRECTOR

Mr. Lonnie Burton, representing the East Riverside Residents Association, requested that Council make some decision for providing Livingston Street Recreation Center with a director. He said the YMCA and the Parks and Recreation Advisory Board had been some five months trying to reach an acceptable agreement. He said the Center is in need now for someone qualified to operate and organize the Center.

The City Manager suggested that the City could move ahead with furnishing an interim director until the arrangements with the YMCA could be finalized.

Osborne Hart said he did not feel the residents of the East Riverside Community would be satisfied with an interim director. He said an interim director would not devote as much attention to the Center as a full time director. He said Council should make the decision immediately.

Lonnie Gilliam spoke in support of Council making a decision on the director for the Center.

C. Resolution No. 78-125 - Resolution authorizing repair of eight inch waterline.

HIGHLIGHTS: An eight inch main feeder line from North Fork has blown out and is not in service and the cost of repairing the line is eligible as an expenditure in the Major Water Capital Improvements Fund. Funds are available in the Major Water Capital Improvements Fund sufficient to pay for this repair.

Resolution Book No. 10 Page 288 .

C. Resolution No. 78-126 - Resolution approving a contract between Butler Associates, P. A. and the Community Development Division of the City of Asheville for professional services.

HIGHLIGHTS: It is necessary to comply with HUD environmental and time requirements for the UDAG project. Funds to support the requirements are available in the City's CDBG Citizens Participation Program.

Resolution Book No. 10 page 289 .

Upon motion of Vice-Mayor Horton, seconded by Councilman Rainey, the consent agenda was approved.

AVIATION ADVISORY COMMITTEE

Mayor Trantham said the following individuals would be members of the Aviation Advisory Committee:

Eugene C. Ochsenreiter, Jr. - Chairman
Councilman Otis B. Michael
Councilwoman Norma T. Price
Councilman F. Jack Cole
Commissioner Zeb Sheppard
Commissioner Bill Oglesby

He said the specific responsibilities for the committee would be setforth in the next two (2) or three (3) weeks.

CLAIM - GEORGE SELF

The City Manager presented a claim received from Mr. George Self from Self-Sluder Advertising, Inc.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

Thursday - June 15, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilmen Gene E. Rainey, F. Jack Cole, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilwoman Norma T. Price, Councilman Otis B. Michael, and Councilman Ralph D. Morris, Jr.

INVOCATION

Councilman F. Jack Cole gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the June 8, 1978 meeting.

Upon motion of Councilman Cole, seconded by Councilman Rainey, the minutes of the June 15, 1978 meeting were approved as submitted.

The City Manager, upon questioning of Vice-Mayor Horton, said a meeting has tentatively been scheduled for June 20, 1978 to meet with Mr. H. Gray Hutchinson, the city's actuary, to discuss the policemen and firemen pension fund. He also announced that William Fulp has been appointed interim director of the Livingston Street Recreation Center until further action is taken by the city Parks and Recreation Advisory Board.

PUBLIC HEARING - REVISION OF THE CITY SANITATION CODE

ORDINANCE NO. 1062 - AN ORDINANCE REVISING THE SANITATION CODE OF THE CITY OF ASHEVILLE

2. A public hearing was held relative to a revision of the City Sanitation Code.

Mayor Trantham opened the public hearing at 3:10 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

The City Manager said this ordinance involves a change in the Sanitation and Litter Control Code, which was developed by a number of volunteers.

Mrs. Kay Crews, Co-Chairman of Clean Community Systems, read the following statement providing a clarification of the major changes in the present Sanitation Code:

After discussion, Councilwoman Price moved that the City Manager move ahead in negotiations with the YMCA to give Mr. Woodard, the proposed director, a leave of absence from the YMCA, to be an Interim Director of the Livingston Street Recreation Center until arrangements could be finalized with the YMCA. This motion was seconded by Councilman Cole and carried unanimously.

Mr. Hart said he did not think this approach would work. He recommended that Council try the proposal presented by the YMCA.

Ray Lyles of the East Riverside Residents Association also encouraged Council to move ahead with providing a director for the Center.

Council agreed to discuss the matter during the City Council Tuesday work session.

Adjournment.

MAYOR

CITY CLERK

This ordinance provides for more specific guidelines concerning pre-collection, collection and post-collection, household furniture and appliances, storage of refuse and trash, scattering of refuse and litter and provision for free collection of tree trimmings, leaves and brush for residential collection when pre-collection requirements as set forth in the ordinance are met.

This ordinance specifically addresses efficient storage and removal refuse from of commercial and institutional establishments, and sets forth such type of establishment for the first time as a category. It gives the Superintendent of the Division of Sanitation the specific authority to establish, at his discretion, schedules and to specify the type of equipment and service to be given including refuse receptacles and bulk containers.

This Ordinance gives the Division of Inspections the responsibility to review the method and location of refuse storage for collection for new commercial buildings or extensive renovations to existing buildings.

Highlights

CLEAN COMMUNITY SYSTEM
REVISED SANITATION ORDINANCE

The Clean Community System Board and Government Committee has reviewed the existing City Sanitation Code and presents the new code involving the following areas of reenforcement and revision:

This ordinance specifically prohibits littering or allowing litter to accumulate on private or public property.

This ordinance contains a comprehensive list of definitions and practices addressing today's solid waste management which includes all types of receptacles, containers and equipment. The 1948 City Sanitation Code defines only three (3) items of refuse and one (1) type of refuse receptacle.

This ordinance establishes lines of administrative responsibility and legal enforcement for the ordinance to the Division of Sanitation and Division of Inspections.

This ordinance addresses itself to the potential hazards to refuse haulers and to the public in general by setting forth health and safety requirements concerning solid waste management, refuse, refuse receptacles and handling of refuse.

Mrs. Crews also read highlights of the proposed ordinance. She said the ordinance was not intended to place a burden on businesses or homeowners but to increase the productivity of the Sanitation Department and to decrease manpower cost.

Mrs. Jean Webb, Chairman of the Clean Community Systems and Kay Crews answered general questions from members of Council.

During the discussion, Councilman Rainey suggested that the following be considered at a Council work session: 1) That homeowners use a maximum of two (2) plastic bags, to be purchased at the homeowner's expense; 2) For those residents requiring more than two (2) bags, that they be required to purchase a rollout container from the City at cost.

After discussion, Mayor Trantham closed the public hearing at 3:45 p. m.

The City Manager read the ordinance.

Councilman Rainey moved for the adoption of Ordinance No. 1062. This motion was seconded by Councilman Cole.

On a roll call vote of 4-0, Ordinance No. 1062 passed on first reading.

PUBLIC HEARING - CITY OF ASHEVILLE BUDGET FOR FISCAL YEAR 1978-79

ORDINANCE NO. 1063 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1978-79

3. A public hearing was held relative to the City of Asheville Budget for Fiscal Year 1978-79.

Mayor Trantham opened the public hearing at 3:47 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

The City Manager said he had received several request for funds that will be submitted to Council during the following week.

Councilman Rainey, responding to a request made last week by retired police and firemen that the City consider raising the amount of their monthly pension checks, suggested that $10 for each year an officer has been retired be paid to his pension fund this year. For example, if a fireman has been retired ten (10) years he would receive an additional $100. He suggested that $10,000 be taken from the City's $80,000 allocation to the Asheville Area Chamber of Commerce to pay out to members of the retired police and fire pension fund.

Councilman Rainey also said the City should come up with money for the revitalization commission, which was omitted from the proposed budget.

He expressed concern that the WNC Development Association and Quality Forward were not funded the amount they requested. The development association requested $7,500 and has been allocated $5,000; Quality Forward requested $15,000 and would receive $10,000.

This ordinance provides new guidelines for loading and unloading areas and parking lots, requiring receptacles where necessary.

This ordinance updates and clarifies the responsibility for refuse storage and disposal of waste materials from construction and demolition sites and specifies requirements to be met by contractors.

This ordinance will phase out service on sunken and underground refuse receptacles.

This ordinance will assign responsibility for containerizing refuse wherever it originates and for cleaning up trash wherever it accumulates, whether to the private individual, business, industry or government agency.

The Clean Community System is convinced that to insure a cleaner city and environment, residents of the City of Asheville must accept the individual responsibility for proper containerization of refuse and maintaining premises in clean and sanitary condition. If we are to have a reasonable, efficient sanitation system, it will take total cooperation between the citizens and the City of ville.

Vice-Mayor Horton moved to suspend the rules and proceed to the third reading of Ordinance No. 1060. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1060 passed on third and final reading.

Complete text of Ordinance No. 1060 will be found in Ordinance Book No. 8 at page 212.

ORDINANCE NO. 1061 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Wording amendments - parking requirements for miniature golf courses)

5. Consideration was given to the second reading of Ordinance No. 1061, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, amending Section 30-3-11, G, Minimum Parking Requirements to include miniature golf courses.

Mayor Trantham said the ordinance was previously read on first reading and it would not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 1061 passed on second reading.

Vice-Mayor Horton moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1061. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1061 passed on third and final reading.

Complete text of Ordinance No. 1061 will be found in Ordinance Book No. 8 at page 214.

ORDINANCE NO. 1057 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSE KNOWN AS 49 WEST CHESTNUT STREET

6. Consideration was given to the third reading of Ordinance No. 1057, an ordinance directing the Housing Officer to demolish the dwelling house known as 49 West Chestnut Street.

Mayor Trantham said the ordinance was previously read on first and second reading and it would not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 1057 passed on third and final reading.

Complete text of Ordinance No. 1057 will be found in Ordinance Book No. 8 at page 207.

In order to generate the revenue to pay for the budget additions, Councilman Rainey suggested that the rents in City Hall be raised for offices not connected with city government. He suggested deleting the $3,000 allocation for the management study at the Civic Center since a new Civic Center manager will be hired within the next two to three months. He said he did not see a need for the $5,000 promotional budget for the Civic Center.

Councilman Rainey also suggested that Council reconsider the present $5.00 motor vehicle license fee.

Robert C. Hunter, president of Parkland Corporation, speaking for the three (3) rental car companies at the Airport, made a request to Council to reconsider the deletion of $22,000 from the proposed budget to pave the holding area for the rental companies. He emphasized the importance of the paving by presenting statistics, which showed that the car rental companies produced more revenue to the City than the airlines. He said the paving of the area would benefit both the rental companies and the City.

Mayor Trantham advised Mr. Hunter that his request would be given serious consideration the the Council work session.

Vice-Mayor Horton agreed that consideration should be given to cutting the chamber allocation $10,000, because the county has increased its allocation to the Chamber from $42,000 to $69,500. He also commented that the County should participate on a more equal share on other items.

Mayor Trantham said a work session on these matter would be held with the County.

Mayor Trantham closed the public hearing at 4:17 p. m.

The City Manager read the ordinance.

Vice-Mayor Horton moved for the adoption of Ordinance No. 1063. This motion was seconded by Councilman Cole.

On a roll call vote of 4-0, Ordinance No. 1063 passed on first reading, with Councilman Rainey voting "present."

ORDINANCE NO. 1060 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Wording Amendment - Public Utilities, Transmission Lines and Utility Substations

4. Consideration was given to the second reading of Ordinance No. 1060, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, amending Section 30-4-1, Use Districts to include public utilities, transmission lines, and utility substations as allowable uses.

Mayor Trantham said the ordinance was previously read on first reading and it would not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 1060 passed on second reading.

Councilman Rainey moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1064. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1064 passed on third reading.

Complete text of Ordinance No. 1064 will be found in Ordinance Book No. 8 at page 264.

APPROVAL OF THE CONSENT AGENDA

10. The City Manager explained that the items on the consent agenda are of a routine nature and have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City staff any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 78-129 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with W & W Contracting Company for the project known as Dillingham Circle Water Line.

HIGHLIGHTS: Bids were opened on May 31, 1978 for the Dillingham Circle Water Line Project.

The following is the bid tabulation:

W & W Contracting Company	$46,263.75
Joyce Construction Company	49,101.50
Huntley Construction Company	49,979.75
Hobson Construction Company	55,591.25

Recommendation of low bidder, W & W Contracting Company

This project is funded under the 31 Fund.

Resolution Book No. 10 Page 292

B. Resolution No. 78-130 - Resolution authorizing the City Manager to acquire two rights of way easements for a sanitary sewer line on Governors View Road, Buncombe County, North Carolina.

Resolution Book No. 10 Page 293

C. Scheduling of a public hearing relative to rezoning property on Sweeten Creek Road from R-3 Residential District to CS Commercial Service District, property owned by Mr. John McDuffie and Mr. James Westall, Walls & Thrash Fuel Company, Nova Enterprises, Inc., and Mr. W. H. Guthrie for July 13, 1978.

RESOLUTION NO. 78-127 - RESOLUTION AUTHORIZING THE PLACEMENT OF INFORMATION AND DIRECTIONAL SIGNS IDENTIFYING BONA FIDE HISTORIC PROPERTIES WITHIN THE CITY OF ASHEVILLE

7. Consideration was given to a resolution authorizing the placement of information and directional signs identifying Bona Fide Historic properties within the City of Asheville.

The City Manager read the resolution.

Upon motion of Councilman Rainey, seconded by Councilman Cole, Resolution No. 78-127 was unanimously adopted.

Complete text of Resolution No. 78-127 will be found in Resolution Book No. 10 at page 290.

RESOLUTION NO. 78-128 - RESOLUTION AUTHORIZING DIRECTOR OF FINANCE TO SELL SURPLUS PROPERTY (AB Dick 7308 Collator)

8. Consideration was given to a resolution authorizing Director of Finance to sell an AB Dick 7308, 8-bin Collator to Buncombe County.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilman Cole, Resolution No. 78-128 was unanimously adopted.

Complete text of Resolution No. 78-128 will be found in Resolution Book No. 10 at page 291.

ORDINANCE NO. 1064 - AN ORDINANCE REALLOCATING, AMENDING AND APPROVING COMMUNITY DEVELOPMENT BUDGET FUNDS SET FORTH IN THE CITY OF ASHEVILLE CAPITAL PROJECT FUND BUDGET FOR 1976-77

9. Consideration was given to an ordinance reallocating, amending, and approving Community Development Budget funds set forth in the City of Asheville Capital Project Fund Budget for 1976-77.

The City Manager read the resolution and explained that the Kenilworth Playgrounds was developed and approved in order to secure additional equipment to be used in the existing Kenilworth Park Area. The Kenilworth Land Acquisition Project was approved in order to ensure an adequate park facility for the entire Kenilworth area. As a matter of priority and in order not to duplicate services the projects, by this ordinance, have been combined into one park development.

Councilman Cole moved for the adoption of Ordinance No. 1064. This motion was seconded by Councilman Rainey.

On a roll call vote of 4-0, Ordinance No. 1064 passed on first reading.

Councilman Rainey moved to suspend the rules and proceed to the second reading of Ordinance No. 1064. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1064 passed on second reading.

Thursday - June 22, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey, F. Jack Cole, Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Ralph D. Morris, Jr.

INVOCATION

Councilwoman Norma T. Price gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the June 15, 1978 meeting.

Upon motion of Councilman Cole, seconded by Councilman Michael, the minutes of the June 15, 1978 meeting were approved as submitted.

PUBLIC HEARING - ESTABLISHMENT OF ASHEVILLE TREE COMMISSION

ORDINANCE NO. 1065 - AN ORDINANCE ESTABLISHING AN ADVISORY BODY KNOWN AS THE ASHEVILLE TREE COMMISSION

2. A public hearing was held relative to an ordinance establishing an Advisory Body known as the Asheville Tree Commission.

Mayor Trantham opened the public hearing at 3:13 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Anthony Lord spoke in support of the establishment of the Asheville Tree Commission.

There being no further comments, Mayor Trantham closed the public hearing at 3:15 p. m.

The City Manager read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1065. This motion was seconded by Councilman Cole.

On a roll call vote of 5-0, Ordinance No. 1065 passed on first reading.

Councilman Rainey suggested that the language in the ordinance be clarified before the second and third reading of the ordinance in order not to give the impression that the Commission would have jurisdiction on private property.

D. Scheduling of a public hearing relative to the Group Development of Phase II of an addition to Memorial Mission Hospital for July 13, 1978.

E. Scheduling of a public hearing relative to amending Ordinance No. 424, "An Ordinance Establishing Regulations for the Development of Real Estate Subdivisions" for July 13, 1978.

Upon motion of Councilman Rainey, seconded by Vice-Mayor Horton, the consent agenda was approved.

CLAIM - THEODIS BECK

The City Manager presented a claim received from Theodis Beck.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - JAMES M. HARDIN

The City Manager presented a claim received from Mr. James M. Hardin.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

Adjournment.

Ray M. Trantham
MAYOR

Frances S. Roberts
CITY CLERK

Section (e)- Add: Cardboard boxes, cartons, and crates, when used as refuse receptacles shall not exceed five (5) feet by six (6) feet by three (3) feet, be less than eight (8) cubic feet and shall not exceed 50 lbs. when secured. All cardboard boxes, cartons, and crates used as a refuse receptacle shall be secured by tying or taping. Any cardboard boxes, cartons, or crates exceeding five (5) feet by six (6) feet by three (3) feet shall be collapsed.

Section (e) - Change existing Section (e) to Section (f).

A discussion was held relative to the suggested changes and Councilman Rainey said the suggested changes would be one way that a business would not have to have a bulk container. He suggested that the ordinance be clarified to allow the Sanitation Superintendent to use his discretion as to whether a business would have to have a bulk container as some businesses would not have space for a bulk container.

Councilman Rainey reviewed a memorandum from the Sanitation Superintendent to the City Manager which presented the cost involved in the proposed ordinance.

After discussion, it was the consensus of Council that the Clean Community System Committee would review the ordinance again, before the third reading, in order to be as specific and legal as possible.

Councilwoman Price moved to amend Ordinance No. 1062 to include the suggested changes as recommended by the Clean Community System Committee. This motion was seconded by Councilman Rainey and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1062 passed on second reading.

ORDINANCE NO. 1063 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1978-79

5. Consideration was given to the second reading of Ordinance No. 1063, an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the Fiscal Year 1978-79.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

In commenting on the budget, Councilman Cole requested that the allocation of $15,000 for the paving of the employee's parking lot be deleted.

Councilman Cole said he would be opposed to a reduction in the allocation of $80,000 to the Chamber of Commerce. He said he felt this was the wrong place to cut the budget. He said inflation has reduced the spending power of the Chamber's allotment and they pay their way on the services they bring into Asheville.

Councilman Rainey, opposing the deletion of the allocation to pave the employee's parking lot, argued that the Chamber's budget would not be changed since the County was increasing the Chamber's budget by $10,000 this year. He said public funds to support private enterprise should be avoided. He said the merchants of Asheville, such as motels and businesses, should increase their financial

DISCUSSION - PARKING IN HANDICAPPED PARKING SPACES

3. Mr. John Jerose, speaking on behalf of the W. N. C. Association of the Physically Handicapped requested that an ordinance be considered wherein a penalty of substantial amount would be imposed for those parking in a handicapped parking space without being authorized to do so.

Mr. Jerose said the handicapped people have a difficult time finding a place to park because people park in these areas who are not handicapped.

Councilman Michael suggested the placards be used in windows of vehicles to indicate handicapped people. He suggested that the loading and unloading parking spaces be used for the handicapped, leaving more regular parking spaces free.

Mayor Trantham advised Mr. Jerose that Council would take his request under consideration.

ORDINANCE NO. 1062 - AN ORDINANCE REVISING THE SANITATION CODE OF THE CITY OF ASHEVILLE

4. Consideration was given to the second reading of Ordinance No. 1062, an ordinance revising the Sanitation Code of the City of Asheville.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Kay Crews, Co-Chairman of the Clean Community System, said the merchants organizations have suggested several revisions to the ordinance. The suggested changes are as follows:

Section 13-32 - Definitions, #17

Add: Cardboard boxes, cartons, and crates may be used as a refuse receptacle only when used to contain other cardboard boxes, cartons, and crates and properly secured by tying or taping. The size of box, carton, or crate shall not exceed five (5) feet by six (6) feet by three (3) feet, shall not exceed 50 lbs. when secured, and shall not be less than eight (8) cubic feet.

Section 13-36 - Pre-collection Practices

Section (c) - Add: After first sentence: Household receptacles or containers shall be set out on day of collection.

Section (j) - Add: Business trash shall be placed in plastic bags and tied prior to being placed in refuse receptacles.

Section (k) - Add: Commercial Establishment. The Director of the Division of Sanitation shall notify all merchants of schedule for pick-up and merchants shall comply.

Section 13-47 - Special Refuse or Disposal Problems

Section (d) - Change wording from receptacles or containers to bulk containers.

RESOLUTION NO. 78-131 - RESOLUTION ESTABLISHING THE ASHEVILLE-BUNCOMBE COUNTY HISTORIC PRESERVATION ADVISORY COMMITTEE

6. Consideration was given to a resolution establishing the Asheville-Buncombe County Historic Preservation Advisory Committee.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, Resolution No. 78-131 was unanimously adopted.

Complete text of Resolution No. 78-131 will be found in Resolution Book No. 10 at page 294.

ORDINANCE NO. 1066 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (Transit marketing study)

7. Consideration was given to an ordinance amending the operating budget of the City of Asheville for fiscal year 1977-78 to provide for funding for the transit marketing program. This program was implemented by a contract with N. C. Department of Transportation by Resolution No. 78-102 on May 11, 1978.

The City Manager read the ordinance.

Councilman Rainey moved for the adoption of Ordinance No. 1066. This motion was seconded by Councilman Michael.

On a roll call vote of 5-0, Ordinance No. 1066 passed on first reading.

Vice-Mayor Horton moved to suspend the rules and proceed to the second reading of Ordinance No. 1066. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1066 passed on second reading.

Vice-Mayor Horton again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1066. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1066 passed on third reading.

Complete text of Ordinance No. 1066 will be found in Ordinance Book No. 8 at page 272.

ORDINANCE NO. 1067 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1977-78 (Police cars and pick-up truck)

8. Consideration was given to an ordinance amending the Operating Budget of the City of Asheville for fiscal year 1977-78 to provide funding for seven police cars and one pick-up truck.

The City Manager read the ordinance.

support to the Chamber of Commerce. He said more funds should be used in the downtown revitalization efforts.

Vice-Mayor Horton expressed agreement with Councilman Rainey saying that city tax payers are contributing double to the Chamber because they pay both county and city taxes. He said the $80,000 to the Chamber has been a burden to the City because it has been out of proportion to the County's share.

Councilwoman Price said she would also oppose reducing the Chamber's budget. She said the $10,000 increase by the County would be used solely for economic development and the City's contribution would be used for tourism and conventions. She supported the efforts of the Chamber, particularly for tourism and conventions.

Councilman Michael supported the comments by Vice-Mayor Horton and Councilman Rainey in reducing the Chamber's budget.

Councilman Rainey then moved to reduce the Chamber of Commerce allocation by $10,000. This motion was seconded by Vice-Mayor Horton.

Mayor Trantham strongly urged Council not to reduce the Chamber's allocation. He said Council was making too big an issue over something that helps both the city and the county.

On a voice vote, Councilman Rainey's motion died because of a tie vote. Vice-Mayor Horton, Councilman Rainey and Councilman Michael voted to reduce the allocation to the Chamber. Mayor Trantham, Councilwoman Price, and Councilman Cole voted against the reduction.(Note: Mayor Trantham voted since four votes are needed to carry an issue).

Councilman Cole then moved to delete the $15,000 allocation for paving of the employee's parking lot from the proposed budget. At the request of Councilman Michael, he further moved that $5,000 of the $15,000 be allocated to the Tree Commission. This motion was seconded by Councilwoman Price and carried on a voice vote of 4-1 with Councilman Rainey voting "no."

Councilman Rainey moved to reduce the Civic Center promotional budget from $5,000 to $4,000 and to use $421 of the difference to buy an alarm system for the Colburn Mineral Museum Center. This motion was seconded by Councilwoman Price and carried on a voice vote of 4-1, with Councilman Michael voting "no."

Mayor Trantham then called for a roll call vote on the second reading of Ordinance No. 1063, as amended.

On a roll call vote of 4-1, Ordinance No. 1063 passed on second reading with Councilman Rainey voting "no."

Councilman Rainey noted that he voted against the budget because he was committed to inserting money into the budget for pension increases to retired policemen and firemen.

RESOLUTION NO. 78-132 - RESOLUTION PROVIDING FOR THE CONTINUATION OF GROUP HEALTH AND HOSPITALIZATION INSURANCE FOR CITY EMPLOYEES WITH TWENTY-FIVE (25) OR MORE YEARS OF CONTINUOUS SERVICE WHO HAVE RETIRED DUE TO DISABILITY PRIOR TO NORMAL RETIREMENT

10. Consideration was given to a resolution providing for the continuation of group health and hospitalization insurance for city employees with twenty-five (25) or more years of continuous service who have retired due to disability prior to normal retirement.

The City Manager read the resolution. He said the Fringe Benefit Committee had recommended this policy.

Upon motion of Councilman Rainey, seconded by Councilwoman Price, Resolution No. 78-132 was unanimously adopted.

Complete text of Resolution No. 78-132 will be found in Resolution Book No. 10 at page 296.

SOUTHWORTH CONSTRUCTION COMPANY, INC. - RENOVATION OF THE VALLEY STREET MAINTENANCE FACILITY

11. Consideration was given to a motion authorizing the Mayor to sign the contracts with Southworth Construction Company, Inc. for the renovation of the Valley Street Maintenance Facility.

The City Manager said bids were awarded on the contract for the renovation of the Valley Street Maintenance Facility on June 1, 1978. The contract was awarded to Southworth Construction Company, Inc. and it is now necessary for a motion to be made authorizing the Mayor to sign the contracts.

Councilman Cole moved to authorize the Mayor to sign the contract with Southworth Construction Company, Inc. for the renovation of the Valley Street Maintenance Facility. This motion was seconded by Councilwoman Price and carried unanimously.

CLAIM - MR. JOSEPH M. WILLIAMS

The City Manager presented a claim received from Mr. Joseph M. Williams.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

FLETCHER HILLS AND FRANEM ACRES WATER SYSTEM - POLICY DECISION

The City Manager said the City is presently furnishing water to residents in Fletcher Hills and Franem Acres in Henderson County. He said the developer wants to add to the development and has requested an additional supply of water. He said these residents are using water from the Lutheridge Reservoir. He said if the City furnishes them additional water the City's production for that area would be reduced and this would also reduce the pumping time at Lutheridge Reservoir. He said his recommendation would be to turn all these customers, in the Fletcher Hills and Framen Acres, over to Henderson County. He said this could be done without any interruption in service to these customers.

Councilwoman Price moved for the adoption of Ordinance No. 1067. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 5-0, Ordinance No. 1067 passed on first reading.

Councilman Michael moved to suspend the rules and proceed to the second reading of Ordinance No. 1067. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1067 passed on second reading.

Councilman Michael moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1067. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1067 passed on third and final reading.

Complete text of Ordinance No. 1067 will be found in Ordinance Book No. 8 at page 273.

BIDS - SEVEN (7) POLICE TYPE COMPACT CARS AND ONE (1) PICK UP TRUCK FOR POLICE DEPARTMENT

9. Consideration was given to bids received June 13, 1978 for seven (7) police type compact cars and one (1) economy size pick up trucks for the Asheville Police Department.

The City Manager read a memorandum from the Purchasing Agent which stated that three (3) bids were received. The bid tabulation is as follows:

Item	Bidder	Bid
7 Police Type Compact Cars	Modern Chevrolet Winston-Salem, N.C. (5 units)	$26,835.00
	Apple Tree Chevrolet (2 units)	10,952.06
1 Economy Size Pickup Truck	Matthews Motors, Inc.	5,133.66
	Apple Tree Chevrolet	4,534.35

Chief Tucker and the Purchasing Agent recommend split award to obtain all units, as bid: Apple Tree Chevrolet - 2 units and 1 pickup truck
Modern Chevrolet - 5 units.

Councilman Michael moved to accept the recommendation of the Purchasing Agent and award the bids to Apple Tree Chevrolet and Modern Chevrolet. This motion was seconded by Councilwoman Price and carried unanimously.

The media has reported that a $1,000.00 reduction in our promotional fund is being considered to provide funds for installation of an alarm system in the Art Museum. Of course our Commission fully endorses and approves as much support as possible for the Art Museum and the other cultural aspects of our community life.

Possibly, City Council might wish to seek out information to acquaint themselves with just how significant a portion of the overall Civic Center expenses are already attributable to the cost of maintaining the cultural areas of the Civic Center complex. Of course, these cultural benefits extend throughout the entire Western North Carolina region.

I also want to once again go on record as very strongly opposing any seat tax at the Civic Center. The Civic Center Commission has previously unanimously opposed such a seat tax as has management and various promoters and we reiterate our opposition to this type charge which we feel can only further damage attendance and our relationship with various promoters.

Kindest personal regards to you and yours.

Sincerely,

ASHEVILLE AREA CIVIC CENTER COMMISSION

By: B. Paul Goodman
Chairman

BPG/bv

cc: Members of City Council
Members of Asheville Area Civic Center Commission
Ex-officio Members

Mayor Trantham said Mr. Goodman's letter would be taken into consideration by the Asheville City Council.

Adjournment.

Ray M. Trantham
MAYOR

Norman J. Holcombe
CITY CLERK

Councilman Michael moved to turn all the water customers in Fletcher Hills and Franem Acres Water System, over to Henderson County, as recommended by the City Manager. This motion was seconded by Councilman Cole and carried unanimously.

STATUS REPORT ON AIRPORT BIDS - PHASE I SITE PREPARATION FOR 1,500' RUNWAY AND TAXIWAY EXTENSION

The Assistant City Manager reported that bids were received on June 21, 1978 for Phase I Site Preparation for 1,500' Runway and Taxiway Extension at the Asheville Airport. F. T. Williams Construction Company of Charlotte was the apparent low bidder in the amount of $2,911,725.60; Champion Landscaping Company of Kings Mountain, was second low bidder in the amount of $3,525,085.50; Asheville Contracting Company and Phillips and Jordan Construction Company was third low bidder in the amount of $3,608,331.40; R.G.K. Construction Company was fourth low bidder in the amount of $4,552,371.60. He said the bids are being evaluated by the consulting engineers and they would have their recommendation both to the City and the FAA as soon as the evaluation is completed. He said the next step is to make application to the FAA for the grant agreement, after which Council would consider the awarding of the bids. He said this process should take approximately two to three weeks.

CIVIC CENTER BUDGET - LETTER FROM ASHEVILLE AREA CIVIC CENTER COMMISSION

Mayor Trantham presented the following letter received from Mr. B. Paul Goodman, Chairman of the Asheville Area Civic Center Commission:

June 22, 1978

City of Asheville
P. O. Box 7148
Asheville, N.C. 28807

Attention: Mayor Roy Trantham

Dear Roy:

At the meeting of the Asheville Area Civic Center Commission on June 20th we reviewed the cutbacks in our budget as presently being considered by City Council. Of course the Commission was not consulted relating to these reductions and we did spend a considerable amount of time attempting to submit as tight a budget as possible in the initial instance.

If these reductions are absolutely necessary, we shall do our utmost to live with them. We do, however, very strongly object to the reduction of $6,000.00 in our advertising budget and the contemplated reduction in our promotional fund. With the business activity at the Civic Center as poor as it is at present, we certainly need to increase our advertising as much as possible in an attempt to bring in additional business. At this point in time, I understand that the Civic Center now has only eleven firm commercial bookings for the balance of this calendar year. We simply must do everything possible to increase this level of activity.

Vol. 45

1918-1919

Pgs. Not Cons.

Vol. 45

1978-1979

Pgs. Not Cons.

Asheville Roofing, Inc. - Bids awarded to this company to re-roof the East Asheville Community Center, Parks and Recreation Department. 89

Airport - Grant agreement with the FAA for site preparation at the Asheville Airport. (Project No. 6-37-005-04) 91

Airport - Contract with Champion Landscaping & Excavating, Inc. for the site preparation for a 1500' runway and taxiway extension including glide slope and localizer grading and fencing at the Asheville Airport. 91

Asheville Army Store - Bids awarded to this store for uniforms for the Asheville Fire Department. 96

Asheville Airport - Councilman Michael asked the City Manager of the status of his request for a gate for private airplanes on the Commercial Ramp at this airport. 98

AFE Federal Credit Union - Approval was given to this company for a sign permit at 219 Haywood Street. 102

Asheville Revitalization Commission - Mayor authorized to sign a contract on behalf of this Commission (downtown model). 106

Asheville Revitalization Commission - Resolution of appreciation to this Commission for their efforts. 110

Appropriations - 1978-79 Capital and Operating Budgets amended ratifying motions made during the past quarter. 113

Asheville-Buncombe Insurance Advisory Committee - Establishment of this Committee authorized. 115

Asheville Airport - Civil Aeronautics Board requested to deny the application of Delta Air Lines, Inc. for deletion of service at this airport. 115

Affirmative Action Quarterly Report - Mr. Sam Graves gave this report. 119

Aston Park Hospital Extended Care Facility Proposal - Endorsement of this. 123

Asheville Roof Inc. - Bids awarded to this company to re-roof the Police Department side of the Municipal Building. 126

Apple Tree Chevrolet - Bids awarded to this place for 18 police vehicles for Asheville Police Department. 126

Alleys - Date set for 7 unnamed alleys to be closed - page 128; hearing and closing - page 226. Tabled - page 175.

Asheville Riverfront Revitalization Program - Budget amendment. 128

Application - Filing of a grant application authorized for development of a Solid Waste Collection System Plan. 7

Agreement - Termination of the Nov. 6, 1961 agreement with the State Highway Commission concerning the lighting of the Asheville Expressway. 18

Asheville Expressway - Termination of the Nov. 6, 1961 agreement with the State Highway Commission concerning the lighting of this expressway. 18

Appalachian Regional Commission - Submission of a grant application authorized to this Commission for enterprise development in the downtown area. 20

Alarm Systems - Councilman Michael said that there was some concern that the Asheville Police Department was terminating the police monitoring system. 24

Affirmative Action Quarterly Report - Mr. Sam Graves, Personnel Analyst, gave this report. 26

Arrowhead International Truck, Inc. - Bids were awarded to this company for a tilt cab and chassis tractor for the Motor Transport Division. 37

Asheville Revitalization Plan - A public hearing was held relative to this - page 39; continued - page 47, 53, 61, 73, 81, 92, 99 and 110.

Asheville Airport - F. T. Williams Company, Inc. allowed to withdraw its bid for the site preparation for 1500' runway and taxiway extension at this Airport. 45

Asheville Riverfront Revitalization Plan - The preparation of this plan was authorized. 49

Agreement - Between the City of Asheville and the Land-of-Sky Regional Council (car-pooling). 49

Application - Submission of an application approved for Title V - Older Americans Act Funds for the renovation of the Harvest House. 50

Asheville Tree Commission - Members were appointed to this Commission. 57

Asheville Terrace - Hearing held relative to the plan for the proposed apartment development at 200 Tunnel Road. 65

Asheville Paving Company, Inc. - Bids were awarded to this company for the 1978-79 Paving Program. 69

Airport - Bids for construction of the 1st phase of the airport runway extension were awarded to Champion Landscaping of Kings Mountain, low bidder, but must be approved by the FAA in Atlanta. 71

American Institute of Banking Week in Asheville - Mayor Trantham proclaimed the week of September 11-16, 1978 as such. 81

Airport - Execution of a contract with the State of N. C. Deparment of Transportation for a State Airport Aid Grant (Project No. 77-05). 88

Airport - Execution of a contract with the State of N. C. Department of Transportation for a State Airport Aid Grant (Project No. 78-07). 88

Armory Renovation - City of Asheville Motor Transport Fund Budget for 1978-79 amended to transfer funds from Capital Outlay - Equipment to Capital Outlay - Other Improvements to provide funding for Armory Renovation. 193

Asheville-Buncombe Insurance Advisory Committee - The following people were appointed to this Committee: Mr. James W. Stickney, III, Miss Helen A. Powers, Mr. Robert B. Gelder and Mr. Robert S. Webb, Jr. 194

Asheville Airport - Budget amendment to amend the City of Asheville General and Aviation Fund Operating Budgets for 1978-79 to appropriate funds for emergency repairs to runway paving. 194

Asheville/Buncombe Criminal Justice Information System, Phase II - Mayor authorized to sign a contract with the State of N. C., Dept. of Crime Control and Public Safety, Division of Crime Control for this project. 210

Asheville Airport - Expanded radar services at this airport supported. 211

Asheville Airport - Mayor authorized to sign an agreement with Diemler & Diekemper, Inc. for an air service market study. 211

Annexation - The City Clerk was authorized to investigate a petition received from W.N.C. Baptist Homes, Inc. relative to this. 221

Asheville Airport - Notice of intent to lease a parcel of land at this Airport to Hertz Corporation. 226

Asheville-Buncombe County Criminal Justice Information System - Mayor authorized to sign a contract for the purchase of the necessary computer equipment and operating software for this system - contract awarded to Burroughs Corporation. 234

Asheville Transit Authority - Bids awarded to Apple Tree Chevrolet for 2 four-door sedans for use by supervisory personnel at this authority. 238

Apple Tree Chevrolet - Bids awarded to this company for 2 four-door sedans for use by supervisory personnel at the Asheville Housing Authority. 238

Asheville Area Civic Center Commission - Mr. Robert G. Beard was appointed to fill the unexpired term of John Jerose, and Anne Chesson, Bill Norwood and Richard Trammel were re-appointed. 244

Asheville-Buncombe County Youth Council - Requested funds to restore murals in the Council Chambers. 246

Asheville Airport - Mayor authorized to lease a parcel of land at this Airport to Hertz Corporation. 253

Agreement - Mayor authorized to sign an agreement with the N. C. Department of Natural Resources and Community Development for the development of a North Asheville Park on the property formerly known as the "Swain Property." 129

Asheville/Buncombe CJIS, Phase II - Filing of a LEAA Subgrant application authorized for this program. 141

Airport - Mayor authorized to sign Amendment No. 1 to the grant agreement for security fencing as a line item in the grant for project no. 6-37-0005-04. 147

Atlanta Airport Authority - Discussion relative to requesting this authority to leave their landing fee at $2.50 for General Aviation Aircraft. 147

Asheville Roofing, Inc. - Mayor authorized to sign a contract with this company for the project entitled "Re-roof Library and Fire Station Building, 970 Haywood Road, West Asheville". 157

Assembly of God Church - A petition was received from residents of Haywood Road relative to noise made by this church. City would investigate. 157

Ashton, Karla Kay - A claim was received by this person. 157

Accountants Day - November 21, 1978 proclaimed as such. 158

Avondale Road 6-Inch Water Line - Mayor authorized to sign a contract with Perry Alexander Construction Company for this project. 166

Anderson, Ken - This person felt Council was confused relative to the summary of guidelines for mixed beverage permits. 168

Apple Tree Chevrolet, Inc. - Bids awarded to this company for two cars and four trucks for various departments of the City. 177

Asheville Revitalization Commission - Councilman Michael announced the opening for an architect for this office. 179

Audits - The City Manager presented the following audits: Asheville Firemen's Pension and Disability Fund, Asheville Policemen's Pension and Disability Fund, Asheville Uniformed Policemen's Retirement Plan and Turst, Asheville Uniformed Firemen's Retirement Plan and Trust and the General Employee's Retirement Plan and Trust. 180

Asheville Revitalization Plan - Adoption of this plan by the Asheville Revitalization Commission. 182

A & H Flying Service, Inc. - Mayor authorized to execute an agreement with this company with respect to off-premise servicing of aircraft and rental of transit ramp area at the Asheville Airport. 188

Asheville Airport - Mayor authorized to execute an agreement with A & H Flying Service, Inc. with respect to off-premise servicing of aircraft and rental of transit ramp area at this airport. 188

Airport Lease Agreements - Mayor authorized to execute amendments to these agreements with Piedmont Airlines and Delta Air Lines with respect to rental of terminal building space. 189

Asheville Airport - Control of general aviation parking on the terminal ramp. 192

Asheville-Buncombe County Criminal Justice Information System - contract with Western Carolina University for Manpower Resource Allocation Programs. 308

Airport - Modifying grant agreement with N. C. Dept. of Transportation for Aviation Project No. 75-01 309

Airport - Modifying grant agreement with N. C. Dept. of Transportation for Aviation Project No. 75-02 310

Airport - Execution of grant agreement with N. C. Dept. of Transportation for Aviation Project No. 79-08 310

ABC Board - Corporation Counsel presented report from ABC Board re: Brownbagging permits in County. 310

Asheville, City of - Re-Organization made of City structure 315

Auditors - Patton, Hunter & Company awarded contract for 1978-79 audit 320

Airport - execution of Change Order #1 with Champion Landscaping & Excavating for runway and taxiway extension. 320

Airport - execution of Change Order #2 with Champion Landscaping & Excavating for runway and taxiway extension 328

Appalachian Regional Commission -authorizing application for funds in support of Pack Square Rehabilitation Project 328

Annexation - of Western North Carolina Baptist Homes, Inc. property on Richmond Hill Drive - resolution fixing date of hearing; 332; hearing; ordinance adopted, page ; 332

Airport - Zoning of Airport property - hearing scheduled, page 333; hearing, page ; ordinance adopted, page ; 333

Asheville Buncombe County Youth Council - grant from N. C. Arts Council for restoration of murals in the City Council Chambers 334

Asheville-Buncombe Clean Community System - Presentation by Jean Webb on progress of Clean Community system Month. 352

Antiques Fair Case - Councilman Rainey requested status report re: use of Civic Center 356

Asheville Civic Center - Vice-Mayor Horton made statement relative to rock concerts at Asheville Civic Center. 356

Asheville Civic Center - Councilman Rainey made statement relative to rock concerts at Asheville Civic Center 357

Alexander, Perry M., Construction Company - Mayor authorized to sign a contract with this company for the contract knwon as "Brickyard Road 6-Inch Water Line." 259

Asheville Transit Authority - Mrs. H. C. McQueen was appointed a member to this Authority. 259

Asheville Buncombe County Youth Council - Mr. Rodney Johnson, Mr. David Dean, Mrs. Vernelle Bailey, Mrs. Pat Williams, Rev. W. A. Easom and Mr. Ernest Lee Sewell, Jr. were appointees and reappointees to this Adult Advisory Board. 259

Asheville-Buncombe Community Relations Council - Mr. Jesse Ray, Jr. and Mrs. Gladys Forney were appointed and reappointed as members to this Council. 259

Asheville Flying Service, Inc. - Mayor authorized to sign an agreement with this company for flight insurance in the terminal building of the Asheville Airport. 264

Asheville Airport - Mayor authorized to sign an agreement with Asheville Flying Service, Inc. for flight insurance in the terminal building of this Airport. 264

Annexation - Discussion relative to the City Celrk investigating a petition to annex the Great Smokies Hilton - tabled-page 271.

Annexation - Resolution directing the City Clerk to investigate petition to annex Great Smokies Hilton 282

Annexation - Resolution setting public hearing on the annexation of Great Smokies Hilton property. 283

Airport - WNC Pilot's Association - complaint re: double taxation of private aircraft if airport is annexed 289

Affirmative Action Report - Sam Graves presented quarterly report 290

Asheville Area Civic Center Commission -appointment of Mr. Fred Brown 291

Aiken, Mrs. Connie L. - claim against City 291

Asheville School Board - appointment of Mrs. Linda Winner 291

ABC Regulations - City Attorney to look into brownbagging permits for County 294

Asheville Housing Authority - Hunter B. Watson appointed as Commissioner 294

Asheville Transit Authority - bids for brake drum lathe and grinder for Asheville Transit Authority accepted - low bid Star Machine and Tool Company. 301

Asheville High School -commending participation in the International Exchange Program and recognizing the Japanese Students from Kofu Nishi Senior High School from Kofu, Japan. 302

Annexation - Hearing relative to annexation of the Great Smokies Hilton property Ordinance annexing; page 304, first reading; page 304; second reading page 304 third reading page 304. 303

Biltmore Dairy Farms - This claim was submitted to our insurance carrier. 37

Buncombe, County of - Interim policy set for water system extensions and connections for the City of Asheville and this County. 44

Budget Amendment - 1978-79 budget amended to include appropriation for improvements to Memorial Field to be funded by the City School Board. The City will make said improvements and bill the School Board for actual costs incurred. 44

Bids - Awarded to Pitney Bowes for Tickometer for the Collections Division. 44

Bids - F. T. Williams Company, Inc. allowed to withdraw its bid for the site preparation for 1500' runway and taxiway extension at the Asheville Airport. 45

Bids - Awarded to Graybar Electric Supply Company for flood light lamps and fixtures for Memorial Stadium, Parks and Recreation Department. 50

Blue Bird Taxi Company of Asheville - The claim from this company was referred to the City's insurance carrier. 51

Blaylock Avenue - A resident of this Oakley Section reported two vacant houses that need to be inspected on this street- pg. 56; report-pg. 70

Biltmore Pines Apartments - Petition received from residents opposing the construction of these apartments. 60

Bids - Awarded to Asheville Paving Company, Inc. for the 1978-79 Paving Program. 69

Banks, Christopher - This person's claim was sent to Saint Paul Fire and Marine Insurance. 70

Broadway - A letter was presented by the City Manager requesting some action be taken regarding the condition of an alley off of this street which runs behind their businesses. 70

Bus Grant - Contract with the Department of Transportation, for a grant under the Urban Mass Transportation Act of 1964, as amended. 76

Budget Amendment - 1977-78 Operating budget amended to reflect a Library Service and Construction Act Grant in the amount of $16,561. 77

Bentley, Ms. Sonya - The claim received by this person was referred to the City's insurance carrier. 78

Binkly, Mrs. - This person's claim was referred to Saint Paul Fire and Marine Insurance. 78

Bids - Awarded to The Sports Mart, Inc. for a football scoreboard for Memorial Stadium, Parks and Recreation Department. 78

Bids - Awarded to Dictaphone Corporation for a Dictaphone 4000 Recording Unit for the Asheville Police Department. 6

Bishop, Ralph - This person complained about the lottery sales in Asheville. 7

Board of Elections, Buncombe County - This Board was requested to call an election on the question of whether to allow the sale of mixed beverages in social establishments and restaurants within the City of Asheville. 8

Boxing and Wrestling Commission - Dr. Leon Feldman, Chairman of this Commission, presented a check for $7,000 for revenues from this Commission. 15

Blake Street, 21 - A public hearing was called for the adoption of an ordinance directing the Housing Officer to demolish this structure - page 20; hearing and 1st reading - page 41 ; 2nd reading - page 48 ; 3rd reading - page 56 .

Bids - Awarded to Hoyle Office Supplies, Inc., Castt Office Furniture, Talman's Office Supplies, Inc. and Southern School Service, Inc. for office furniture for the Montford Recreation Center, Parks and Recreation Department. 20

Bids - Awarded to Moreland Chemical Co., Ticar Chemical Co., Thompson-Hayward Chemical Co., and Shannon Chemical Corp. for chemicals for treatment of Water. 21

Blodgett, Lewis - A claim was received by this person. 23

Bishop, Ralph - This person commented on lottery sales in Asheville. 23

Brady, Joseph L. - This person was reappointed to the Planning & Zoning Commission. 33

Buncombe County - Authorization of the execution of an extension of the water agreement by and between the City of Asheville and the County of Buncombe and certain water districts within Buncombe County. 34

Budget Amendment - HUD legislation governing the Block Grant funds permits the reallocation of unspent funds for the continuation or completion of CD projects. 35

Budget Amendment - Funds reallocated for the completion of the Mountainside Park Project were made available as a result of a cut-back in the number of tennis courts originally planned for Nasty Branch Park. 35

Budget Amendment - To include the Central Business District and East End/Valley Street Project as approved by HUD in the 4th Year CD Block Grant. 36

Budget Amendment - To include the total appropriation for the Transit Marketing Program grant agreement through 6-30-79 and to include expenditures and revenues through 6-30-78. 36

Budget Amendment - To include the N. C. Youth Conservation Corps project as approved by the Council, in the current fiscal year budget. 36

Bids - Were awarded to Arrowhead International Truck Inc. for a tilt cab and chassis tractor for the Motor Transport Division. 37

Bids - Were awarded to Western Carolina Tractor Company for one low-boy trailer for the Motor Transport Division. 37

Bids - Awarded to International Salt Company for bulk sodium chloride (rock salt) for snow and ice control for the Street Division. 114

Bishop, Ralph - This person appeared before Council relative to lottery sales within the City of Asheville. 116

Brooklyn Road - The condemnation of the property in this project area was tabled - page 120;124.

Bids - Awarded to Asheville Roof Inc. to re-roof the Police Department side of the Municipal Building. 126

Bids - Awarded to Apple Tree Chevrolet for 18 police vehicles for the Asheville Police Department. 126

Biltmore Avenue - Request from residents to have the building at the corner of Caledonia Road & Biltmore Avenue demolished. 127

Butler, Roy - Recognition of this person who is retiring from the City after 20 years of service. 128

Budget Amendment - Amendment of the 1978-79 General fund budget relative to the Asheville Riverfront Revitalization Program. 129

Boiling Springs Baptist Church - Mayor authorized to execute a quit claim deed in favor of this church. 129

Begley, Kyle M. - A claim against the City was received by this person. 133

Bishop, Ralph - This person commented on the lottery sales in the City of Asheville. 133

Bars - Consideration of imposing a limited moratorium on placement of coctail lounges, nightclubs, or public or private clubs within the City of Asheville. 139

Bids - Awarded to Motorola Communication and Electronics, Inc. for dispatch and radio alerting system for the Asheville Fire Department. 140

Bear Creek Road, South - Hearing date scheduled for the rezoning of property at this road and NC 191 Connector on property owned by Louis C. Waller and Brian Wilcox and First Citizens Bank and Trust Company - page 141; hearing and 1st reading - page 160; 2nd reading - page 169 ; 3rd reading - page .

Bishop, Ralph - This person commented on lottery sales in the City of Asheville. 142

Budget Amendment - Capital Projects Fund budget amended to bring appropriated activities into compliance with the executed grant agreement. The additional cash match is available in the General Revenue Trust Fund. 146

Bids - Awarded to Silverman Company for galvanized corrugated steel pipe for the Parks and Recreation Department. 89

Bids - Awarded to Asheville Roofing, Inc. to re-roof the East Asheville Community Center, Parks and Recreation Department. 89

Bids - Awarded to Asheville Army Store for uniforms for the Fire Department. 96

Bids - Awarded to Bridge Sound Company for a projector and screen for Pack Memorial Library. 96

Bridge Sound Company - Bids awarded to this company for a projector and screen for Pack Memorial Library. 96

Buncombe County Employment and Training Office - Submission of an application authorized to this Office for CETA, Title I funds for fiscal year 1978-79. 97

Blalock, Mr. - The claim received by this person was logged. 97

Brooklyn Road - Condemnation of this property at 322 Brooklyn Road was authorized. 103

Brickyard Road - This project was approved for funding by WSIF funds for FY 1978-79. 104

Bids - Awarded to Supply Specialties, Inc. for fire protection equipment for Asheville Water Treatment Plan at North Fork. 105

Bids - Awarded to Theatrical Equipment Rental, Inc. for two high intensity direct current carbon arc follow spotlights for the Asheville Civic Center. 105

Budget Amendment - 1977-78 Budget amended to appropriate funds for the Echo Hills-Debra Lane Water Line. (increase) 106

Budget Amendment - 1977-78 Budget amendment to reprogram surplus funds from the Rehabilitation Incentive Program and to appropriate the property disposition income to the 4th year Rehabilitation Administration project. 106

Budget Amendment - 1977-78 budget and 1978-79 budget amended to transfer unobligated surplus funds from the 3rd year Neighborhood Improvement Project and the 3rd year Demolition and Code Enforcement Project to a 4th year Demoliton and Code Enforcement Project which will provide for the continuing operating of necessary demolition and code enforcement in the CD area. 107

Battery Park Hotel - Letter from HUD indicating that major action had been taken relative to the conversion of the Battery Park Hotel into housing units for the elderly. 107

Battery Park Hotel - Paul Limbert, President of the Buncombe County Council on Aging, Inc. sent a letter requesting Council reconsider their position relative to the converting the Battery Park Hotel as elderly housing units. 108

Brown, Mrs. - A claim was received by this person. 108

Bids - Awarded to Feemster Pump and Tank Company for service station components to be used by the City of Asheville. 114

Bids - Awarded to Southern Meter & Supply Co. for 100 dry top traffic model fire hydrants. 191

Budget Amendment - City of Asheville Motor Transport Fund Budget for 1978-79 amended to transfer funds from Capital Outlay - Equipment to Capital Outlay - Other Improvements to provide funding for Armory Renovation. 193

Budget Amendment - City of Asheville General and Aviation Fund Operating Budgets for 1978-79 amended to appropriate funds for emergency repairs to runway paving. 194

Budget Amendment - Operating Budget for 1978 revised to reflect salary adjustments and reorganization effective 1/1/79. 202

Bishop, Ralph - This person spoke against lottery sales in City. 203

Blanton Street - Hearing date set relative to closing a portion of this street - page 210; hearing and closing - page 249.

Buncombe County - Mayor authorized to enter into a contractural agreement with this County to administer a program entitled "The City of Asheville Skills Development Program." 210

Blackwell, Curtis R. - A claim was received by this person. 216

Budget Amendment - Fiscal 1978-79 Operating Budget amended to fund the Air Service Market Study at the Asheville Airport. 216

Budget Amendment - Fiscal 1978-79 Operating Budget amended to provide funding for emergency replacement of the Public Works base station radio. 216

Bishop, Ralph - This person spoke against lottery sale in the City. 216

Budget Amendment - City of Asheville Federal Capital Projects Fund bedget for FY 1978-79 amended to set up appropriate revenue and expenditure accounts to accommodate the execution of a contract with the N. C. Division of Crime Control. 219

Budget Amendment - City of Asheville Capital Projects budget for the Water Improvement Fund amended to reflect actual expenditures through December 31, 1978. 220

Budget Amendment - City of Asheville Capital Projects budget for the Water System Improvement Fund amended to appropriate anticipated Fiscal 1979 revenues in the Water System Improvement Fund in the amount of $267,450. 220

Bids - Awarded to Lafayette Instrument Company for one polygraph instrument for the Police Department. 220

Bids - Awarded to Sirchie Finger Print Laboratories, Inc. for one fully equipped Mobile Crime Lab for the Police Department. 228

Blackwell's Lounge - Discussion relative to Mrs. Blackwell moving her club from Depot Street to Broadway. 148

Broadway, 54 - Discussion relative to Mrs. Blackwell moving Blackwell's Lounge from Depot Street to this address. 148

Bishop, Ralph - This person spoke about freedom of speech in Council meetings and the lottery sales in Asheville. 149

Budget Amendment - 1978-79 Operating Budget amended to replace microwave oven in Fire Department.

Budget Amendment - 1978-79 Operating Budget amended to provide funding to reimburse businesses who bought Crime Prevention signs. 156

Budget Amendment - Revenue Sharing Trust fund amended relative to the funding of the project known as "Re-roof the West Asheville Fire Station." 157

Barnes, Mary - A claim was received by this person. 157

Bible Week - November 19-26, 1978 was proclaimed as such. 159

Bishop, Ralph - This person spoke to Council about the lottery sales in Asheville. 159

Bids - Mayor authorized to sign a contract with Perry Alexander Construction Company for the project known as "Avondale Road 6-Inch Water Line." 166

Bids - Mayor authorized to sign a contract with Taylor and Murphy Construction Company, Inc. for the project known as "Johnson School Road 6-Inch Water Line." 167

Bank of Asheville - Claim received by this bank for damages to a building on Commerce Street. 167

Bishop, Ralph - This person spoke relative to lottery sales in the City of Asheville. 168

Blue Ridge Community Mental Health Center - City Manager authorized to enter into agreements with this Center and the Psychological Resources Associates, Inc. to establish a system of psychological screening as a part of the employment procedure for police patrolmen. 177

Bids - Awarded to Apple Tree Chevrolet, Inc. for two cars and four trucks and to Matthews Motors, Inc. for two trucks for various departments of the City. 177

Bids - Awarded to N. C. Equipment Company for 6 salt/sand spreaders, self contained, Hopper type for snow and ice control for the Street Division. 178

Belcher, Thomas Lawrence - A claim was received by this person. 179

Brown, Ron - A claim was received by this person. 179

Bishop, Ralph - This person commented on the lottery sales in Asheville. 181

Buncombe County Rescue Squad - City Manager authorized to enter into an agreement with this Squad for mutual aid services. 184

Baird, Charles - A claim was received by this person. 185

Brickyard Road - Mayor authorized to execute a right-of-way encroachment agreement with the N. C. Dept. of Transportation for a water line on S.R. 1341. 253

Budget Amendment - City of Asheville 3rd and 4th Year CD fund budget for FY 1977-78 and FY 1978-79 amended to supplement the Federal Compliance Program budget in order to maintain staff operations through 6/30/79. 253

Budget Amendment - FY 1978-79 Motor Transport Budget amended to provide funding for the acquisition of an automated fuel dispensing system. 253

Bids - Awarded to Petroleum Company, Inc. for an automated fuel dispensing system for use in the Motor Transport Division Service Station. 254

Budget Amendment - City of Asheville 3rd and 4th CD fund budget for FY 1977-78 and FY 1978-79 amended to transfer unobligated surplus funds from the 3rd year Asheville Buncombe Optional School Child Care to the 4th year Asheville Buncombe Optional School Child Care Center which will provide for the continuing operation of this project. 254

Bars - Notice that the Planning & Zoning Commission will have a work session relative to amendments to the Zoning Ordinance on the location of bars in the City limits. 254

Bishop, Ralph - This person discussed gambling within the City of Asheville. 255

Budget Amendment - Amendment of the City of Asheville Federal Programs Fund budget for FY 1978-79 to include the CETA Skills Development Program as approved by City Council Resolution No. 79-7 in the 1978-79 Federal Programs Fund Budget. 258

Bear Creek Apartments - Hearing date set relative to the approval of a site plan of these apartments - phase II - page 258; hearing and approval - page .

Brickyard Road 6-Inch Water Line - Mayor authorized to sign a contract with Perry M. Alexander Construction Company for this project. 259

Bailey, Mrs. Vernelle - This person was appointed to the Adult Advisory Board of the Asheville Buncombe county Youth Council. 259

Britt Drive, 20 - Hearing date set relative to the rezoning of this Road on property owned by E. Dennis Young and Emil D. Young - page 260; hearing and 1st reading - page 331; 2nd reading - page ; 3rd reading - page . *remanded to P & Z page 331

Budget Amendment - Water & Sewer Improvement Cpaital Project Budget amended to include funding for the Lake Eden Water Line Project which is wholly funded by Council & State Participation. 265

B & R Bar - Discussion relative to application for on-premises beer permit for this bar on 108 N. Lexington Avenue. 231

Bishop, Ralph - This person spoke against lottery sales in the City of Asheville. 231

Budget Amendment - Operating Budget for 1978-79 amended for leasing of front-end loader for Sanitation. 228

Budget Amendment - City of Asheville 1st, 2nd, 3rd, and 4th Community Development funds budget for fiscal year 1975-76, 1976-77, 1977-78 and 1978-79 amended. 232

Bids - Awarded to Burroughs Corporation for the purchase of necessary computer equipment and operating software for the Asheville-Buncombe County Criminal Justice Information System. 234

Burroughs Corporation - Mayor authorized to sign a contract for the purchase of necessary computer equipment and operating software for the Asheville-Buncombe County Criminal Justice Information System - contract awarded to this company. 234

Budget Amendment - General Capital Project Fund Budget amended to provide for funding for the purchase of Deaverview Park for $85,000. 236

Bids - Awarded to C.C.S., Inc. for service station canopy for the Motor Transport Division. 238

Bids - Awarded to Apple Tree Chevrolet for 2 four-door sedans for use by supervisory personnel of Asheville Transit Authority. 238

Budget Amendment - City of Asheville Federal Capital Projects Fund Budget for Fiscal Year 1978-79 amended to include the Urban Mass Transportation Administration Capital Grant as approved by City Council Resolution No. 78-164 and the N. C. Dept. of Transportation Capital Grant as approved by City Council Resolution No. 78-183 in the Federal Capital Projects fund. 238

Budget Amendment - City of Asheville Federal Capital Projects Fund budget for Fiscal Year 1978-79 amended to include the Asheville-Buncombe County Criminal Justice Information System, Phase II LEAA Grant as approved by City Council Resolution 79-6 dated January 11, 1979 in the Federal Capital Projects fund. 239

Bars - Moratorium extended 30 days on placement of cocktail lounges, nightclubs, or private clubs within the City of Asheville. 239

Bishop, Ralph - This person spoke against lottery sales in the City of Asheville. 241

Balsam Avenue - Hearing date set to rezone property located near this road, Patton Avenue and Haywood Road on property owned by R. L. Coleman - page 243; hearing and 1st reading - page 269; 2nd reading - page ; 3rd reading - page .

Beard, Robert G. - This person was appointed to the Asheville Area Civic Center Commission to fill the unexpired term of John Jerose. 244

Board of Trustees of the Firemen's Relief Fund - T. Cecil Tallent and Webb E. Ellis were reappointed to this Board. 244

Buncombe County Board of Tax Supervision - George E. Ivey was appointed to this Board. 244

Bishop, Ralph - This person spoke against lottery sales in the City of Asheville. 245

308

Budget Amendment - for completion of Burton Street Water Line Project and Pisgah View Water Line Project.

Burton Street Water Line - budget amendment for completion of project 308

Bids - acceptance of bid on lighting system at McCormick Field bid to M. B. Haynes Electric Corporation 309

Bids- acceptance of bid on cab and chassis with enclosed hydraulic body for Sanitation Division. bid to Sanco Corporation 309

Bids - acceptance of bid on fire service turbo-meter to Rockwell International 309

Budget Amendment- to include grant from N. C. Dept. of Human Resources of $3,000. 309

Brownbagging -Report from Corporation Counsel on Brownbagging permits in county 310

Bishop, Ralph - re: lottery sales 317

Budget Amendment - amending City of Asheville Fourth Year Community Development funds budget for Fiscal year 1978-79 to provide funds for drainage improvemnts and resurfacing of Charles Street 320

Brinkley, Captain Elbert L. - resolution of appreciation - retirement 322

Bradley, Captain Vincent E. - resolution of appreciation - retirement 322

Bars - Hearing re: amendments to Zoning Ordinance - regulation of ordinance adopted, page ; resolution mortorium, page 333 323

Beaucatcher Cut Project - Discussion among Council re: Chunns Cove Residents Complaint re: rock pile 329

Bishop, Ralph - spoke re Civil Service Law Amendments 330

Bids - Low-Boy Trailer for Water and Sewer Dept. - bid to Western Carolina Tractor 334

Buncombe County Group Homes for the Developmentally Disabled, Inc. - Discussion re: facility in Kenilworth area on Chiles Avenue 352

Bar - Hearing to be held by ABC Board re:bar at 108 N. Lexington Avenue- announcement made 358

Bishop, Ralph - spoke re: lottery sales, civil service, taxes 359

Bars - Moritorium extended 60 days on placement of cocktail lounges, nightclubs, or private and public clubs within the City of Asheville. 265

Budget Amendment - Operating Budget for FY 1978-79 amended to provide funding for renovation of Council murals by the Asheville-Buncombe County Youth Council. 265

Bon Marche' - A claim for damages was received by this company. 266

Beaucatcher Cut - Complaint from William Phiffer relative to a rock pile. 266

Budget Amendment - City of Asheville General Fund budget for FY 1978-79 amended to include the Asheville Riverfront Revitalization Program grant as approved by City Council Reso. 78-154 in the 1978-79 General Fund Budget. 274

Budget Amendment - Community Development Budget amended to appropriate $32,000 for Deaverview Park Improvements and $28,000 to Contingency. 274

Bishop, Ralph - This person complained about the lottery sales in Asheville. 276

Budget Amendment - for Lake Eden Water Line Project 291

Budget Amendment - for completion of the Burton Street Center 291

Burton Street Center - budget amendment for completion 291

Brown, Mr. Fred - appointment to Civic Center Commission 291

Board of Examiners Policemen's and Firemen's Pension and Disability Fund - appointment of Dr. Wayne Montgomery 291

Brownbagging Permits - Discussion relative to permits for County 294

Britt Drive - Rezoning of property of E. Dennis Young and Emil D. Young - public hearing continued; hearing rescheduled page 307; 294

Bear Creek Apartments - Phase II - group development site plan approved 295

Bars - Public hearing scheduled - amendments to zoning ordinance - night clubs & bars 301

Bids - - Brake Drum Lathe and Grinder for Asheville Transit Authority bids accepted - Star Machine and Tool Company 301

Bids - Fixtures with lamps for McCormick Field - Mill-Power Supply Company 301

Bishop, Ralph - complained of lottery sales in Asheville 302

Blackwell, Mr. Wilmer - resolution of appreciation and commendation due to retirement 302

Bradley, Vincent E. - line-of-duty retirement benefits approved 307

Brinkley, Elbert L. - line-of-duty retirement benefits approved 307

Carpooling - Agreement between the City of Asheville and the Land-of-Sky Regional Council for this. 49

Claims - The following claims were reported to the City's insurance carrier: David Max and Betty W. Parham, Betty Dalton, Samuel Evans, Arthur Gordon Jewell, Gloria Logan Johnson, Blue Bird Taxi Company of Asheville, Carolina Power and Light Company, Southern Bell and Keisha Mooney. 51

Carolina Power & Light Company - The claim received from this company was referred to the City's insurance carrier. 51

Cory, Mrs. Hal R. - This person was appointed to the Recreation Board of Asheville to replace Mrs. James Westall. 59

Claims - The following claims were reported to the City's insurance carrier: Mr. Cliff S. Greaves and Ms. Lavada Weisbecker. 59

Claim - A claim was received by Ms. Bonnie Sparks. 60

Charitable Solicitations - First and second reading relating to City Code procedures and approvals for charity solicitations is unconstitutional - need to repeal the City's ordinance - page 69; third reading - page 75.

Claims - The following claims were reported to the City's insurance carrier: Mrs. Bonnie Sparks and Mr. Earnest Johnston. Mr. Christopher Banks' claim was sent to Saint Paul Fire and Maine Insurance. 70

Champion Landscaping of Kings Mountain - Bids for the construction of the 1st phase of the airport runway extension were awarded to this company, subject to the approval by the FAA in Atlanta. 71

City Building - Contract with Wood and Cort, PA, for design and construction architectural services for Phase I Safety to Life Requirements for this Building. 76

Chapel Road, 966, West - Hearing date set for the Housing Officer to demolish this structure - page 77; hearing and 1st reading - page 112; 2nd reading - page 118; 3rd reading - page 123.

Computer System Services, Inc. - A contract with this company for the purpose of obtaining electronic equipment data processing maintenance services.

Claims - The following claims were sent to the City's insurance carrier: Mr. Earnest Johnson, Ms. Sonya Bentley, Mrs. Ella Hudgens, Mr. M. Bruce King and Mrs. Oscar Hendrix. The following claims were sent to Saint Paul Fire and Marine Insurance: Mrs. Binkly, Mrs. Thelma Johnson and Ms. Nancy Elders. 78

Cole, F. Jack - This Councilman commented on the excellent attendance at the Community Development Public Hearing he attended. 80

Community Development - Councilman Cole commented on the excellent attendance at this meeting he attended. 80

Community Development - Asheville Capital Project Fund Budget amended for 1975-76 (Hilltop Recreation Center Project and Magnolia Park Project). 5

Community Development - The establishment of an ordinance correcting the 4th year CD Block Grant Entitlement Amount for the City of Asheville. 17

Carolina Power & Light Co. - Mayor authorized to execute an easement in favor of this company. 19

Castt Office Furniture - Bids were awarded to this company for folding chairs, folding tables and office furniture for the Montford Recreation Center, Parks and Recreation Department. 20

Chemicals - Bids were awarded to Moreland Chemical Co., Ticar Chemical Co., Thompson-Hayward Chemical Co., and Shannon Chemical Co. for chemicals for treatment of water. 21

Claim - This was received by Mrs. Eunice F. Parris. 23

Claim - This was received by Mr. Lewis Blodgett. 23

Claim - This was received from Mr. Paul W. Legg. 23

Claim - This was received by Mr. and Mrs. John Young. 23

Caribou Road - Hearing date set relative to the rezoning a portion of this road and Wyatt Street on property owned by Dr. James H. Maddox and Handiskills - page 27; hearing and 1st reading-pg. 54,64. Denied-pg.152. Language change to be reconsidered - pg.152

Claims - These claims have been forwarded to our insurance carrier - Ms. Agnes Marlowe, Bob Searcy, William L. Johnson, Lawrence A. Dield, Wheels, Inc. and Columbia Bible College. 28

Columbia Bible College - A claim was received by this College and was sent to our insurance carrier. 28

City Manager's Report - The City Manager gave recommendations regarding pay and evaluation program for 1978-79. 28

Community Development - Budget amendment governing the Block Grant funds permits the reallocation of unspent funds for the continuation or completion of CD projects. 35

Community Development - Budget amendment for funds reallocated for the completion of the Mountainside Park Project were made available as a result of a cut-back in the number of tennis courts originally planned for Nasty Branch Park. 35

Community Development - Budget amendment to include Central Business District and the East End/Valley Street Project in the 4th Year CD Block Grant. 36

Claims - Biltmore Dairy Farms, Kay W. Roupe and Mrs. Geneve W. Keylon claims were all reported our the City's insurance carrier. 37

Collections Division - Bids awarded to Pitney Bowes for a Tickometer for this Division. 44

Claims - These claims have been forwarded to the City's insurance carrier - Mr. R. L. Sechler, Mrs. W. A. Norton and Mrs. Betty Hamilton. 45

Clubs - Consideration of imposing a limited moratorium on placement of coctail lounges, nightclubs, or public or private clubs within the City of Asheville. 139

Claims - The following claims were received by the City of Asheville: Judy B. Cook, Troy S. Tobe, Augusta J. Carrell and Mrs. Myrtle Stephenson. 141

Cook, Judy B. - A claim for damages was received by this person. 141

Carrell, Augusta J. - A claim for damages was received by this person. 141

Civic Center - The adjustment of rental rate structures for the Civic Center facilities. 145

Claims - Claims were received by the following persons: Hodgens Floor Covering Company; Isaac Gradman Company; Mary Barnes; Maggie Plemmons and Karla Kay Ashton. 157

Civic Center Parking Garage - City Manager authorized to sign a contract with WNC Parking Lot Services, Inc. for various services relative to cleaning this garage. 166

Claim - The Bank of Asheville submitted a claim relative to damages to a building on Commerce Street. 167

Commerce Street - The Bank of Asheville submitted a claim relative to damages to a building on this street. 167

Claims - The following claims were received by the City - Mrs. W. H. Evans, Mrs. Julia Whitaker, Ms. Helen B. Mason, Sam Carl Pegg, Berry Mikael Olson, Vicente G. O. Canlas, Lon Wyatt McAnally, Sharon H. Vonsaggon, Thomas Lawrence Belcher, John G. Kleibor, Ron Brown, Judy Diane Jamerson, Paul Pless, Jr., Tina Marie Matayabas and Mrs. Emmie Parramdre. 179

Canlas, Vicente G. O. - A claim was received by this person. 179

Cauble, Julis R. - Participation of the N. C. League of Municipalities in this case. 185

Claims - The following claims were received by the City of Asheville: Charles Baird, Ernestine Watkins Hentz, Mrs. Billie Wilson and Mr. William A. Rayfield. 185

Claim - A claim was received from Linda Anderson Glenn. 195

City of Asheville Board of Alcoholic Control - Mr. Osborne Hart was reappointed as Chairman to this Board. 202

Claims - These were received by the following people: Cathy Johnson, Matthew W. Dicket, Gary Lewis Sheley, Don Alan Smith, Ernest Dansby and Margaret Wilson Singleton. 202

Constitution Week - The week of September 17-23, 1978 was proclaimed as such. 91

Champion Landscaping & Excavating, Inc. - Contract with this company for the site preparation for a 1500' runway and taxiway extension, including glide slope and localizer grading and fencing at the Asheville Airport. 91

CETA Title I funds for Fiscal Year 1978-79 - Submission of an application authorized for these funds to the Buncombe County Employment and Training Office. 97

Clyde Savings & Loan Association - This company requested the approval of a sign permit on 10 Woodfin Street. 97

Claims - The following claims were logged: Mr. James Waters, Mr. Blalock, Mrs. Christine Matthews, Mr. Rick Edwards, Mrs. David M. Trulove and Mr. David B. Cheadle. 98

Cheadle, Mr. David B. - Claim against the City which was sent to Ohio Mutual Insurance. 98

Capital Improvement Mass Transit Grant Contract - Mayor authorized to execute this contract with the N. C. Department of Transportation. 104

Civic Center - Bids awarded to Theatrical Equipment Rental, Inc. for two high intensity direct current carbon arc follow spotlights for this Asheville facility. 105

Community Development - Budget amendment to reprogram surplus funds from Rehabilitation Incentive Program and to appropriate the property disposition income to the 4th Year Rehabilitation Administration project, which will provide for the continuing operation of this activity in the 4th Year. 106

Community Development - Budget amendment to transfer unobligated surplus funds from the 3rd Year Neighborhood Improvement Project and the 3rd Year Demolition and Code Enforcement Project to a 4th Year Demolition and Code Enforcement Project which will provide for the continuing operation of necessary demolition and code enforcement in this area. 107

Claims - The following were claims against the City - Mrs. Brown, Mrs. Marquardt, Mr. Marshall Sanders, and Burnice Mason. 108

Claim - A claim was reported to the City by David R. Watson. 115

Civil Aeronautics Board - This board was requested to deny the application of Delta Air Lines, Inc. for deletion of service at the Asheville Airport. 115

Chambers, Marvin - This person expressed appreciation to Council for this hospitality shown to the delegates of the Prince Hall Grand Lodge who met here in Asheville. 116

Claim - This was received from Attorney James Gary Rowe on behalf of Joyce (Kay) Wilson Roupe. 120

Claims - Dr. Rainey requested a status report on the claims of Mrs. Edith Miller and Mrs. Simmons. The City Manager said they are being investigated. 122

Claim - Louise B. Middlebrook, Kyle M. Begley, Ralph J. Henning and Larry E. Reid presented claims against the City of Asheville. 133

Children's Book Week - The week of November 12-18, 1978 proclaimed as such. 133

Civic Center - Vice-Mayor Bill B. Horton commended the actions of the law enforcement officers during a rock concert at this facility. 260

Claims - Claims were received by the following persons: Charles W. Johnson, Brenda Troitino, Catherine Thomas Corner and Sharon Lee Inman. 260

Corner, Catherine Thomas - A claim for damages was received by this person. 260

Clean Water Bond Act Application - Designated representative changed for the application. 264

Carolina Power & Light Co. - Mayor authorized to sign a contract with this company for the supply of electricity to the Asheville-Buncombe Pack Memorial Library. 264

Claim - A claim was received by Gilbert Engineering Co. 265

Claim - A claim was received by Bon Marche' and Melvin Clemmons. 266

Clemmons, Melvin - A claim was received by this person. 266

Carolina Power & Light Co. - Site plan for 115KV Sub-station to be located on a 12-acre tract adjoining Rock Hill Road approved. 267

Community Development/Citizen Participation - These meetings to discuss the status of these projects will begin on 3/20/79 - May 15/79. 275

Claims - Claims were received by Ms. Mary King Ray and Mr. James T. Clark. 275

Clark, James T. - A claim was received by this person. 275

Coleman, Richard L. - Rezoning of property on Patton Avenue near Haywood Road - second reading continued 279

Corporate Limits - City Clerk to investigate petition to annex Great Smokies Hilton property 282

Corporate Limits - Public hearing scheduled relative to annexation of Great Smokies Hilton property 283

City Council Members - public hearing on tenure of Council members and election of Mayor 283

Community Development - Budget amendment for completion of Burton Street Center 291

Community Development-Urban Development Action Grant - Public hearing date scheduled on the proposed revisions of the application for this grant - page 211; hearing held - page 233.

Community Development - Public hearing date set to receive public comments on the 5th year CD Application - page 211; hearing held - page 250 and 256.

Claims - Claims were received by the following people: Frank Cutshaw, Junior D. McCurry, Curtis R. Blackwell and Detria Greene. 216

Cutshaw, Frank - A claim was received by this person. 216

Cole, Jackie, Jr. - This person reported dilapidated houses on Blaylock Avenue. 217

Crawford, I. C. - Resolution in memory of this late senator. 223

Claim - A claim was received from Mr. Charles Coffey. 231

Coffey, Charles - A claim was received by this person. 231

Community Development - Budget amendment amending the City of Asheville 1st, 2nd, 3rd and 4th CD funds budget for fiscal year 1975-76, 1976-77, 1977-78 and 1978-79. 232

Canopy - Bids awarded to C.C.S., Inc. for a service station canopy for the Motor Transport Division. 238

C.C.S., Inc. - Bids awarded to this company for a service station canopy for the Motor Transport Division. 238

Cars - Bids awarded to Apple Tree Chevrolet for 2 four-door sedans for use by supervisory personnel of the Asheville Transit Authority. 238

Charlotte Highway Water Line - Mayor authorized to execute an agreement with A. M. Pullen & Company for an audit of N. C. Dept. of Human Resources grant No. SBH-610 entitled above. 239

Claim - A claim for damages was received by Ms. Marian G. Emblem. 240

City Council Members - Hearing date set relative to changing the tenure of the Council members and changing the process of the election - page 243; hearing - page .

Coleman, R. L. & Co. - Hearing date set relative to rezoning property owned by this company near Patton Avenue, Haywood Road and Balsam Avenue - page 243; hearing and 1st reading - page 269; 2nd reading - page ; 3rd reading - page 319.

Chesson, Anne - This person was reappointed to the Asheville Area Civic Center Commission. 244

Community Development - City of Asheville 3rd and 4th year CD fund budget for FY 1977-78 and FY 1978-79 amended to supplement the Federal Compliance Program budget in order to maintain staff operations through 6/30/79. 253

Community Development - City of Asheville 3rd and 4th year CD fund budget for FY 1977-78 and FY 1978-79 amended to transfer unobligated surplus funds from the 3rd year Asheville Buncombe Optional School Child Care to the 4th year Asheville Buncombe Optional School Child Care Center which will provide for the continuing operation of this project. 254

Champion Landscaping & Excavating Inc. execution of Change Order # 1 for runway and taxiway extension at the Airport. 320

Car Pooling Program - announcement of Land-of-Sky Regional Council Car Pooling Program 321

Champion Landscaping & Excavating, Inc. - execution of Change Order #2 for runway and taxiway extension at the Airport. 328

City School District - Vice-Mayor Horton requested report - changing line to coincide with city limits 329

Chunns Cove Residents - discussion by Council re: Beaucatcher Cut Project and rock pile 329

Claims - Edith C. Miller and Mr. and Mrs. Dewey Patton 330

Civil Service Law Amendments - Ralph Bishop spoke relative to this. 330

Corporate Limits - annexation of W.N.C. Baptist Home property on Richmond Hills Drive, fixing date of public hearing, page 332; hearing, page ordinance adopted, page ; 332

Civil Service Law Amendments - Hearing relative to changes recommended by Civil Service Board. 335

Clean Community System Month - Presentation by Committee on progress of clean community month. 352

Chiles Avenue- Discussion re Bunocmbe County Group Homes for the Developmentally disabled, Inc. re: facility in Kenilworth area on Chiles Avenue 352

Crematories - permitted use in zoning ordinance as ancillary use to funeral homes; hearing scheduled, page 356; hearing and 1st reading, page ; second reading, page ; third reading, page ; 356

City Building- grant from N.C. Division of Archives and History for fire alarm system and emergency lighting in the building 356

Civic Center- statement by Vice-Mayor Horton re: rock concerts 356

Civic Center - statement by Councilman Rainey re: rock concerts 357

Claims - Mary E. Moore and Sure Fire Distributing, Inc. 358

Civic Center Commission - appointment of Mr. Fred Brown 291

Claim - Mrs. Connie L. Aiken 291

Claim - Henry A. Sherlin, Mrs. Thomas E. King and Ed Chambers 293

Chambers, Ed - Claim against City 293

Cemetary - Discussion of Cemetary in Kenilworth Section 293

Claim - Sams Lincoln Mercury, Inc. - Eloise Phillips 302

Civic Center Director - appointment of Mr. Barry Ogrin 302

Corporate Limits - annexation of Great Smolies Hilton Property 303

Coleman, R. L. - rezoning of property on Patton Avenue near Haywood Road second reading of Ordinance 305

Civil Service - ordinance for procedure for election of members by members of the Classified Service 308

Community Development - Budget Amendment re: completion of Burton Street Water Line and Pisgah View Water LIne Project 308

Criminal Justice Information System- contract with Western Carolina University for Manpower Resource Allocation Programs 308

Corporation Counsel - REport re: brownbagging permits in County 310

Claims - Randy Huntley - Lawyer's Building and Mr. & Mrs. L. J. Mongiovi 314

"Cancer Day, Lick" - Proclamation for Saturday, March 31, 1979 314

Civil Service Board - presented letter to Council re: changes in Civil Service Law 314

City of Asheville - Reorganization structure of City government 315

Civic Center Director, Interim - appointment of Ray Kisiah, Director of Parks and Recreation. 317

Clean Community System Month - Proclamation for month of April, 1979 317

Civil Service Board - establishing procedure for election of two members of Civil Service Board by the employees of the Classified Service 319

Community Development - budget amendment amending Fourty Year funds budget to provide funds for drainage improvements and resurfacing of Charles Street. 320

Charles Street - budget amendment to provide funds for drainage improvements and resurfacing. 320

Demolitions - Public hearing scheduled on demolition of 97 Hill Street, 40 Pine Grove Street, and 5 Toxaway Street 301
hearing and 1st reading, page 326 ; second reading, page 332; third reading, page 355 ;

Dillingham, Captain Oscar M.- resolution of appreciation - retirement 322

Disposal Parcels - authorized to sell Parcels 9, 28, 29 in East Riverside Renewal Project 333

Dailey Drive - street in the East Riverside Urban Redevelopment area named this 237

Dictaphone Corporation - Bids were awarded to this company for a Dictaphone 4000 Recording Unit for the Asheville Police Department. 6

Dictaphone Recording Unit - Bids were awarded to Dictaphone Corp. for this for the Asheville Police Department. 6

Downtown Development Plan - Hearing date set relative to this - page 19; hearing - page 39, 47, 53, 61, 73, 81, 92, 99 and 110.

Daniels, James W. - Resolution of appreciation for this person's services as Chairman of the Asheville Planning & Zoning Commission. 25

Dield, Lawrence A. - A claim was received by this person and was forwarded to our insurance carrier. 28

Dalton, Betty - This person's claim was referred to the City's insurance carrier. 51

Debra Lane - Vice-Mayor Horton requested that the City Manager give a report on the Debra Lane Fire Line. 52

Department of Transportation - Mayor authorized to execute a memorandum of agreement between this Department and the Federal Aviation Administration and the City of Asheville. 105

Debra Lane Water Line/Echo Hills - Budget amendment appropriating more funds for this Water Line. 106

Delta Air Lines, Inc. - Civil Aeronautics Board requested to deny the application of this Air Lines for deletion of service at the Asheville Airport. 115

Day-In-Court for Legal Secretaries - October 19, 1978 was proclaimed as such. 127

Downtown Parking Garage - Limited free parking authorized with a City auto sticker in this garage (2 hours). 145

Delta Air Lines, Inc. - Mayor authorized to execute amendments to this airport lease agreement with respect to rental of terminal building space. 189

Dickey, Matthew W. - A claim was received by this person. 202

Dansby, Ernest - A claim was received by this person. 202

Diemler & Diekemper, Inc. - Mayor authorized to sign an agreement with this company for an air service market study at the Asheville Airport. 211

Dillingham, W. L. - This police officer was expressed appreciation for the actions of a police officer beyond the call of duty. 223

Deaverview Park - Status report relative to this park. 224

Deaverview Park - Mayor authorized to enter into a contract to purchase this park from the YMCA of Metropolitan Asheville & Buncombe County, Inc. 235

Deaverview Park - General Capital Project Fund Budget amended to provide funding for the purchase of this park for $85,000. 236

Dean, David - This person was appointed to the Asheville Buncombe Community Relations Council. 259

Emory, J. R. - Appreciation expressed to this police officer for the actions of a police officer beyond the call of duty. 223

East Riverside Urban Renewal Project NC R-48 - Naming of streets in this project area. 236

Embler, Marian G. - A claim for damages was received by this person. 240

Encroachment Agreement - Mayor authorized to sign this agreement with the N. C. Dept. of Transportation for a water line on Old U.S. 70 and on Lake Eden Road. 243

Ellis, Webb E. - This person was reappointed to the Board of Trustees of the Firemen's Relief Fund. 244

Encroachment Agreement - Mayor authorized to execute this right-of-way agreement with the N. C. Dept. of Transporation for a water line on S.R. 1341 (Brickyard Road) in Buncombe County. 253

East Riverside Renewal Project - Approval of the sale of disposal parcel 95 in this project area. 257

Easom, Rev. W. A. - This person was reappointed to the Adult Advisory Board of the Asheville Buncombe County Youth Council. 259

Eagle-Market St. UDAG Area - Planning Division authorized to enter into a contract with Hammer-Siler-George Associates to prepare development concept for a Multiple Use Center in this area. 265

Employees, City - Ordinance for procedure of election of members of Civil Service Board 308

Election - Ordinance setting procedure for election of members of Civil Service Board 308 319

Employees, City - hearing re changes in Civil Service Law recommended 335

East Riverside Renewal Project - authorized sale of Disposal Parcels 9, 28, and 29 333

East End/Valley Street Project- Comments by Councilman Michael re; public housing units 357

East Riverside Urban Renewal Project - Sale of Disposal Parcel 81 in this project was approved. 6

Easement - Mayor authorized to execute an easement in favor of Carolina Power and Light Co. 19

Eagle-Market Street Neighborhood and Economic Development Project - Hearing date scheduled for this - page 22; hearing - page 40, continued - page 48.

Evans, Samuel - This person's claim was referred to the City's insurance carrier. 51

East Riverside Urban Renewal Parcels - Sale of parcels 77, 80, 84 and 84A by the Housing Authority. 59

Easement - Mayor authorized to execute an easement in favor of the N. C. Department of Transporation (Weaver Park). 77

Elders, Ms. Nancy - This person's claim was sent to Saint Paul Fire & Marine Insurance. 78

East Asheville Community Center - Bids awarded to Asheville Roofing, Inc. to re-roof this Center, Parks and Recreation Department. 89

Edwards, Mr. Rick - This person's claim was logged. 97

Escort Service Licensing Violation - Vice-Mayor Horton reported that he heard a report that the Sheriff's Office had arrested two women on charges of prostitution, which were employees of an escort service based on Charlotte Street. He asked for a report from the City Manager. 98

East Riverside Renewal Project - Approval of the bids for disposal parcels 50, 56, 125, 129, 133 and 133A in this area as recommended by the Housing Authority. 102

English Drive - This project was approved to be funded by WSIF funds for FY 1978-79. 104

Echo Hills/Debra Lane Water Line - Budget amendment appropriating more funds for this project. 106

Epilepsy Month - Mayor Trantham proclaimed the month of November, 1978 as such. 109

Escort Services - Comments by Vice-Mayor Bill B. Horton on this. 127

Echo Hills 6-Inch Water Line - Mayor authorized to sign a contract with Perry Alexander Construction Company for this project. 158

Encroachment Agreement - Mayor authorized to execute a right-of-way encroachment agreement with the N. C. Department of Transportation for 6-inch and 2-inch water lines in the Fox Run Subdivision in Buncombe County, N. C. 178

Evans, Mrs. W. H. - A claim was received by this person. 179

East Riverside Renewal Project - Sale of disposal parcel 41 in this project area. 191

Encroachment Agreement - Mayor authorized to execute a right-of-way encroachment agreement with the N. C. Dept. of Transportation for a 6-inch and 8-inch water line on Leicester Highway. 218

French Broad Avenue, South - Hearing date set relative to closing a portion of this street - page 128; hearing and closing - page 226. Tabled - page 175.

Fire Department - Bids awarded to Motorola Communication and Electronics, Inc. for dispatch and radio alerting system for this Asheville department. 140

First Citizens Bank and Trust Company - Hearing date set relative to rezoning property at South Bear Creek Road and N. C. 191 Connector on property owned by Louis C. Waller and Brian Wilcox and this company - page 141; hearing and 1st reading - page 160; 2nd reading - page ; 3rd reading - page .

Firemen's Retirement Plan & Trust - Amendment to Ordinance No. 1003 allowing the firemen until January 1, 1978 to elect to come under this plan. 144

Fire Station Building - Mayor authorized to sign a contract with Asheville Roofing, Inc. for the project entitled "Re-roof Library and Fire Station Building, 970 Haywood Road, W. Asheville." 157

Fox Run Subdivision in Buncombe County, N. C. - Mayor authorized to execute a right-of-way encroachment agreement with the N. C. Department of Transportation for a 6-inch and 2-inch water line in this subdivision. 178

Firemen's Pension and Disability Fund, Asheville - The City Manager presented this audit for year ending June 30, 1978. 180

Firemen's Retirement Plan and Trust, Asheville Uniformed - The City Manager presented this audit for year ending 6-30-78. 180

French Broad River - Request reclassification of this river. 228

Fuel Dispensing and Control System - Bids awarded to Petroleum Company, Inc. for this automated system for Motor Transport Division Service Station. 254

Forney, Mrs. Gladys - This person was reappointed to the Board of Directors of the Asheville-Buncombe Community Relations Council. 259

Fireman - Guy O'Conner -approval of disability retirement benefits for line-of-duty. 290

Firemen's Pension approval of disability retirement benefits for line -of-duty for Vincent E. Bradley, Elbert L. Brinkley and James L. Shroat 307

Fire-Service Turbo-Meter - Bids for acceptance - Rockwell International 309

Fire/Police Cadet Employment Program, CETA - Amendment of the Fiscal Year 1978-79 Budget to include this program. 20

Furniture - Bids awarded to Hoyle Office Supplies, Inc., Castt Office Furniture, Talman's Office Supplies, Inc. and Southern School Service, Inc. for folding chairs, folding tables and office furniture for the Montford Recreation Center, Parks and Recreation Department. 20

Feistman, Peter - Due to an error, Mr. Verl Emrick, Planning Director requested that Council give this petitioner an additional 30 days in order to request the City Council for a public hearing. 23

Frue, William C., Jr. - This person was appointed to the Planning & Zoning Commission to replace James W. Daniels. 26

Fisher, Henry C., Jr. - Hearing date set relative to rezoning some property on North Louisiana Avenue on property owned by this person - page 27; hearing and 1st reading - page 55 ; 2nd reading - page 68 ; 3rd reading - page 75. 27

Finance, Director of - This person was directed to sell surplus property (items that the City no longer uses.) 34

Flood Light Lamps and Fixtures - Bids were awarded to Graybar Electric Supply Company for these for the Memorial Stadium, Parks and Recreation Department. 50

Fleming, James E. - Resolution of appreciation and commendation to this sergeant of the Police Department. 53

Fire Department - Resolution of appreciation to Captain Roy E. King of this department. 72

Fire Department - Resolution of appreciation to Captain Neil C. Sams of this department. 73

Football Scoreboard - Bids awarded to the Sports Mart, Inc. for this for the Memorial Stadium, Parks and Recreation Department. 78

French Broad River Week - Mayor Trantham proclaimed September 10-16, 1978 as such. 90

Federal Aviation Administration - Grant agreement for Project No. 6-27-0005-04 at the Asheville Airport. 91

Firemen's Retirement Plan & Trust - Amendment to this Plan giving firemen a deadline of December 1, 1978 to participate in the new plan. 94

Fire Department - Bids awarded to Asheville Army Store for uniforms for this department. 96

Federal Aviation Administration - Mayor authorized to execute a memorandum of agreement between the Department of Transportation and this Administration and the City of Asheville. 105

Farm City Week - Mayor Trantham proclaimed the week of October 2-7, 1978 as such. 109

Feemster Pump and Tank Company - Bids awarded to this company for service station components to be used by the City of Asheville. 114

Finance, Director of - This person authorized to sell surplus property created by the Pack Library moving to new facilities. 115

Fisher, Captain Willard E.- resolution of appreciation - retirement 322

Fire Department - resolutions of appreciation due to retirement for Captain Willard E. Fisher, Fire Driver Richard C. Roberts, Captain Elbert L. Brinkley, Captain James J. Shroat, and Captain Oscal M. Dillingham 322

Fire Department - recognized for completing course in Chapel Hill in Municipal Fire Administration. 322

Florida Avenue Fire Line - contract authorized for Florida Avenue 6-inch fire line for Huntley Construction Company 335

Funeral Homes- Amendment to zoning ordinance to allow crematories as ancillary use. hearing scheduled, page 356; hearing and 1st reading, page ; second reading, page ; third reading, page, ; 356

Fire Alarm System- grant accepted from N. C. Division of Archives and HIstory for fire alarm system in City Building. 356

Fair, Asheville Antiques- Councilman Rainey requested status report on use at Civic Center. 356

Group Development - Hearing date set relative to the approval of the site plan of the proposed 115 KV Substation to be located on a 12-acre tract adjoining Rock Hill Road - page 255; hearing and approval - page 267.

Group Development - Hearing date set relative to the approval of a site plan of Bear Creek Apartments - Phase II - page 258; hearing and approval - page .

Gilbert Engineering Company - A claim was received by this company. 265

Girl Scout Week - Vice-Mayor Horton proclaimed the week of March 11-17, 1979 as such. 276

Grant, Rev. Wesley - This person submitted information relative to the election of Council members which will be included in the materials for the public hearing. 276

Great Smokies Hilton Property - City Clerk to investigate petition re: annexation of property 282

Great Smokies Hilton Property - Public hearing re: annexation of property 283

Group Development - Approval of site plan of Bear Creek Apts. Phase II 295

Greenleaf Circle - Petition from residents re: Builder Grover Redmon ; report by City Manager- page 321. 312

Gilliam Place - street in the East Riverside Urban Redevelopment Area named this 237

Garbage - The City Manager announced the emergency garbage pickup centers. 7

Group Development - Hearing date set for this relative to Victoria Health Care Center - page 22; hearing and approval - page 42 .

Group Developments - Councilman Rainey questioned whether it was necessary for Council to review these when no controversy is anticipated. 24

Group Development - Hearing date set relative to the site plan of proposed Mini Warehouse Facilities to be located on Sweeten Creek Road - page 27; hearing and approval - page 117. - Hearing continued - page 56, 86 and 112.

Group Development - Hearing date set for this relative to the K-Mart Shopping Center on U. S. 25 (Hendersonville Road) - page 45; hearing and approval - page 63 .

Graybar Electric Supply Company - Bids were awarded to this company for flood light lamps and fixtures for Memorial Stadium, Parks and Recreation Department. 50

Gilliam, Mr. Lawrence - This person was reappointed to the Recreation Board of Asheville. 59

Greaves, Cliff S. - This person's claim was referred to the City's insurance carrier. 59

Gudger, Congressman Lamar - This Congressman visited Asheville and told of his support. 72

Garland, Harold - Gov. Hunt appointed this person, Chief Electrical Inspector for the City, to the State Board of Examiners for Electrical Contractors. 81

Garbage - Rates set for refuse collection for governmental and non-profit agencies. 104

Isaac Gradman Company - A claim was received by this company. 157

General Employees Retirement Plan and Trust - The City Manager presented this audit for year ending June 30, 1978. 180

Golf Course, Municipal - Rates changed for annual playing permits at this course. 183

Gelder, Robert B. - This person was appointed to the Asheville-Buncombe Insurance Advisory Committee. 194

Glenn, Linda Anderson - The City received a claim from this person. 195

Grant, Reverend Wesley - Much discussion relative to his request to purchase a parcel of land. 195

Grant, Reverend Wesley - Councilman Rainey said that he had not heard from the Asheville Housing Authority relative to this person's request but would follow-up. 202

Grant, Louis - This person spoke in favor of the City selling Rev. Wesley Grant the parcel of land he is requesting. 203

Grant, Rev. Wesley - Letter from the Housing Authority relative to this person's request to purchase a parcel of land. 215

Greene, Detria - A claim was received by this person. 216

General Services Administration - Mayor authorized to execute an agreement with this administration regarding implementation of the National Urban Policy. 229

Harvest House - Submission of an application approved for Title V - Older Americans Act Funds for the renovation of this. 50

Hearing - Date set relative to amendments to the Oteen Shopping Center Group Development Plan - page 52; hearing and approval of the amendments - page 85 .

Hanover Street, North - Speed limit changed on this street to the west end of Beaucatcher Tunnel - page 57, 68, 75 and 88.

Hearing - Date set relative to rezoning property on Haywood Road on property owned by B. C. Morton - page 58; hearing and 1st reading-pg. 100 & ;2nd reading - page ; 3rd reading - page .

Haywood Road - Date set relative to rezoning property on this road on property owned by B. C. Morton - page 58; hearing and 1st reading-pg. 100 & ;2nd reading - page ; 3rd reading - page .

Hearing - A hearing was held relative to the plan for the proposed apartment development known as Asheville Terrance at 200 Tunnel Road. 65

Hearing - Date scheduled to review the Rock Hill Apartments Development - page 70; hearing - page 81 .

Hearing -Date set for the Housing Officer to demolish 17 Harrison Street, 185 Park Avenue and 966 West Chapel Road - page 77; hearing and 1st reading - page 112; 2nd reading - page 118; 3rd reading - page 123.

Housing Officer - Date set for this person to demolish 17 Harrison Street, 185 Park Avenue and 966 West Chapel Road - page 77; hearing and 1st reading - page 112; 2nd reading - page 118; 3rd reading - page 123.

Harrison Street, 17 - Date set to demolish this structure - page 77; hearing and 1st reading - page 112; 2nd reading - page 118; 3rd reading - page 123.

Hudgens, Mrs. Ella - This person's claim was sent to the City's insurance carrier. 78

Hendrix, Mrs. Oscar - This person's claim was sent to the City's insurance carrier. 78

Historic Properties Inventory - Phase II - Authorization of a grant-in-aid application for this inventory. 96

Horton, Bill B. - This Vice-Mayor asked the City Manager for a report on an escort service (violation). 98

Haywood Street, 219 - Approval of a sign permit for AFE Federal Credit Union located at this address. 102

Housing Authority - Approval for the sale of disposal parcels 50, 56, 125, 129, 133 & 133A in the East Riverside Renewal Project area as recommended by this Authority. 102

Hearing - Date set relative to the Downtown Development Plan - page 19; hearing - page 39. Hearing continued - page 47, 53, 61, 73, 81, 92, 99, and 110.

Hearing - Date set relative to the demolition of 21 Blake Street and 93 Washington Road - page 20; hearing and 1st reading - page 41; 2nd reading - page 48; 3rd reading - page 56.

Housing Officer - Date set relative to directing this person to demolish 21 Blake Street and 93 Washington Road - page 20; hearing and 1st reading - page 41; 2nd reading - page 48; 3rd reading - page 56.

Hoyle Office Supplies, Inc. - Bids awarded to this company for furniture for the Montford Recreation Center, Parks and Recreation Department. 20

Hearing - Date set relative to a group development of Victoria Health Care Center - page 22; hearing and approval - page 42.

Hearing - Date set relative to the Eagle-Market Street Neighborhood and Economic Development Project - page 22; hearing - page 40. Hearing continued - page 48.

Hearing - Date set relative to rezoning property at the corner of Caribou Road and Wyatt Street, on property owned by Dr. James H. Maddox and Handiskills - page 27; hearing and 1st reading-pg. 54,64. Denied-pg. 152. Language change to be reconsidered - pg.-152.

Hearing - Date set relative to rezoning property on North Louisiana Avenue on property owned by Mr. and Mrs. Henry C. Fisher, Jr. - page 27; hearing and 1st reading - page 55; 2nd reading - page 68; 3rd reading - page 75.

Hearing - Date set relative to the site plan of proposed Mini Warehouse Facilities to be located on Sweeten Creek Road - page 27; hearing and approval - page 117. Hearing to be continued - page 56, 86 and 112.

Hobson Construction Company, Inc. - Mayor authorized to sign a contract with this company for the project known as State Street Fire Line. 27

Housing Projects - Councilman Michael requested that a progressive report relative to racial balance in Housing Projects be given to City Council. 31

Hillcrest Recreation Center - Director of Parks and Recreation authorized to make an application for an enrichment grant for this Center. 34

Highland Hospital Site - Mr. and Mrs. Hull of 167 Pearson Drive expressed concern that the Job Corps Center is considering this hosiptal as a site for the center. 38

Haywood Transfer and Storage Company, Inc. - Sign permit approved for this company at 306 W. Haywood Street. 43

Hearing - Date set relative to a hearing for the group development approval of K-Mart Shopping Center on U. S. 25 (Hendersonville Road) - page 45; hearing and approval - page 63.

Hendersonville Road - Date set relative to the site plan of the proposed K-Mart Shopping Center to be located on U.S. 25 - page 45; hearing and approval - page 63. 45

Hamilton, Mrs. Betty - The claim received by this person was forwarded to the City's insurance carrier. 45

Hentz, Ernestine Watkins - A claim was received by this person. 185

Hydrants - Bids awarded to Southern Meter & Supply Company for 100 dry top traffic model fire hydrants. 191

Hart, Osborne M. - This person was reappointed as Chairman to the City of Asheville Board of Alcoholic Control. 202

Hearing - Date set relative to closing a portion of Blanton Street - page 210: hearing and closing - page 249.

Hearing - Date set to receive public comments on the proposed revisions of the application for the CD-UDAG application - page 211; hearing held - page 233.

Hearing - Date set relative to receiving comments on the 5th year CD application - page 211; hearing held - page 250 and 256.

Housing Authority - Report for this Authority relative to Rev. Wesley Grant's request to purchase a parcel of land. 215

Housing Authority - Approval was given for the sale of Disposal Parcel 147-150 in the East Riverside Renewal Project. 226

Hertz Corporation - Notice of intent to lease a parcel of land at the Asheville Airport to this corporation. 226

Hearing - Date set relative to changing the tenure of the City Council and changing the process of the election - page 243; hearing - page .

Hearing - Date set relative to rezoning property near Patton Avenue, Haywood Road and Balsam Avenue on property owned by R. L. Coleman & Company - page 243; hearing and 1st reading - page 269; 2nd reading - page ; 3rd reading - page 319.

Haywood Road - Hearing date set relative to rezoning property near this Road, Patton Avenue and Balsam Avenue on property owned by R. L. Coleman & Co. - page 243; hearing and 1st reading - page 269; 2nd reading - page ; 3rd reading - page .

Hearing - Date set relative to closing a portion of Rash Road - page 244; hearing and approval to close - page .- Tabled - page 268
Tabled- page 318

Hyatt, D. Frank, Jr. - This person was reappointed to the Metropolitan Sewerage District Board. 244

Human Relations Week - The week of February 18-24, 1979 was proclaimed as such. 252

Hertz Corporation - Mayor authorized to lease a parcel of land at the Asheville Airport to this Corporation. 253

Hillcrest Enrichment Program - Director of Parks & Recreation authorized to submit an application to the Law Enforcement Assistance Administration for funds for this program. 254

Hearing - Date scheduled relative to a recommendation from the Planning & Zoning Commission redesign Article 9 of the Zoning Ordinance, pertaining to Sign Regulations - page 115; hearing - 1st reading - page 170.; 2nd reading - page 182; 3rd reading - pg. 190. page 134.

Historic Inventory Agreement - Extension of this agreement between the City of Asheville and the N. C. Department of Archives and History. 124

Haywood Road, 422 and 424 - Petition from residents of the West Asheville Community protesting the conditions of these structures. 126

Horton, Bill B. - This Vice-Mayor made several comments relative to escort services. 127

Hillcrest Day - October 21, 1978 was proclaimed as such. 127

Hearing - Date set to close a portion of Scott Street and South French Broad Avenue and all of 7 unnamed alleys - page 128; hearing and closing - page . Tabled - page 175. Scott Street was deleted from resolution - page 226.

Henning, Ralph J. - This person presented the City a claim for damages. 133

Hearing - Date set relative to rezoning property at South Bear Creek Road and N. C. 191 Connector on property owned by Louis C. Waller and Brian Wilcox and First Citizens Bank and Trust Company - page 141; hearing and 1st reading - page 160; 2nd reading - page 169; 3rd reading - page .

Hearing - Date set relative to rezoning property on Oteen Park Place on property owned by Sea-Nic Enterprises - page 146; hearing and 1st reading - page 176; 2nd reading - page 183; 3rd reading - page 190.

Haywood Road - Petition received from residents of this road relative to the noise made by the Assembly of God Church. Investigating the complaint. 157

Hodgens Floor Covering Company - A claim was received by this company. 157

Hearing - Date set relative to rezoning property on Rock Hill Road/Stockwoods Area Residents - page 166; hearing and 1st reading - page 199; 2nd reading - page 208; 3rd reading - page 218. 166

Housing and Urban Development, Department of - Mayor authorized to enter into a memorandum of understanding with this department for new Horizons Program. 166

Horizons Program, New - Mayor authorized to enter into a memorandum of understanding with the Department of Housing and Urban Development for new Horizons Program. 166

Housing and Urban Development, Department of - Mayor authorized to submit an amendment to Open Space Application OS1014NC to this department. 166

Hearing - Date set relative to amending the Zoning Ordinance to include Parks and Playgrounds in the R-1, R-2, and R-4 districts and to include Public Facilities in the OI Office Institutional District - page 178; hearing and 1st reading - page 198; 2nd reading - page 263; 3rd reading - page . - Tabled - page 207.

Hearing - Relative to amending the Zoning Ordinance to include "Certified Sheltered Workshops" in the R-3 Medium Density Residential District - page 183; 1st and 2nd reading - page 183; 3rd reading - page 190.

Hearing - Date set relative to the submission of an Operating Assistance Grant Application - page 184; hearing - page 225.

Hearing - Rezoning of property on Britt Drive, E. Dennis Young and Emil D. Yount 294
continued; hearing rescheduled, page 307; hearing, page 331
remanded to P & Z

Hearing - held on approval of site plan for Bear Creek Apartments - Phase II 295

Hearing - held on study and recommendations for downtown parking 296

Hearing - continued on closing of Rash Road 300

Hearing - scheduled for amendments to Zoning Ordinance re: night clubs 301

Hearing - scheduled on demolition of 97 Hill Street, 40 Pine Grove Avenue and 301
5 Toxaway Street; hearing and 1st reading, page 326, 2nd reading,
page 332 ; third reading, page 355 ;

Hillcrest Enrichment Program - Director of Parks and Recreation to seek grant 309
funding

Huntley, Randy - Claim against city 314

Hearing - Amendments to Zoning Ordinance - re: regulations of nightclubs 323
bars, etc. hearing , page 323; 1st reading, page ; 2nd reading,
page ; third reading, page ;

Hill Street - ordinance changing Hill Street from (NC 191) to (SR1477) 327

Hearing - rezoning property located behind 666 Merrimon Avenue from R-3 328
Residential , owned by Ms. Betty Wood - hearing scheduled; page 328;
hearing and 1st reading, page ; 2nd reading, page ;
3rd reading, page ;

Hearing - zoning of airport property. hearing scheduled, page 333; hearing
and 1st reading, page ; 2nd reading, page ; 3rd reading,
page .

Historic Preservation Grant - authorized filing of grant for rehabilitation 334
of front of businesses- to be used by private developers

Huntley Construction Company - contract awarded for Florida Avenue 6-inch
Fire line 335

Hearing - City Employee Hearing on Civil Service Law Amendment 335

Historic Preservation Grant- for Safety to Life REquirements on City 356
Building - fire alarm system and emergency lighting.

Housing Authority - Comments by Councilman Michael - re: public housing 357
units in the East End/Valley Street Project.

Hearing - Announcement that ABC Board will hold hearing on bar at 108 358
N. Lexington Avenue

Holocaust - Proclamation - Rememberance of the Victims of Holocaust 359
April 28 - 29, 1979

Hillcrest Enrichment Program - Director of Parks and Recreation authorized to submit an application to the N. C. Department of Human Resources for funds for this program. 254

Hearing - Date set relative to approval of the site plan of the proposed 115 KV Substation to be located on a 12-acre tract adjoining Rock Hill Road - page 255; hearing and approval - page 267.

Hearing - Date set relative to the approval of a site plan of Bear Creek Apartments - Phase II - page 258; hearing and approval - page .

Hillcrest Community Center - Director of Parks and Recreation authorized to submit an application to the N. C. Dept. of Human Resources for the development of a parenting project at this center. 258

Horton, Bill B. - This Vice-Mayor commended the actions of the law enforcement officers for the arrests during a rock concert at the Civic Center. 260

Hearing - Date set relative to rezoning property at 20 Britt Drive on property owned by E. Dennis and Emil D. Young - page 260; hearing and 1st reading - page ; 2nd reading - page ; 3rd reading - page .

Hammer-Siler-George Associates - Planning Division authorized to enter into a contract with this company to prepare development concept for a Multiple Use Center in the Eagle-Market Street UDAG area. 265

Housing - Development of single-family housing supported and providing housing assistance to low and moderate income residents of Asheville. 269

Hilton, Great Smokies - Discussion relative to the City Clerk investigating a petition to annext this hotel and action deferred - page 271.

Hearing - Date set for a public hearing on the study and recommendations pertaining to downtown parking - page 274; hearing - page .

Haywood Road - rezoning of property on Haywood Road, owned by R. L. Coleman second reading; 306 279

Hilton, Great Smokies - city clerk to investigate petition to annex property 282

Hilton, Great Smokies - public hearing scheduled re: annexation of property Hearing; 303 283

Hearing - Scheduled for annexation of Great Smokies Hilton property Hearing; P. 303 283

Haw Creek Road - Petition received complaining of 396 Old Haw Creek Road 293

Housing Authority - appointment of Mr. Hunter B. Watson as Commissioner 294

Housing- public hearing scheduled re: demolition of 97 Hill Street, 40 Pine Grove street, and 5 Toxaway Street, hearing and 1st reading, page 326; second reading, page 332 ; third reading, page 355 ; 301

Hill Street - public hearing scheduled re: re demolition of 97 Hill Street hearing and 1st reading, page 326; 2nd reading, page 332 ; 3rd reading, page 355 ; 301

Indian Trail - This project was approved to be funded by WSIF funds for FY 1978-79. 104

International Salt Company - Bids were awarded to this company for bulk sodium chloride (rock salt) for snow and ice control for the Street Division. 114

Insurance Advisory Committee, Asheville-Buncombe - Establishment of this Committee was authorized. 115

International Alpha Delta Kappa Week - The week of October 8-14, 1978 was proclaimed as such. 115

International Regional Economic Development Planners - Recognition of these planners. 127

International Toastmistress Clubs - October 23, 1978 proclaimed as the beginning date of the year long Fortieth Anniversary Celebration of this club. 127

Inspections Division - Councilman Rainey presented a letter relative to an Inspections employee relative to conflict of interest- pg. 178 - Report - page 211. Status - page 217.

Insurance Advisory Committee, Asheville-Buncombe - The following people were appointed to this committee: Mr. James W. Stickney, III, Mrs. Helen A. Powers, Mr. Robert B. Gelder and Mr. Robert S. Webb, Jr. 194

Ivey, George E. - This person was appointed to the Buncombe County Board of Tax Supervision. 244

Inman, Sharon Lee - A claim for damages was received by this person. 260

Insurance, Flight - Mayor authorized to execute an agreement with Asheville Flying Service, Inc. for the sale of this in the terminal building of the Asheville Airport. 264

Johnson, William L. - This person submitted a claim for damages and it was referred to our insurance carrier. 28

Jobs Corp Center - Mr. and Mrs. Hull of 167 Pearson Drive expressed concern that this Center is considering Highland Hospital in the Montford Historic District area as a site for the Center. 38

Jewell, Arthur Gordon - The claim received by this person was referred to the City's insurance carrier. 51

Johnson, Gloria Logan - The claim received by this person was referred to the City's insurance carrier. 51

Johnston, Earnest - This person's claim was referred to the City's insurance carrier. 70

Johnson, Mr. Earnest - This person's claim was referred to the City's insurance carrier. 78

Johnson, Mrs. Thelma - This person's claim was referred to the City's insurance carrier. 78

Johnson School Road 6-Inch Water Line - Mayor authorized to sign a contract with Taylor and Murphy Construction Company, Inc. for this project. 167

Jamerson, Judy Diane - A claim was received by this person. 179

Johnson, Cathy - A claim was received by this person. 202

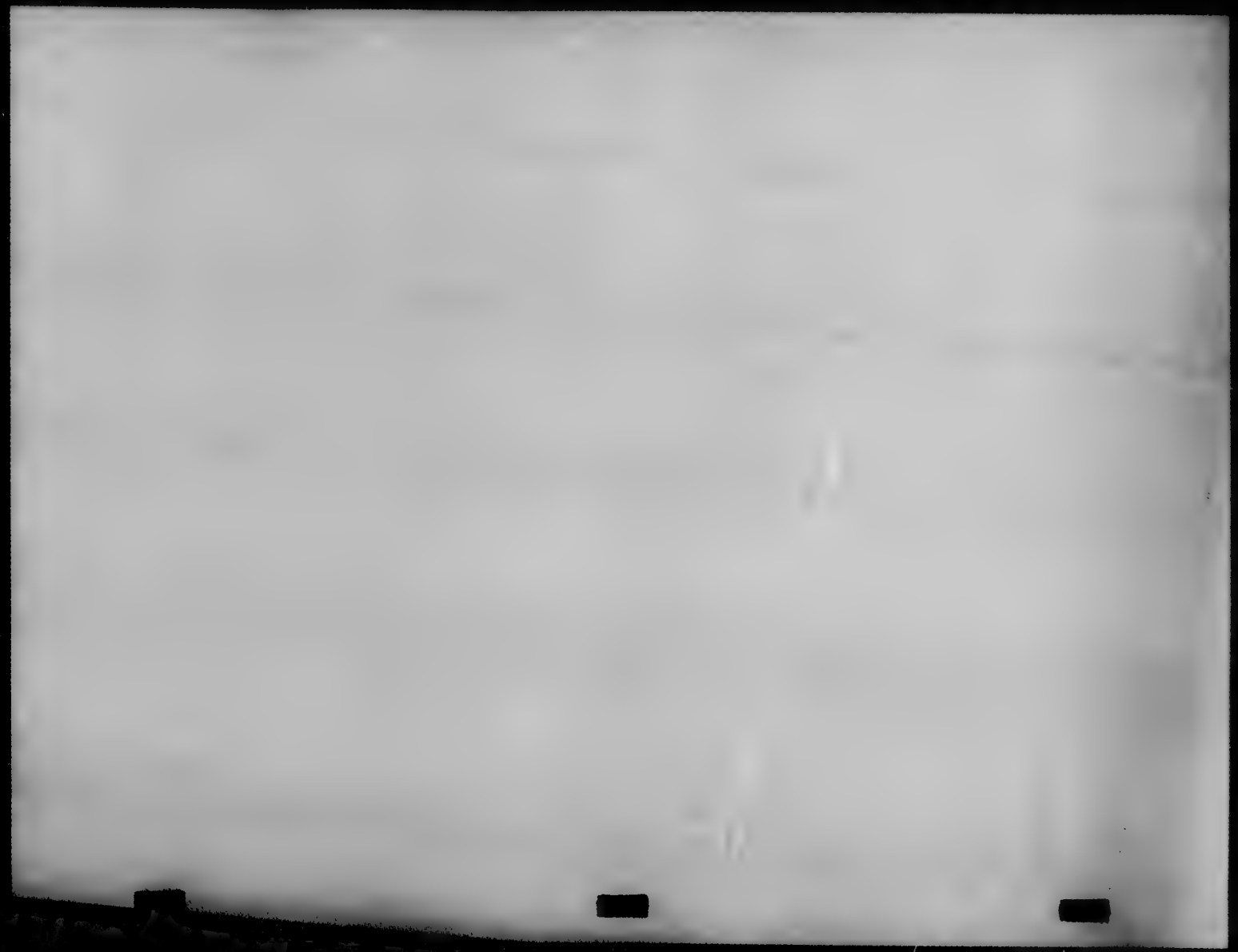
Jamerson, Diane - Resolution of commendation to this Miss North Carolina USA, 1979. 246

Johnson, Rodney - This person was appointed to the Adult Advisory Board of the Asheville Buncombe County Youth Council. 259

Johnson, Charles W. - A claim for damages was received by this person. 260

Johnson Amusement Rides, Inc. - Mayor authorized to sign a contract agreement with this company for the operation of amusements, rides and concessions at Recreation Park. 274

Japanese Students - Resolution recognizing Asheville High School for participation in INternational Exchange Program 302



Kane, Joseph - Due to an error, the Planning Director requested that Council give this petitioner an additional 30 days in order to request the City Council for a public hearing. 23

Kranes, Mrs. - This person of 83 Oak Hill Drive, spoke to Council about a dangerous bridge on Oak Hill Drive off Hazel Mill Road. 31

Keylon, Mrs. Geneva W. - This claim was submitted to the City's insurance carrier. 37

K-Mart Shopping Center - Hearing date set relative to the site plan of this, located on U. S. 25 (Hendersonville Road) - page 45; hearing and approval - page 63 .

Kenilworth Park Project Area - Condemnation authorized of parcel number 1 in this area - page 58, continued - page .

King, Roy E. - Resolution of appreciation to this Captain in the Fire Department. 72

King, M. Bruce - This person's claim was referred to the City's insurance carrier. 78

Kleibor, John G. - A claim was received by this person. 180

King, Martin Luther - This late person was honored on the 50th anniversary of his birht. 219

King, Mrs. Thomas E - Claim against City 293

Kenilworth Section - Discussion re: cemetary 293

Kisiah, Ray - appointed as Interim Civic Center Director 317

Kenilworth - Discussion re: group home by Buncombe County Group Homes for the Developmentally Disabled, Inc. for facility in Kenilworth Area on Chiles Avenue. 352

Lake Eden Road - Mayor was authorized to execute a right-of-way encroachment agreement with the N. C. Dept. of Transportation for a water line on Old U.S. 70 and on this Road. 243

Law Enforcement Assistance Administration - Director of Parks and Recreation authorized to submit an application to this Administration for funds for the Hillcrest Enrichment Program. 254

Lake Eden Road 12-Inch Water Line - Mayor authorized to sign a contract with W & W Contracting Company for this project. 259

Liquor-By-The-Drink - Discussion relative to why this legislation was written to include only the City limits when establishments in the County were permitted to obtain "brownbagging" license. 275

Lockhart, Mrs. - This person submitted a sewer complaint and the matter is being investigated. 276

Liquor-By-The-Drink - Mr. Horton requested that the revenues from liquor-by-the-drink be earmarked for revitalization. 276

Library - upset bid accepted from William C. Morris & James N. Golding 290

Lake Eden Road - budget amendment for funding of project 291

Lottery Sales - Complaint re: by Ralph Bishop 302

Lottery Sales - Complaint re: Ralph Bishop 317

Library - Corporation Counsel instructed to negotiate sales agreement. 317

Legislation Amendments - Civil Service Board presented recommended legislation amendments to Civil Service Law 314

Lawyer's Building - complaint against City 314

Land-of-Sky Regional Council - announcement of Car Pooling Program 321

Livingston Community Center - Cultural Arts Program established 328

Lexington Avenue, N. 108 - announcement that ABC Board will hold hearing on bar at this location. 358

Law Week, Respect for - Proclamation for "Respect for Law Week" May 1 - 7, 359

Lottery Sales - Complaint by Ralph Bishop 359

Liquor By The Drink - The Board of Elections for Buncombe County were requested to call an election on the question of whether to allow the sale of mixed beverages in social establishments and restaurants within the City of Asheville. 8

Lease Agreement - Mayor authorized to sign a lease agreement with Piedmont Airlines. 19

Legg, Paul W. - A claim was received by this person. 23

Louisiana Avenue, North - Hearing date set relative to rezoning property on this road on property owned by Mr. and Mrs. Henry C. Fisher, Jr. - page 27; hearing and 1st reading - page 55 ; 2nd reading - page 68 ; 3rd reading - page 75 .

Land-of-Sky Regional Council - Agreement between this Council and the City of Asheville (carpooling). 49

Library Service - 1977-78 budget amendment to reflect a Library Service and Construction Act Grant in the amount of $16,561. 77

Lease - City of Asheville authorized to lease certain property at the corner of Valley Street and Southside Avenue for a gas station. 104

Library, Pack - Director of Finance authorized to sell surplus property due to this library moving to different facilities. 115

Linden Avenue, 44 - Residents of this road petitioned Council to condemn this house and demolish it. 121

Library Day - November 18, 1978 was proclaimed as such. 133

LEAA Subgrant Application - Filing of this application authorized for Asheville/Buncombe CJIS, Phase II. 141

Lexington Avenue, 108 N. - Discussion relative to a beer license for this address. 151

Library - Mayor authorized to sign a contract with Asheville Roofing, Inc. for the project known as "Re-roof library and Fire Station Building, 970 Haywood Road, W. Asheville," 157

Land-of-Sky Regional Council - Mayor authorized to sign a contract with this Council for state and federal assistance in the provision of training for members of the Asheville Police Department. 211

Leicester Highway - Mayor authorized to execute a right-of-way encroachment agreement with the N. C. Dept. of Transportation for a 6-inch and 8-inch water line on this highway. 218

Lafayette Instrument Company - Bids awarded to this company for one polygraph instrument for the Police Department. 220

Lawson, F. A. - Appreciation expressed to this police officer for actions of police officers beyond the call of duty. 223

Laboratory, Mobile Crime - Bids awarded to Sirchie Finger Print Laboratories, Inc. for one of these labs for the Police Department. 228

Lexington Avenue, 108 - Application for on-premises beer permit for B & R Bar at this address. 231

Michael, Otis B. - Letter read into the minutes relating to receiving quarterly reports from all authorities and commissions. 79

Matthews, Mrs. Christine - This person's claim was logged. 97

Michael, Otis B. - This councilman asked the City Manager for a report on the status of his request for a gate for private airplanes on the Commercial Ramp at the Asheville Airport. 98

Michael, Otis B. - This Councilman rescinded his resignation. 99

Montford Recreation Complex - Fair market value for Parcel Number 29 approved in this complex. 103

Mass Transportation Planning Grant - Mayor authorized to execute this grant with the N. C. Department of Transportation. 105

Marquardt, Mrs. - A claim was received by this person. 108

Mason, Burnice - This person's claim was sent to St. Paul Fire and Marine Insurance. 109

Miller, Edith - Councilman Rainey requested a status report on this claim - the City Manager reported it was under investigation. 122

Middlebrook, Louise B. - This person turned in a claim for damages. 133

Moratorium - Consideration of imposing a limited moratorium on placement of coctail lounges, nightclubs, or public or private clubs within the City of Asheville. 139

Motorola Communication and Electronics, Inc. - Bids awarded to this company for dispatch and radio alerting system for the Asheville Fire Department. 140

Moore-Woodard Associates - Mayor authorized to sign a contract with this company for a bus shelter design at Pritchard Park. 165

Mixed Beverage Permits - Mr. Ken Anderson felt that Council was confused as to the definition of this. 168

Matthews Motors, Inc. - Bids awarded to this company for two trucks for various departments in the City. 177

Mason, Ms. Helen B. - A claim was received by this person. 179

Matayabas, Tina Marie - A claim was received by this person. 179

Medler, Herman - This person spoke in opposition to the rezoning of property on S. Bear Creek Road for a shopping mall. 181

Montford Community - Director of Parks & Recreation authorized to establish a Dramatic Arts Program in this community with the assistance of a grant from the N.C. Arts Council. 202

Montford Area Public Works - Mayor authorized to sign on behalf of the City of Asheville a Change Order No. IV with Ruckman Brothers of Enka, N. C. for this project. 6

Marshall, Calvin W. - A resolution in memory of this former vice-mayor. 8

Montford Recreation Center - Bids were awarded to Hoyle Office Supplies, Inc., Castt Office Furniture, Talman's Office Supplies, Inc. and Southern School Service, Inc. for folding chairs, folding tables and office furniture for this Center, Parks and Recreation Department. 20

Moreland Chemical Co., Spartanburg, S. C. - Bids were awarded to this company for chemicals for treatment of water. 21

Michael, Otis B. - This Councilman said that there was some concern about the Asheville Police Department terminating the police monitoring system. 24

Marlowe, Ms. Agnes - A claim was received by this person and was forwarded to our insurance carrier.

Motor Transport Division - Bids were awarded to Arrowhead International Truck, Inc. for a tilt type cab and chassis tractor for this Division. 37

Motor Transport Division - Bids were awarded to Western Carolina Tractor Company for one low-boy trailer for this Division. 37

Montford Historic District - Mr. and Mrs. Hull of 167 Pearson Drive expressed concern that the Jobs Corp Center is considering Highling Hospital in this District as the site for the Center. 38

Memorial Field - Budget Amendment for fiscal year 1978-79 to include appropriation for improvements to Memorial Field to be funded by the City School Board. 44

Memorial Stadium - Bids were awarded to Graybar Electric Supply Company for flood light lamps and fixtures for this stadium, Parks and Recreation Department. 50

Mooney, Keisha - The claim received by this person was referred to the City's insurance carrier. 51

Montford Recreation Center Complex - There was discussion on the swimming pool proposal at this facility. 56

Morton, B. C. - Hearing date set relative to rezoning property on Haywood Road as requested by this person - page 58; hearing and 1st reading - page ; 2nd reading - page ; 3rd reading - page . Hearing was continued on page 100.

Michael, Councilman Otis B. - This person requested better trash collection and better police patrol on Town Mountain Road. 60

Mama T's In The Park - Announcement of the opening of this joint entertainment venture. 61

Muscular Dystrophy Days - Mayor proclaimed September 3-4, 1978 as these days. 78

Memorial Stadium - Bids awarded to The Sports Mart, Inc. for a football scoreboard for this stadium, Parks and Recreation Department. 78

M.B. Haynes Electric Corp. - awarded bid for lighting system at McCormick Field 309

Mongiovi, Mr. and Mrs. L. J. - Claim against City 314

M. B. Haynes Electric Company - contract for "installing new sports field lighting system at McCormick Field" 328

Merrimon Avenue - rezoning of property behind 666 Merrimon Avenue, owned by Ms. Betty Woods, hearing scheduled, page 328; hearing and 1st reading, page ; 2nd reading, page ; 3rd reading, page ; 328

Miller, Edith C. - Claim against City 329

Moratorium- bars, nightclubs, lounges, public and private clubs 333

Murals - Restoration of murals in City Council Chambers by Youth Council grant accepted 334

Morgan, Senator Robert - letter re: Senior Citizens Intern program 358

Moore, Mary E. - Claim against City

Motor Transport Division - Bids awarded to C.C.S., Inc. for service station canopy for this Division. 238

Moratorium - Moratorium extended 30 days on placement of cocktail lounges, nightclubs, or private clubs within the City of Asheville. 239

Metropolitan Sewerage District Board - Mr. D. Frank Hyatt, Jr. was reappointed to this Board. 244

Motor Transport Fund Budget - Amendment of this FY 1978-79 budget to provide funding for the acquisition of an automated fuel dispensing system. 253

Motor Transport Division Service Station - Bids awarded to Petroleum Company, Inc. for an automated fuel dispensing system for use at this Service Station. 254

Mayor - Changing process of the election of Mayor 283

Montgomery, Dr. Wayne - appointed to Board of Examiners Policemen's and Firemen's Pension and Disability Fund. 291

McCormick Field - Bids accepted fixtures with lamps - Mill-Power Supply Co. 301

McCormick Field - Bids accepted on lighting System - M. B. Haynes Electric Corp. 309

McCormick Field - Contract with M. B. Haynes Electric Corp. for lighting 328

McAnally, Lon Wyatt - A claim was received by this person. 179

McCurry, Junior D. - A claim was received by this person. 216

McQueen, Mrs. H. C. - This person was appointed to the Asheville Transit Authority. 259

N. C. Department of Natural Resources and Community Development - Mayor authorized to sign an agreement with this department for the development of the North Asheville Park on the property formerly known as "Swain Property." 129

N.C. 191 Connector - Hearing date scheduled relative to rezoning property at South Bear Creek Road and this Connector on property owned by Louis C. Waller and Brian Wilcox and First Citizens Bank and Trust Company - page 141; hearing and 1st reading - page 160; 2nd reading - page 169; 3rd reading - page .

North Carolina League of Municipalities - Resolution of commendation to the City of Asheville for their hospitality in hosting the 69th Annual Convention of this League. 141

N. C. Division of Crime Control - Mayor authorized to sign a subgrant award contract with this Division for the federal grant "Update Asheville I.D.". 146

N. C. Equipment Company - Bids awarded to this company for 6 salt/sand spreaders, self contained, Hopper type for snow and ice control for the Street Division. 178

N. C. Department of Transportation - Mayor authorized to execute a right-of-way encroachment agreement with this department for 6-inch and 2-inch water lines in the Fox Run Subdivision in Buncombe County. 178

N. C. League of Municipalities - Participation of this League in the Julius R. Cauble Case. 185

N. C. Board of Transportation - Mayor authorized to execute an agreement with this Board for the purpose of amending Agreement No. 11-28-77 on Street and Highway System Responsibilities. 201

N. C. Arts Council - Director of Parks and Recreation authorized to establish a Dramatic Arts Program in the Montford Community with the assistance of a grant from this council. 202

N. C., State of - Mayor authorized to sign a contract with this State, Dept. of Crime Control and Public Safety, Division of Crime Control for the A/B Criminal Justice Information System, Phase II. 210

N. C. Dept. of Transportation - Mayor authorized to execute a right-of-way encroachment agreement with this department for a 6-inch and 8-inch water line on Leicester Highway. 218

N. C. Board of Transporation - Mayor authorized to enter into a municipal agreement with this Board relation to Project No. 8.7384004. 229

National Urban Policy - Mayor authorized to execute an agreement with the General Services Administration regarding implementation of this policy. 229

N. C. Department of Transportation - Mayor and City Manager directed to execute a contract with this department for State Project 8.2017402, Buncombe County. 19

N. C. Department of Transportation-Budgetamendment to include the total appropriation for the Transit Marketing Program grant agreement through June 30, 1979 and to include expenditures and revenues through June 30, 1978. 36

N. C. Youth Conservation Corps Project - Budget amendment to include this project in the current fiscal year budget. 36

Norton, Mrs. W. A. - The claim received by this person was forwarded to the City's insurance carrier. 45

N. C. Department of Transportation - Contract with them for a grant under the Urban Mass Transportation Act of 1964, as amended, for a bus grant. 76

N. C. Department of Transportation - Mayor authorized to execute an easement in favor of this department (Weaver Park). 77

N. C. Department of Transportation - Execution of a contract with this department for a State Airport Aid Grant (Project No. 77-05). 88

N. C. Department of Transportation - Execution of a contract with this department for a State Airport Aid Grant (Project No. 78-07). 88

National Cancer Day - Mayor Trantham proclaimed September 8, 1978 as such. 90

N. C. Department of Transportation - Mayor authorized to execute a capital improvement mass transit grant contract with this Department. 104

N. C. Department of Transportation - Mayor authorized to execute a mass transportation planning grant with this Department. 105

North Asheville Park - Announcement that this would be considered at the next City Council meeting - page 106; hearing - page 111.

National Fire Prevention Week in Asheville - The week of October 8-14, 1978 was proclaimed as such. 115

N. C. Department of Transportation - Mayor entered into a municipal agreement with this department relative to projects 8.1901412 and 9.813-256. 120

N. C. Department of Archives and History - Extension of historic inventory agreement between the City of Asheville and this department. 124

Nature Center Facility - Continuous 25 year use authorized by the County of Buncombe for this facility. 125

Neagle Outdoor Advertising Company - Sign permit approval requested for a billboard sign on Riverside Drive - page 125 and 208.

Neagle Outdoor Advertising Company - Sign permit approval requested for a billboard sign on Tunnel Road - page 125 and .

North Asheville Park - Mayor authorized to sign an agreement with the N. C. Department of Natural Resources and Community Development for the development of this park on the property formerly known as "Swain Property." 129

N.C. Division of Archives and History - grant for fire alarm system and emergency lighting in the City Building. 356

N. C. Department of Transportation - Mayor authorized to execute a right-of-way encroachment agreement with this Department for a water line on Old U.S. 70 and Lake Eden Road. 243

Norwood, Bill - This person was reappointed to the Asheville Area Civic Center Commission. 244

North Carolina, State of - Endorsement of a State Register System for this State. 251

N. C. Department of Transportation - Mayor authorized to execute a right-of-way encroachment agreement with this Department for a water line on S.R. 1341 (Brickyard Road) in Buncombe County. 253

N. C. Department of Human Resources - Director of Parks and Recreation authorized to submit an application to this Department for funds for the Hillcrest Enrichment Program. 254

N. C. Dept. of Human Resources - Director of Parks and Recreation authorized to submit an application to this Dept. for the development of a parenting project at Hillcrest Community Center. 258

N. C. Division of Aging - Director of Parks and Recreation authorized to apply for a grant for renovation of Senior Citizen Meal Sites to accommodate the handicapped. 265

Night Clubs - hearing scheduled on amendments to zoning ordinance 301

NC Dept.of Human Resources - Budget amendment to include grant of $3,000 . 309

NC Dept. of Transportation - grant modification to Aviation Project No. 75-01 309

NC Dept. of Transportation - grant modification to Aviation Project No. 75-02 310

NC Dept. of Transportation - grant agreement for Aviation Project No. 79-08 310

Nightclubs - amendment to zoning ordinance relative to regulation of 323
hearing held, page 323, 1st reading, page ; 2nd reading, page ;
3rd reading, page ;

N.C. Arts Council - grant for establishment of cultural Arts Program at 328
Livingston Community Center.

Nightclubs -- moratorium on placement of 333

N.C. Division of Archives & History - grant for Historic Preservation Acquisition 334
and development - restoring fronts of businesses by private developers

N.C. Arts Council - grant accepted for restoration of murals in Council Chambers 334

N.C. Dept. of Transportation - filing of application for grant under UMTA for 356
technical study grant for 1979-80 work program.

ORDINANCE NO. 1080
AN ORDINANCE AMENDING SECTION 11 OF THE REVENUE ORDINANCE (ORDINANCE NO. 1027) OF THE CITY OF ASHEVILLE, ENABLING THE COURTS AS WELL AS THE CITY MANAGER TO REVOKE OR SUSPEND PRIVILEGE LICENSE

1st Reading 113
2nd Reading 113
3rd Reading 119

ORDINANCE NO. 1081
AN ORDINANCE AMENDING THE OPERATING AND CAPITAL BUDGETS FOR THE CITY OF ASHEVILLE FOR FISCAL 1978-79

1st Reading 114
2nd Reading 114
3rd Reading 114

ORDINANCE NO. 1082
AN ORDINANCE AMENDING ORDIANCE NO. 1002 KNOWN AS " AN ORDINANCE ESTABLISHING THE ASHEVILLE UNIFORMED POLICEMEN'S RETIREMENT PLAN AND TRUST" AND ORDINANCE NO. 1077, WHICH AMENDED ORDINANCE NO. 1002

1st Reading 144
2nd Reading 144
3rd Reading 144

ORDINANCE NO. 1083
AN ORDINANCE AMENDING ORDINANCE NO. 1083 AN ORDINANCE AMENDING ORDINANCE NO. 1003, KNOWN AS "AN ORDINANCE ESTABLISHING THE ASHEVILLE UNIFORMEN FIREMEN'S RETIREMENT PLAN AND TRUST" AND ORDINANCE NO. 1078, WHICH AMENDED ORDINANCE NO. 1003

1st Reading 144
2nd Reading 145
3rd Reading 145

ORDINANCE NO. 1084
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (S. Bear Creek Rd & NC 191)

1st Reading 160
2nd Reading 169
3rd Reading

ORDINANCE NO. 1085
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Relative to Sign Regulation Section)

1st Reading 170
2nd Reading 182
3rd Reading 189

ORDINANCE NO. 1086
AN ORDINANCE AMENDING ORDINANCE NO 322, KNOWN AS " AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (property owned by G.N. Koon)

1st Reading 176
2nd Reading 183
3rd Reading 190

ORDINANCE NO. 1087
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (wording amendment)

1st Reading 183
2nd Reading 183
3rd Reading 190

ORDINANCE NO. 1088
AN ORDINANCE TO CONTROL GENERAL AVIATION PARKING ON THE TERMINAL RAMP

1st Reading 192
2nd Reading 192
3rd Reading 192

ORDINANCE NO. 1089
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

1st Reading 198
2nd Reading 263
3rd Reading 305
Tabled 207

ORDINANCE NO. 1068
AN ORDINANCE REALLOCATING, AMENDING AND APPROVING COMMUNITY DEVELOPMENT BUDGET FUNDS SET FORTH IN THE CITY OF ASHEVILLE CAPITAL PROJECT FUND BUDGET FOR 1975-76

1st Reading 5
2nd Reading 5
3rd Reading 5

ORDINANCE NO. 1069
AN ORDINANCE AMENDING ORDINANCE NO. 424 KNOWNS AS "AN ORDINANCE ESTABLISHING REGULATIONS FOR THE DEVELOPMENT OF REAL ESTATE SUBDIVISION"

1st Reading 17
2nd Reading 26
3rd Reading 33

ORDINANCE NO. 1070
AN ORDINANCE ESTABLISHING THE CORRECTED FOURTH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT AMOUNT FOR THE CITY OF ASHEVILLE

1st Reading 17
2nd Reading 17
3rd Reading 18

ORDINANCE NO. 1071
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (property on Sweeten Creek Road)

1st Reading 26
2nd Reading 32
3rd Reading 43

ORDINANCE NO. 1072
AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 21 BLAKE STREET AND 93 WASHINGTON ROAD

1st Reading 41
2nd Reading 48
3rd Reading 56

ORDINANCE NO. 1073
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (property on N. Louisiana Avenue and Adams Hill Road)

1st Reading 55
2nd Reading 68
3rd Reading 75

ORDINANCE NO. 1074
AN ORDINANCE AMENDING SECTION 28-83 OF ARTICLE IV (SPEED REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

1st Reading 57
2nd Reading 74
3rd Reading 88
continued - pg. 68

ORDINANCE NO. 1075
AN ORDINANCE REPEALING SECTIONS 10-1 THROUGH 10-20 (CHARITABLE SOLICITATIONS) OF THE ASHEVILLE CODE OF ORDINANCES

1st Reading 69
2nd Reading 69
3rd Reading 75

ORDINANCE NO. 1076
AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF ASHEVILLE, CHAPTER 21 - POLICE, SPECIFICALLY SECTION 21-11 (AUXILIARY POLICE OFFICERS INCLUDED IN WORKMAN'S COMPENSATION PLAN)

1st Reading 87
2nd Reading 93
3rd Reading 93

ORDINANCE NO. 1077
AN ORDINANCE MANEDING ORDINANCE NO. 1002, KNOWN AS "AN ORDINANCE ESTABLISHING THE ASHEVILLE UNIFORMED POLICEMEN'S RETIREMENT PLAN AND TRUST

1st Reading 94
2nd Reading 94
3rd Reading 94

ORDINANCE NO. 1078
AN ORDINANCE AMENDING ORDINANCE NO. 1003, KNOWN AS "AN ORDINANCE ESTABLISHING THE ASHEVILLE UNIFORMED FIREMEN'S RETIREMENT PLAN AND TRUST

1st Reading 94
2nd Reading 94
3rd Reading 95

ORDINANCE NO. 1079
AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 966 WEST CHAPEL ROAD, 17 HARRISON STREET AND 185 PARK AVENUE

1st Reading 112
2nd Reading 118
3rd Reading 123

ORDINANCE NO. 1090
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Rock Hill Road)

1st Reading 199
2nd Reading 208
3rd Reading 218

ORDINANCE NO. 1091
AN ORDINANCE AMENDING SECTION 27-8 OF THE ASHEVILLE CODE OF ORDINANCES TO INCREASE THE FARES PRESCRIBED FOR TAXICAB SERVICE

1st Reading 242
2nd Reading 281
3rd Reading 281
Tabled - 246

ORDINANCE NO. 1092
AN ORDINANCE AMENDING ORDINANCE NO. 1027, AN ORDINANCE FOR THE LEVY AND COLLECTION OF BUSINESS LICENSE TAXES

1st Reading 252
2nd Reading 252
3rd Reading 252

ORDINANCE NO. 1093
AN ORDINANCE REVISING THE SANITATION CODE OF THE CITY OF ASHEVILLE

1st Reading 257
2nd Reading 257
3rd Reading 257

ORDINANCE NO. 1094
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Patton Avenue near Haywood Rd.)

1st Reading 269
2nd Reading 305
3rd Reading 319

ORDINANCE NO. 1095
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA (Great Smokies Hilton)

1st REading 304
2nd Reading 304
3rd Reading 304

ORDINANCE NO. 1096
AN ORDINANCE AMENDING ORDINANCE NO. 355 KNOWN AS "AN ORDINANCE ESTABLISHING THE PROCEDURE FOR THE ELECTION OF TWO MEMBERS OF THE CIVIL SERVICE BOARD BY THE EMPLOYEES IN THE CLASSIFIED SERVICE.

1st Reading 308
2nd Reading 308
3rd Reading 320

ORDINANCE NO. 1097
AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 97 HILL STREET, 40 PINE GROVE STREET AND 5 TOXAWAY STREET.

1st Reading 326
2nd Reading 332
3rd Reading 355

ORDINANCE NO. 1098
AN ORDINANCE AMENDING SECTION 28-81.6 OF ARTICLE IV (SPEED REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE.

1st Reading 327
2nd Reading 327
3rd Reading 327

Oak Hill Drive - Mrs. Kranes, 83 Oak Hill Drive, spoke to Council about a dangerous bridge on Oak Hill Drive off Hazel Mill Road. 31

Oteen Shopping Center Group Development - Public hearing date for amendments to this group development - page 52; hearing and approval for amendments - page 85 .

Oakley Public Works Contract #2 - Mayor authorized to sing a contract with Warren Brothers Construction Company for this project. 95

Oteen Park Place - Hearing date scheduled relative to rezoning property on this street on property owned by Sea-Nic Enterprises - page 146; hearing and 1st reading - page 176; 2nd reading - page 183; 3rd reading - page 190.

Orchard Street, 7 - Approval of sign permit for Telco Credit Union at this address. 165

Open Space Application OS1014NC - Mayor authorized to submit an amendment to this application to the Department of Housing and Urban Development. 166

Olson, Berry Mikael - A claim was received by this person. 179

Operating Assistance Grant Application - Hearing date scheduled relative to the submission of this application - page 184; hearing - page .

Opportunity Corporation of Madison-Buncombe Counties - Mayor authorized to sign an agreement with this Corporation for the use of various City facilities. 254

O'Conner, Guy - Council approved disability retirement to line-of-duty 290

Old Haw Creek Road- Petition presented complaining of 396 Old Haw Creek Road 293

Ogrin, Mr. Barry - appointed as Director of the Civic Center 302

Obscenity - Meeting re: Obscenity and Pornography - announced by Vice-Mayor Horton to be at Beverly Hills Baptist Church 311

Organizational Chart - Reorganizational structure for the City of Asheville government. 315

Parcel Number 1 - Condemnation authorized of this parcel in the Kenilworth Park Project Area - page 58; continued - page .

Parcels 77, 80, 84, 84A - The Housing Authority received bids for these parcels in the East Riverside Urban Renewal Project Area. 59

Pfeiffer, William - This person was reappointed to the Recreation Board of Asheville. 59

Petition - A petition was received from residents opposing the construction of the Biltmore Pines Apartments. 60

Parking Program - Discussion relative to the extension of the on-street free parking program. 61

Paving Program, 1978-79 - Bids were awarded to Asheville Paving Company, Inc. for this program. 69

Pack Memorial Library - Appraisal reported the market value of this property is $90,000. 70

Parks and Recreation Advisory Board - Resolution of appreciation to Mrs. James M. Westall for her services on this Board. 72

Parking Program - This program was extended through March 31, 1979. 73

Park Avenue, 185 - Date set for hearing to demolish this structure - page 77; hearing and 1st reading - page 112; 2nd reading - page 118; 3rd reading - page 123.

Proclamation - Mayor proclaimed September 3-4, 1978 as "Muscular Dystrophy Days." 78

Proclamation - Mayor proclaimed September 4-10, 1978 as "Rescue Squad Week in Asheville." 78

Parks and Recreation - Bids awarded to The Sports Mart, Inc. for a football scoreboard for Memorial Stadium. 78

Police Department - Vice Mayor Bill B. Horton commended this department for their gambling raid. 79

Proclamation - Mayor Trantham proclaimed September 11-16, 1978 as "American Institute of Banking Week in Asheville." 81

Policemen - Volunteer police officers to be included in workman's compensation plan - page 87, and 93 - Police Reserve Unit.

Parks and Recreation Department - Bids awarded to Silverman Company for glavanized corrugated steel pipe for this department. 89

Parks and Recreation Department - Bids awarded to Asheville Roofing, Inc. to re-roof the East Asheville Community Center. 89

Parcel 81 - Approval of the sale of Disposal Parcel 81 in the East Riverside Urban Renewal Project. 6

Police Department - Bids awarded to Dictaphone Corp. for Dictaphone 4000 Recording Unit for this Department. 6

Piedmont Airlines - Mayor authorized to sign a lease agreement with this airlines. 19

Police/Fire Cadet Employment Program, CETA - Amendment of the Fiscal Year 1978-79 Budget to include this program. 20

Parks and Recreation Department - Bids awarded to Hoyle Office Supplies, Inc., Castt Office Furniture, Talman's Office Supplies, Inc. and Southern School Service, Inc. for folding chairs, folding tables and office furniture for the Montford Recreation Center, this department. 20

Parris, Mrs. Eunice F. - A claim was received by this person. 23

Planning & Zoning Commission - James W. Daniels was given a resolution of appreciation for his services as Chairman of this Commission. 25

Planning & Zoning Commission - William C. Frue, Jr. was appointed to this Commission to replace James W. Daniels. 26

Pay & Evaluation Program for 1978-79 - The City Manager gave his recommendations relative to this. 28

Pack Memorial Library Building - Council discussed the use of this building. 31

Planning & Zoning Commission - Mr. Robert Turner and Mr. Joseph L. Brady were reappointed as members of this Commission. 33

Property - The Director of Finance was authorized to sell surplus property (items that the City no longer uses.) 33

Parks and Recreation, Director of - This person was authorized to make an application for an enrichment grant for Hillcrest Recreation Center. 34

Pornography - Vice-Mayor Horton reported this ordinance has not been finalized and the committee is awaiting advice from two attorneys. 37

Parks and Recreation Fund - Budget Amendment for this department's fiscal year 1978-79 budget amended to include appropriation for improvements to Memorial Field to be funded by the City School Board. 44

Pitney Bowes - Bids awarded to this company for a tickometer for the Collections Division. 44

Parks and Recreation Department - Bids were awarded to Graybar Electric Supply Company for flood light lamps and fixtures for Memorial Stadium, this department. 50

Parham, David Max and Betty W. - The claim received by these persons was referred to the City's insurance carrier. 51

Police Department - Resolution of appreciation and commendation to Sergeant James E. Fleming of this department. 53

Petition - This was received from residents of Linden Avenue for the demoliton of 44 Linden Avenue and 11 Robindale. 121

Police Department - Bids awarded to Asheville Roof Inc. to reroof this department's side of the Municipal Building. 126

Police Department - Bids awarded to Apple Tree Chevrolet for 18 police vehicles for this department. 126

Petition - This was received from the residents of the West Asheville Community protesting conditions at 422 and 424 Haywood Road. 126

Proclamation - October 19, 1978 proclaimed as Day-in-Court Day for Legal Secretaries. 127

Proclamation - October 23, 1978 proclaimed as the beginning date of the year long 40th Anniversary celebration of International Toastmistress Clubs. 127

Proclamation - October 21, 1978 proclaimed as Hillcrest Day. 127

Proclamation - The week of November 12-18, 1978 proclaimed as "Children's Book Week." 133

Proclamation - November 18, 1978 proclaimed as "Library Day." 133

Proclamation - November 11, 1978 proclaimed as "Veteran's Day." 133

Proclamation - Second week in November, 1978 as "Youth Appreciation Week." 142

Policemen's Retirement Plan & Trust - Amendment to this Plan and Trust allowing police officers until January 1, 1979 to elect to come under this plan. 144

Parking - Limited free parking authorized with a City auto sticker at the Downtown Parking Garage (2 hours). 145

Police Department - Mayor authorized to sign a subgrant award contract with the N. C. Division of Crime Control for the federal grant "Update Asheville I.D.". 146

Proclamation - November 12-18, 1978 proclaimed as "Vietnam Veterans Week." 147

Petition - Received from the residents of Haywood Road relative to the noise made by the Assembly of God Church. Is being investigated. 157

Plemmons, Maggie - A claim was received by this person. 157

Perry Alexander Construction Company - Mayor authorized to sign a contract with this company for the project known as "Echo Hills 6-Inch Water Line." 158

Pipe - Bids awarded to Silverman Company for galvanized corrugated steel pipe for the Parks and Recreation Department. 89

Proclamation - Mayor Trantham proclaimed the week of September 10-16, 1978 as "French Broad River Week." 90

Proclamation - Mayor Trantham proclaimed September 8, 1978 as "National Cancer Day." 90

Proclamation - September 17-23, 1978 was proclaimed as "Constitution Week." 91

Policemen's Retirement Plan and Trust - Policemen are given the opportunity to participate in the new plan with the deadline date of December 1, 1978 to join the new plan. 94

Policemen - Application extended to eligible policemen or other law enforcement officers for receiving the benefits authorized by Title II of the Federal Social Security Act. 95

Projector and Screen - Bids awarded to Bridge Sound Company for these for the Pack Memorial Library. 96

Parcels 50, 56, 125, 129, 133 and 133A - These parcels in the East Riverside Renewal Project were approved for sale as recommended by the Housing Authority. 102

Parcel No. 29 - Fair market value for this parcel was approved in the Montford Recreation Complex. 103

Parking Policy - Some revisions to the Parking policy. 108

Proclamation - The week of October 2-7, 1978 as "Farm City Week." 109

Proclamation - The month of November, 1978 as "Epilepsy Month." 109

Proclamation - The week of October 1-7, 1978 as "Prince Hall Masonic Week in Asheville." 109

Proclamation - October 3, 1978 - Thomas Wolfe's Birthday. 109

Prince Hall Masonic Week in Asheville - The week of October 1-7, 1978 was proclaimed as such. 109

Property - Director of Finance authorized to sell surplus property due to the moving of the Pack Library to different facilities. 115

Proclamation - The week of October 8-14, 1978 as "National Fire Prevention Week in Asheville." 115

Proclamation - The week of October 8-14, 1978 as "International Alpha Delta Kappa Week." 115

Prince Hall Grand Lodge - Marvin Chambers expressed his appreciation to Council for their warm hospitality in welcoming this convention. 116

Proclamation - October 31, 1978 as "Unicef Day." 121

Proclamation - October 24, 1978 as "United Nations Day." 121

Pack Memorial Library on Pack Square - The City Clerk was authorized to re-advertise this sale of this building. 201

Parks & Recreation, Director of - This person was authorized to establish a Dramatic Arts Program in the Montford Community with the assistance of a grant from the N. C. Arts Council. 202

Police Department - Mayor authorized to sign a contract with the Land-of-Sky Regional Council for state and federal assistance in the provision of training for members of this department. 211

Pack Memorial Library on Pack Square - The City Clerk was authorized to re-advertise this sale of this building 219

Police Department - Bids were awarded to Lafayette Instrument Company for one polygraph instrument for this Department. 220

Proclamation - 1979 proclaimed of "Year of the Child." 223

Police Department - Apprecation expressed to Sergeant W. L. Dillingham, F. A. Lawson and J. R. Emory for the actions of police officers beyond the call of duty. 223

Parcel 147-150 - Approval of sale of these disposal parcels in the East Riverside Renewal Project. 226

Police Department - Bids awarded to Sirchie Finger Print Laboratories, Inc. for one equipped Mobile Crime Lab for this department. 228

Pack Memorial Library on Pack Square - The City Clerk was authorized to re-advertise the sale of this building. 235

Pullen, A. M. & Company - Mayor authorized to execute an agreement with this Company for an audit of N. C. Dept. of Human Resources grant no. SBH-610 covering the "Charlotte Highway Water Line." 239

Patton Avenue - Hearing date set relative to rezoning property near this Avenue, Haywood Road and Balsam Avenue on property owned by R. L. Coleman & Co. - page 243; hearing and 1st reading - page 269; 2nd reading - page 306 3rd reading - page 318.

Pack Memorial Library Building on Pack Square - The City Clerk was authorized to re-advertise the sale of this building. 251

Proclamation - February 18-24, 1979 was proclaimed as "Human Relations Week in Asheville & Buncombe County." 252

Petroleum Company, Inc. - Bids were awarded to this company for an automated fuel dispensing and control system for Motor Transport Service Station. 254

Proclamation - Accountant's Day proclaimed as November 21, 1978. 158

Proclamation - Bible Week proclaimed as November 19-26, 1978. 159

Pritchard Park - Mayor authorized to sign a contract with Moore/Woodard Associates for a bus shelter design at this park. 165

Perry Alexander Construction Company - Mayor authorized to sign a contract with this company for the project known as "Avondale Road 6-Inch Water Line." 166

Psychological Resources Associates, Inc. - City Manager authorized to enter into agreements with this company and the Blue Ridge Community Mental Health Center to establish a system of psychological screening as a part of the employment procedure for police patrolmen. 177

Pegg, Sam Carl - A claim was received by this person. 179

Pless, Paul, Jr. - A claim was received by this person. 179

Parramdre, Mrs. Emmie - A claim was received by this person. 179

Policemen's Pension and Disability Fund, Asheville - The City Manager presented the audit for the year ending June 30, 1978 for this. 180

Policemen's Retirement Plan and Trust, Asheville Uniformed - The City Manager presented the audit for the year ending June 30, 1978 for this. 180

Playing Permits, Annual - Rates changed for these permits at the Municipal Golf Course. 183

Peebles, William K. - Recognition of this person for being with the City for over 20 years. 188

Parks and Recreation, Director of - This person authorized to enter into an agreement with the Dept. of Agriculture and the Dept. of Interior through the Recreation Division of the Dept. of Natural Resources and CD of the State of North Carolina for a Youth Employment, Conservation and Environmental Education Program for the Summer of 1979. 188

Piedmont Airlines - Mayor authorized to execute an amendemtn to this lease agreement with this company with respect to rental of terminal building space. 189

Pullen and Company, A. M. - Mayor authorized to exeucte an agreement with this company for audits of Local Public Works Grants under Title I of the Public Works Employment Acts of 1976 and 1977. 189

Parking - December 22, 23, 26 and 27, 1978 declared as free parking days for downtown Asheville. 189

Parcel 41 - This parcel was sold in the East Riverside Renewal Project Area. 191

Parking - General aviation parking controlled on the terminal ramp at the Airport. 192

Pack Memorial Library Building on Pack Square - City Clerk authorized to advertise the sale of this building. 193

Powers, Miss Helen A. - This person was appointed to the Asheville-Buncombe Insurance Advisory Committee. 194

Petition - re: 396 Old Haw Creek Road 293

Parking (Downtown) - hearing held relative to study and recommendations relative to downtown parking. 296

Parks and Recreation - Bids accepted on fixtures with lamps for McCormick Field Mill Power Supply Company 301

Phillips, Eloise - Claim against city 302

Proclamation - Ronnie Milsap Day - March 24, 1979

Pornography - Vice-Mayor Horton announced public meeting relative to same reminder: 311 302

Public Facilities- Ordinance providing for in Office Institutional District 304

Pension, Firemen's - Disability retirement benefits approved for line-of-duty for Vincent E. Bradley, Elbert L. Brinley and James L. Shroat 307

Pisgah View Water Line Project - Budget Amendment for completion of project 308

Parks and Recreation - bids accepted for lighting system at McCormick Field to M. B. Haynes Electric Corp. 309

Parks and Recreation - Director to seek grant funding for Hillcrest Enrichment Program 309

Parks and Recreation - Budget amendment to include grant from N. C. Dept. of Human Resources for $3,000 309

Petition - received from residents of Greenleaf Circle - re: Builder Grover Redmon report by City Manager-page 321 312

Proclamation - Lick Cancer Day - Saturday, March 31, 1979 314

Proclamation - April - Clean Community System Month 317

Pack Library - City Attorney instructed to negotiate sales agreement with prospective buyers. 317

Patton, Hunter & Company - awarded contract for 1978-79 City audit 320

Parris, John W. - recognized for completing course in Municipal Fire Administration 322

Pine Grove Street (40) - ordinance authorizing demolitation- 1st reading, page 326; 2nd reading, page 332 ; 3rd reading, page 355 ; 326

Parks and Recreation - grant from N. C. Arts Council for establishment of cultural arts Program at Livingston Street Community Center. 328

Parks and Recreation - contract with M. B. Haynes Electric Corp. for new sports lights at McCormick Field. 328

Pack Square Rehabilitation Project - application for Appalachian Regional Commission funding 328

Parks & Recreation, Director of - This person was authorized to submit an application to the Law Enforcement Assistance Administration for funds for the Hillcrest Enrichment Program. 254

Parks and Recreation, Director of - This person was authorized to submit an application to the N. C. Dept. of Human Resources for funds for the Hillcrest Enrichment Program. 254

Parcel Number 95, Disposal - Approval of the sale of this parcel in the East Riverside Renewal Project. 257

Parks and Recreation, Director of - This person was authorized to submit an application to the N. C. Dept. of Human Resources for the development of a parenting project at the Hillcrest Community Center. 258

Pack Memorial Library on Pack Square - City Clerk was authorized to readvertise the sale of this Building. 262

Pack Memorial Library - Mayor authorized to enter into an agreement with CP&L for the supply of electricity to this library at 67 Haywood St. 264

Parks and Recreation, Director of - This person was authorized to apply for a grant for renovation of Senior Citizen Meal Sites to accommodate the handicapped. 265

Planning Division - This Division was authorized to enter into an agreement with Hammer-Siler-George Associates to prepare development concept for a Municiple Use Center in the Eagle-Market Street UDAG area. 265

Phiffer, William - Registered a complaint about the rock pile from Beaucatcher Cut. 266

Piedmont Aerial Survey - Mayor authorized to sign an agreement with this company for new aerial photos for Asheville. 274

Parking, Downtown - Hearing date set relative to the study and recommendations pertaining to this parking - page 274; hearing - page .

Parking - Demonstration parking program extended from March 31, 1979 to April 30, 1979. 275

Proclamation - Vice-Mayor Horton proclaimed the week of March 11-17, 1979 as Girl Scout Week. 276

Piedmont Airlines - City Manager announced that this airline had to cut 4 flights due to energy problems. 276

Patton Avenue - rezoning of property owned by R. L. Coleman, second reading of ordinance deferred 279

Public Hearing - Changing tenure of City Council members and process of the election of the Mayor. 283

Pilot's Assn.- complaining of double taxation on private aircraft if airport is annexed. 289

Pack Memorial Library - acceptance of upset bid on library by Morris & Golding 290

Pension -Board - Dr. Wayne Montgomery appointed as member of the Board of Examiners of the Policemen's and Firemen's Pension and Disability Fund. 291

Public Service Companies - Discussion re: suite filed by companies re: taxes 329

Proclamation - "National Boy's Club Week" - April 15-21, 1979 329

Proclamation - "Private Property Week in Asheville" - April 15 - 21, 1979 330

Proclamation - "Pan American Day and Pan American Week" - April 14 - April 15-21, 1979 330

Patton, Mr. and Mrs. Dewey - Claim against the City 330

Proclamation - Volunteer Service Week - April 22 - 28, 1979 335

Proclamation - National YWCA Week - April 22-28, 1979 335

Proclamation - National Secretaries Week - April 22-28, 1979 358

Proclamation - Shrine Hospital Weekend - April 28, 1979 358

Proclamation - Respect for Law Week - May 1 - 7, 1979 359

Proclamation - United Towns Day - April 29 359

Proclamation - Rememberance of the Victims of Holocaust - April 28-29, 1979 359

Quit Claim Deed - Mayor authorized to execute this deed in favor of Boiling Springs Baptist Church. 129

Retirement Plan and Trust, Firemen's - Amendment to this Plan and Trust allowing firemen until January 1, 1978 to elect to come under this plan. 144

Retirement - Continuation of group health and hospitalization insurance for City employees who have retired prior to age 65 or eligiblity for Medicare benefits. 163

Retirement - Desire expressed for the Asheville City Council to provide additional fringe benefits to City employees who participate in the N. C. Local Government Employees Retirement system. 164

Retirement - Enlistment in the N. C. Local Government Employees Retirement System (Asheville Firemen's Pension and Disability Fund). 164

Retirement - Enlistment in the N. C. Local Government Employees Retirement System (Asheville Uniformed Policemen's Retirement Plan and Trust). 164

Retirement - Enlistment in the N. C. Local Government Employees Retirement System (Asheville Uniformed Firemen's Retirement Plan and Trust). 165

Rock Hill Road/Stockwoods Area Residents - Hearing date set relative to rezoning property on this road - page 166; hearing and 1st reading - page 199; 2nd reading - page 208; 3rd reading - page 218.

Rainey, Gene E. - This Councilman presented a letter about an Inspections Employee relative to a conflict of interest. 178

Rayfield, William A. - A claim was received by this person. 185

Rogers, Mrs. Roy - This person had a complaint about the East Riverside Urban Renewal Plan and spoke in favor of selling Rev. Wesley Grant's the parcel of land he is requesting. 203

Revitalization Commission - Councilman Michael requested a report from the City Manager relative to a requested budget that this Commission had asked for - page 221; City Manager Report - page .

Rash Road - Hearing date set relative to closing a portion of this road - page 244; hearing and approval to close - page . Tabled - page 268. tabled- page 318

Rardin, Mrs. Thomas E. - This person was reappointed to the Sinking Fund Commission for Buncombe County. 244

Revenue - Ordinance amending Ordinance 1027 for the levy and collection of business license taxes. 252

Rock Hill Road - Hearing date set relative to the approval of the site plan of the proposed 115 KV Substation to be located on a 12-acre tract adjoinint this road - page 255; hearing and approval - page 267.

Ruckman Brothers of Enka, N. C. - Mayor authorized to sign on behalf of the City of Asheville a Change Order No. IV with this company for the project known as Montford Area Public Works. 6

Roupe, Kay W. - This person's claim was submitted to the City's insurance carrier. 37

Revitalization Plan, Asheville - Hearing was held relative to this - page 39; hearing continued - page 47, 53, 61, 73, 81, 92, 99 and 110.

Redevelopment Plan - City Council approved the redevelopment plan for the Eagle-Market Street Neighborhood and Economic Development Project - hearing - page 40; hearing continued - page 48. 40

Riverfront Revitalization Plan - Preparation of this Asheville plan was authorized. 49

Recreation Board for Asheville - Mrs. Hal R. Cory, Lawrence Gilliam and William Pfeiffer were reappointed to this Board. 59

Rock Hill Apartments - Hearing date scheduled relatite to the review of this development - page 70; hearing - page 81 .

Rescue Squad Week in Asheville - September 4-10, 1978 was proclaimed as such. 78

Retirement Plan and Trust, Firemen - This Plan and Trust was amended to give the firemen hired after December 1, 1977 a chance to participate in this plan. 94

Retirement Plan and Trust, Policemen - This Plan and Trust was amended to give the policement hired after December 1, 1977 a chance to participate in this plan. 94

Resignation Rescinded - Councilman Michael read a statement rescinding his resignation. 99

Rosscraggon Reservoir Improvement - This project was approved to be funded by WSIF funds for FY 1978-79. 104

Refuse Collection - Rates set for refuse collection for governmental and non-profit agencies. 104

Revenue Ordinance - Amendment of this ordinance enabling the courts as well as the City Manager to revoke or suspend privilege license - page 113 and 119.

Roupe, Joyce (Kay) Wilson - A claim was received from Attorney James Gary Rowe on behalf of this person. 120

Robindale, 11 - Residents of Linden Avenue requested this house be demolished. 121

Rainey, Gene E. - This Councilman requested a status report on the claims of Mrs. Edith Miller and Mrs. Simmons. The City Manager said that they are being investigated. 122

Riverside Drive - Neagle Outdoor Advertising Company requested sign permit approval on a billboard sign on this street - page 125 and 208.

Reid, Larry E. - This person presented the City a claim for damages. 133

Retirement Plan and Trust, Policemen's - Amendment to this Plan and Trust allowing police officers until January 1, 1979 to elect to come under this plan. 144

Ray, Jesse, Jr. - This person was appointed to the Board of Directors of the Asheville Buncombe Community Relations Council. 259

Recreation Park - Mayor authorized to sign a contract agreement with Johnson Amusement Rides, Inc. for the operation of amusements, rides and concessions at this park. 274

Ray, Ms. Mary King - A claim was received by this person. 275

Retirement benefits - disability retirement benefits approved for Guy O'Conner for line-of-duty. 290

Rash Road - Public hearing continued relative to closing a portion of Rash Rd. 300

Ronnie Milsap Day - Proclamation for March 24, 1979 302

Retirement - REsolution of appreciation and commendation to Wilmer J. Blackwell 302

Rockwell International, Inc. - awarded bid for fire service turbo meter 309

Redmon, Grover - Petition complaining about this person building house on Greenleaf Circle ; report by City Manager- page 321 312

Roberts, Fire Driver Richard - resolution of appreciation - retirement 322

Riverside Drive - changed from NC191 to SR 1477 327

Richmond Hills - annexation of W.N.C. Baptist Homes, Inc. property - hearing scheduled, page 332, hearing and 1st reading, page ; 2nd reading, page ; 3rd reading, page ; 332

Rock Concerts - Statement by Vice-Mayor Horton re; concerts at Civic Center 356

Rock Concerts - Statement by Councilman Rainey re: concerts at Civic Center 357

Respect for Law Week- Proclamation for week of May 1 - 7, 1979 359

Southworth Construction Company, Inc. - Mayor authorized to sign Change Order No. 2 with this company for the project known as Renovation of Valley Street Maintenance Facility. 89

Silverman Company - Bids awarded to this company for galvanized corrugated steel pipe for the Parks and Recreation Department. 89

Sign Permit Approval - Approval was given to Clyde Savings and Loan Association on 10 Woodfin Street for a letter wall sign. 97

Sign Permit - Approval of this permit for A F E Federal Credit Union at 219 Haywood Street. 102

Spivey Mountain - This project was approved to be funded by WSIF funds for FY 1978-79. 104

Southside Avenue - City of Asheville authorized to lease certain property at the corner of this Avenue and Valley Street for a service station. 104

Supply Specialties, Inc. - Bids awarded to this company for fire protection equipment for Asheville Water Treatment Plant at North Fork. 105

Sanders, Marshall - This person's claim was sent to St. Paul Fire and Marine Insurance. 109

Swain Property - Hearing held on this property (N. Asheville Park.) 111

Service Station Components - Bids awarded to Feemster Pump and Tank Company for these to be used by the City of Asheville. 114

Salt - Bids awarded to International Salt Company for bulk solium chloride (rock salt) for snow and ice control for the Street Division. 114

Street Division - Bids awarded to International Salt Company for bulk sodium chlorida (rock salt) for snow and ice control for this Division. 114

Sign Regulations - Hearing set relative to a recommendation from the Planning and Zoning Commission revisting Article 9 of the Zoning Ordinance - page 115; hearing - page 134, 1st reading-pg. 170, 2nd reading-pg. 182, 3rd reading-pg. 190.

Simmons, Mrs. - Dr. Rainey requested a status report on the claim of this person. The City Manager said that the claim was being investigated. 122

Sign Permit - Neagle Outdoor Advertising Company requested sign permit approval for a billboard on Riverside Drive - page 125 and 208.

Sign Permit - Neagle Outdoor Advertising Company requested sign permit approval for a billboard on Tunnel Road - page 125 and .

Simmons, Mrs. - This person complained to Council about a business that is being carried on at 574 Sand Hill Road. 18

Sand Hill Road, 574 - Mrs. Simmons complained to Council about a business that is being carried on at this address. 18

State Highway Commission - Termination of the 11-6-61 agreement with this Commission concerning the lighting of the Asheville Expressway. 18

Southern School Service, Inc. - Bids were awarded to this company for folding chairs, folding tables and office furniture for the Montford Recreation Center, Parks and Recreation Department. 20

Shannon Chemical Corp., Malvern, PA. - Bids were awarded to this corporation for chemicals for treatment of water. 21

State Street - A citizen complained of a vacant lot on State Street that needs to be cleared. 24

Sweeten Creek Road - Hearing date was set relative to the site plan of proposed Mini Warehouse Facilities to be located on this Road - page 27; hearing and approval - page 56, 86, 112 and 117.

State Street Fire Line - Mayor authorized to sign a contract with Hobson Construction Company, Inc. for this project. 27

Searcy, Bob - A claim was received by this person and was forwarded to our insurance carrier. 28

Sanitation - The City Manager explained that a brochure explaining the new garbage pick-up system will be delivered. 28

Sign Permit - The sign permit for the Haywood Transfer and Storage Company, Inc. was approved. 43

Sign Permit - Mr. Ramsey of '76 Station at Westgate discussed a sign permit. 43

Sechler, Mr. R. L. - This person'c claim was forwarded to the City's insurance carrier. 45

Southern Bell - The claim received by this company was referred to the City's insurance carrier. 51

Speed Regulations - Speed regulations changed on N. Hanover St. to the west end of Beaucatcher Tunner - page 57, 68, 75, 88.

Sparks, Bonnie - A claim was received by this person. 60

Sparks, Bonnie - This person's claim was submitted to the City's insurance carrier. 70

Sams, Neil C. - Resolution of appreciation to this Captain in the Fire Department. 73

Solicitations, Charitable - This section of the Code of Ordinances was repealed. 75

Scoreboard, Football - Bids were awarded to The Sports Mart, Inc. for this for Memorial Stadium, Parks and Recreation Department. 78

Skills Development Program - Mayor authorized to enter into a contractual agreement with Buncombe County to administer this City of Asheville Program. 210

Southworth Construction Company, Inc. - Mayor authorized to sign Change Order No. 4 with this company for the project known as Renovation of Valley Street Maintenance Facility. 215

Sanitation - Budget amendment to lease a front-end loader. 228

South Mills River - Request to classify this river. 228

Sirchie Finger Print Laboratories, Inc. - Bids awarded to this company for one fully equipped Mobile Crime Lab for the Police Department. 228

Sinking Fund Commission - Letter from this Commission relative to dissolution. 240

Sinking Fund Commission for Buncombe County - Mrs. Thomas E. Rardin was reappointed to this Commission. 244

State Register System - Endorsement of this system for the State of N. C. 251

Sanitation - A revision of this code (rollout receptacles). 257

Sewell, Mr. Ernest Lee, Jr. - This person was reappointed to the Adult Advisory Board of the Asheville Buncombe County Youth Council. 259

Street Department - Mayor Trantham commended these City employees involved in the recent snow clean up procedure. 260

Southworth Construction Company, Inc. - Mayor authorized to sign Change Order No. 5 with this company for the renovation of Valley Street Maintenance Facility. 264

Sinking Fund Commission - Revised bill of the dissolution of this Commission. 266

School Board, Asheville - reappointing of Mrs. Linda Winner 291

Sherlin , Henry A. - Claim against city 293

Street - public hearing continued relative to closing portion of Rash Road. 300

Sams Lincoln-Mercury, Inc. - claim against City 302

Scott Street - Hearing date set to close a portion of this street - page 128; hearing and closing - page . Tabled - page 175. Scott St. deleted from resolution - page 226.

Swain Property - Mayor authorized to sign an agreement with the N. C. Department of Natural Resources and Community Development for the development of a North Asheville Park on the property formerly known as this. 129

Stephenson, Mrs. Mrytle - A claim was received by this person. 141

Simmons, Mr. and Mrs. - Discussion relative to their neighbor operating a business in his home on Sand Hill Road. 142

Sand Hill Road, 574 - Mr. and Mrs. Simmons and Council discussed their neighbor operating a business in his home on Sand Hill Road. 142

Sea-Nic Enterprises - Hearing date set relative to rezoning property on Oteen Park Place on property owned by this company - page 146; hearing and 1st reading - page 176; 2nd reading - page 183; 3rd reading - page 191.

Seymour Air Force Base Flyover - This base has been given permission to do a flyover in observance of Veteran's Day on November 11, 1978. 147

Southworth Construction Company, Inc. - Mayor authorized to sign Change Order No. 3 with this company for the project known as "Renovation of Valley Street Maintenance Facility." 155

Soil and Material Engineering Incorporated - Mayor authorized to accept a proposal by this firm in Raleigh, N. C. 158

Sign Ordinance - Discussion relative to amending Ordinance No. 322 regarding the Sign Regulations Section. 163

Sign Permit - Approval of a sign permit for Telco Credit Union, 7 Orchard Street. 165

Street Division - Bids awarded to the N. C. Equipment Company for 6 salt/sand spreaders, self contained, Hopper type for snow and ice control for this division. 178

Scott Street - Discussion relative to the closing of this street. 185

Selective Enforcement Squad - Report from this squad in the Police Department. 186

Southern Meter & Supply Company - Bids were awarded to this company for 100 dry top traffic model fire hydrants. 191

Stickney, James W., III - This person was appointed to the Asheville-Buncombe Insurance Advisory Committee. 194

Street and Highway System Responsibilities - Mayor authorized to execute an agreement with the N. C. Board of Transportation for the purpose of amending Agreement No. 11-28-77 on this. 201

Sheley, Gary Lewis - A claim was received by this person. 202

Smith, Don Alan - A claim was received by this person. 202

Singleton, Margaret Wilson - A claim was received by this person. 202

Shroat, James L. - disability retirement benefits approved for line-of-duty 307

Sanitation - Bids awarded for cab and chassis to Sanco Corp. 309

Sanco Corp. - awarded bid for cab and chassis with hydraulic body for Sanitation 309

Shroat, Captain James J. - resolution of appreciation - retirement 322

Speed Regulations - ordinance changing Riverside Drive and Hill Street from N.C. 191 to SR 1477 327

School District Line - Vice-Mayor Horton requested report on city school district lines coinciding with city limits. 329

Smith Bridge - resolution recommending repair of bridge 355
hearing by state on same, page 358

Senior Citizens Intern Program - Letter from Senator Robert Morgan 358

Sure Fire Distributing Inc. - claim against the city 358

Secretaries Week - Proclamation for week of April 22-28, 1979 358

Shrine Hospital Weekend - Proclamation for weekedn of April 28, 1979 358

Streets - Streets in the East Riverside Urban Redevelopment Area named Dailey Drive - Gilliam Place and Tolula Lane. 237

Thoms Cablevision - Letter from WNC Central Labor Union relative to this company. 229

Taxicab Service - First reading on increasing fares prescribed for this service - page 242; 2nd reading - page 282; 3rd reading - page 282. Tabled - page 246.

Trammel, Richard - This person was reappointed to the Asheville Area Civic Center Commission. 244

Tallent, T. Cecil - This person was reappointed to the Board of Trustees of the Firemen's Relief Fund. 244

Troitino, Brenda - A claim for damages was received by this person. 260

Tourists Baseball, Inc. - Mayor authorized to execute a lease with this company. 262

Tax Bills - Discussion on the penalty rate for delinquent tax bills. 275

Transit Authority - acceptance of bids for brake drum lathe and grinder - Star Machine and Tool Company 301

Toxaway Street (5) - public hearing scheduled for demolition of 5 Toxaway Street, hearing and 1st reading, page 326; 2nd reading, page 332; 3rd reading, page 355; 301

Traffic - changing Riverside Drive and Hill Street from N.C. 191 to SR 1477 327

Taxes - Discussion re: suit filed by Public Service Companies relative to taxes 329

Tolula Lane - street named this in the East Riverside Urban Renewal area 237

Talman's Office Supplies, Inc. - Bids were awarded to this company for folding chairs, folding tables and office furniture for the Montford Recreation Center, Parks and Recreation Department. 20

Ticar Chemical Co. - Bids were awarded to this company for chemicals for treatment of water. 21

Thompson-Hayward Chemical Co., Thomasville, NC - Bids were awarded to this company for chemicals for treatment of water. 21

Turner, Robert - This person was reappointed to the Planning & Zoning Commission. 33

Transit Marketing Program - Budget amendment to include the total appropriation for this program grant agreement through June 30, 1979 and to include expenditures and revenues through June 30, 1978. 36

Tickometer - Bids were awarded to Pitney Bowes for this for the Collections Division. 44

Tunnel, Beaucatcher - Spped regulations changed from N. Hanover Street to the west end of this tunnel - page 57, 68, 75 and 88. 57

Tree Commission - Members were appointed to this Asheville Commission. 57

Town Mountain Road - Councilman Michael requested better trash collection and better police patrol on this Road. 60

Tunnel Road, 200 - Hearing held relative to the plan for the proposed apartment development known as the Asheville Terrace. 65

Transportation, Bus - City Manager reported that the City has received a federal grant for improvements to the bus transporation system. 70

Trulove, Mrs. David M. - This person's claim was logged. 98

Tiny Farms - This project was approved to be funded by WSIF funds for FY 1978-79. 104

Theatrical Equipment Rental, Inc. - Bids were awarded to this company for two high intensity direct current carbon arc follow spotlights for the Asheville Civic Center. 105

Tunnel Road - Neagle Outdoor Advertising Company requested sign permit approval for a billboard on this road - page 125 and .

Tobe, Troy S. - A claim was received by this person. 141

Telco Credit Union - Approval of a sign permit for this Credit Union on 7 Orchard Street. 165

Taylor and Murphy Construction Company, Inc. - Mayor authorized to sign a contract with this company for the project known as "Johnson School Road 6-Inch Water Line." 167

Terminal Ramp at the Asheville Airport - General aviation parking controlled on this ramp. 192

Taylor, James Walter, Jr. - This Sanitation employee reported the misuse of City funds within his department. City Manager said it was thoroughly investigated. 217

United States Department of Transportation, Urban Mass Transportation Administration - Contract between the City and this department, Grant Number NC-90-0041, and authorizing the City Manager of the City of Asheville to receive and expend Federal funds. 22

Urban Mass Transportation Administration - Mayor authorized to execute a contract with this administration for project no. NC-05-4023. 58

Urban Mass Transportation Act of 1964, as amended - Contract with the Department of Transportation for a bus grant. 76

Uniforms - Bids were awarded to Asheville Army Store for these for the Fire Department. 96

Upper Haw Creek - This project was approved to be funded by WSIF funds for FY 1978-79. 104

Unicef Day - This day was proclaimed as October 31, 1978. 121

United Nations Day - This day was proclaimed as October 24, 1978. 121

United Airlines - City Manager announced that this airlines is cutting some flights as a result of the energy problems. 276

UDAG Project - portion of grant approved 321

Utility Companies - discussion re: taxes- suit filed by public service companies 329

Urban Mass Transportation Act - grant from N.C. Dept. of Transportation for technical study for 1979-80 356

United Towns Day - Proclamation for April 29, 1979 359

Victoria Health Care Center - Hearing date set for this group development - page 22; hearing and approval - page 42 .

Valley Street Maintenance Facility, Renovation of - Mayor authorized to sign Change Order No. 2 with Southworth Construction Co., Inc. for this project. 89

Valley Street - City of Asheville authorized to lease certain property at the corner of Southside Avenue and this Street for a service station facility. 104

Vehicles - Bids awarded to Apple Tree Chevrolet for 18 police vehicles for the Asheville Police Department. 126

Veteran's Day - November 11, 1978 proclaimed as such. 133

Vietnam Veternas Week - The week of November 12-18, 1978 was proclaimed as such. 147

Veteran's Day - Seymour Air Force Base has been given permission to do a flyover in observance of this day, November 11, 1978. 147

Valley Street Maintenance Facility, Renovation of - Mayor authorized to sign Change Order No. 3 with Southworth Construction Co., Inc. for this project. 155

Vonsaggon, Sharon H. - A claim was received by this person. 179

Valley Street Maintenance Facility, Renovation of - Mayor authorized to sign Change Order No. 4 with Southworth Construction Company, Inc. for this project. 215

Valley Street Maintenance Facility, Renovation of - Mayor authorized to sign Change Order No. 5 with Southwroth Construction Company, Inc. for this project. 264

Volunteer Service Week - Proclamation for week of April 22-28, 1979 335

Wolfe, Thomas - Proclamation recognizing October 3, 1978 as "Thomas Wolfe's Birthday." 109

Watson, David R. - A claim was received by this person. 115

West Asheville Sanitary Sewer Improvements - Mayor authorized to sign change orders on this project with W & W Contracting Company. 119

W & W Contracting Company - Mayor authorized to sign change orders with this company for the project known as West Asheville Sanitary Sewer Improvements. 119

Waller, Louis C. - Hearing date set relative to rezoning property at South Bear Creek Road and N. C. 191 Connector on property owned by this person, Brian Wilcox and First Citizens Bank and Trust Company - page 141; hearing and 1st reading - page 160 ; 2nd reading - page ; 3rd reading - page .

Wilcox, Brian - Hearing date set relative to rezoning property at South Bear Creek Road and NC 191 Connector on property owned by Louis C. Waller, this person and First Citizens Bank and Trust Company - page 141; hearing and 1st reading - page 160; 2nd reading - page ; 3rd reading - page .

Water Quality Management Plan - Presentation of the 208 Management Plan. 155

Water Bond Funds, State - Application for this authorized. 156

Water Quality Management Plan, 208 - City of Asheville's interest and support of this plan and its willingness to proceed with implementation of responsibilities identified in the plan. 166

WNC Parking Lot Services, Inc. - City Manager authorized to sign a contract with this company for various services in the Asheville Civic Center Parking Garage relating to cleaning. 166

Whitaker, Mrs. Julia - A claim was received by this person. 179

Wilson, Mrs. Billie - A claim was received by this person. 185

Water Bond Funds, State - Amendment to this application authorized. 189

Webb, Robert S., Jr. - This person was appointed to the Asheville-Buncombe Insurance Advisory Committee. 194

W.N.C. Baptist Homes, Inc. - City Clerk was authorized to investigate a petition received by this company relative to annexation. 221

WNC Central Labor Union - Letter received from this union relative to Thoms Cablevision. 229

Water System - City Manager requested authorization to establish an agreement with Harold Bennett, Attorney, regarding assistance in the development of legal information pertaining to the Water System. 241

Waste Collection System Plan - Filing of a grant application authorized for development of a Solid Waste Collection System Plan. 7

Washington Road, 93 - Date set for the adoption of an ordinance directing the Housing Office to demolish this structure - page 20; hearing and 1st reading - page 41 ; 2nd reading - page 48; 3rd reading - page 56.

Wyatt Street - Hearing date set relative to rezoning property at the corner of this Street and Caribou Road on property owned by Dr. James H. Maddox and Handiskills - page 27; hearing and 1st reading-pg. 54,64 ; 2nd reading - page ; 3rd reading - page .

Wheels, Inc. - A claim was received by this person and was forwarded to our insurance carrier. 28

Wilmer, Bill - This street department employee commented relative to the pay plan. 32

Water Agreement - Execution authorized of an extension of the water agreement by and between the City of Asheville and the County of Buncombe and certain water districts within Buncombe County. 34

Western Carolina Tractor Company - Bids awarded to this company for one low-boy trailer for the Motor Transport Division. 37

Westgate, '76 Station - Mr. Ramsey of this Station discussed a sign permit. 43

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Zoning - Hearing date set relative to rezoning property at 20 Britt Drive on property owned by E. Dennis and Emil D. Young - page 260; hearing and 1st reading - page ; 2nd reading - page ; 3rd reading - page .

After discussion, Councilman Michael moved to delete $60,000 from the appropriation to the Asheville Chamber of Commerce and that the $60,000 be used to supplement the wage increase up to 50¢ per hour for the following positions:

Laborer I
Laborer II
Lead Laborer
Janitor
Watchman
Baggageman
Reservoir Attendant
Garage Attendant
Elevator Operator
Parking Attendant
Traffic Serviceman I/II
Janitor Leadman
Tree Trimmer

This motion was seconded by Councilman Rainey.

Councilman Cole said, if Council members are in agreement to give the 50¢ per hour increase, he would favor an increase in the tax rate by 2¢, rather than to cut the proposed budget.

Wesley F. Talman, Jr., from the law firm of McLean, Leake, Talman and Stevenson, said he had been employed by the various departments who were participating in the walkout, to represent them. He said he was not collective bargaining and his intentions are not union maneuvers. He said he did not think a 5% across-the-board increase was fair, since an employee making $20,000 would receive a $1000 increase and another employee making $5,000 would only receive a $250 increase. He said an incentive pay plan should not be applicable to labor classifications.

Wilbur Hobby, labor union official, spoke in support of the striking city employees. He said his statement was in no way collective bargaining or a negotiation for a contract.

Mrs. Sol Burney, 15 Colonial Place, spoke in support of increasing the wages for the strikers. She said the problem should be settled.

Mr. Bill Wilmer, employee of the Street Division, spoke in support of a 50¢ per hour increase. He said the employees on Valley Street are not counted and City officials have no compassion for them.

Mr. Carl Wilder, former Water Department employee, also spoke in support of increasing the salaries of the laborers.

Mr. Ray Stepp, of the Asheville Central Labor Union, spoke in support of the striking workers. He said the laborers should receive decent wages and treated as citizens rather than a number on a payroll. He said incentive pay creates ill-feelings and should not be used.

Mr. John Young, of the Asheville Firefighters, spoke against the proposed pay plan. He said the employees have no input to pay plans.

Mayor Trantham then called for a voice vote on Councilman Michael's motion. This motion failed on a voice vote of 3-2 with Councilman Michael and Councilman Rainey voting "aye." Vice-Mayor Horton, Councilwoman Price and Councilman Cole voted "no."

Thursday - June 29, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Counilmen Gene E. Rainey, F. Jack Cole, Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Ralph D. Morris, Jr. and Councilwoman Norma T. Price (Councilwoman Price took her seat at 4:00 p. m.)

INVOCATION

Vice-Mayor Bill B. Horton gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the June 22, 1978 meeting.

Upon motion of Councilman Cole, seconded by Vice-Mayor Horton, the minutes of the June 22, 1978 meeting were approved as submitted.

ORDINANCE NO. 1062 - AN ORDINANCE REVISING THE SANITATION CODE OF THE CITY OF ASHEVILLE

2. Mayor Trantham advised that the third reading of Ordinance No. 1062 would not be held today. However, Council would receive any citizen recommendations.

There being no citizen recommendations, Vice-Mayor Horton moved that the third and final reading of Ordinance No. 1062 be scheduled for July 13, 1978. This motion was seconded by Councilman Rainey and carried unanimously.

ORDINANCE NO. 1063 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1978-79

3. Consideration was given to the third reading of Ordinance No. 1063, an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the Fiscal Year 1978-79.

Mayor Trantham said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

Council, in an attempt to meet the wage demands of striking city employees, discussed several possible revenue sources in order to come up with revenue to increase certain labor classifications in the pay plan by 50¢ per hour.

Mike Smith, Director of Personnel, said in order to give every employee that will not be receiving at least a 50¢ per hour increase as of July 1, 1978 Council would have to generate revenue in the amount of $58,656.00 in the General Fund and $32,200.00 in the Water Budget. He gave Council a list of positions that would be affected by the 50¢ per hour wage increase.

CITY OF ASHEVILLE
SUMMARY OF BUDGET CHANGES
JUNE 29, 1978

DESCRIPTION	ACCOUNT NO.	FROM	TO	CHANGE
General Fund:				
Board of Elections	10-405.0044	-0-	$ 7,000	$ 7,000
Revenue Trans. - Civic Center	10-398.0423	$ 252,392	$ 251,813	$ (579)
Non-Departmental Contingency	10-599.0097	$ 100,000	$ 93,520	$ (6,480)
ABC Revenue	10-350.0000	$ (450,000)	(457,000)	$ (7,000)
Police/Fire Retire/Supp.		-0-	7,059	7,059
Civic Center:				
Civic Center Commission - Professional Services	13-423.7144	$ 5,000	$ 4,000	$ (1,000)
M & R Building	13-423.0015	$ 20,000	$ 20,421	$ 421
Contribution from Other Funds	13-397.0000	$ (252,392)	$ (251,813)	$ 579
Revenue Sharing Trust Fund:				
Parking Services	50-433.0073	$ 15,000	-0-	$ 15,000
Park Maintenance Tree Commission	50-502.9544	-0-	$ 5,000	$ (5,000)
Non-Departmental Contingency	50-599.0097	$ 8,991	$ 5,991	$ 3,000
Aviation: C. O. Other Imp.	50-421.0073	$ 14,000	$ 27,000	$(13,000)
Police/Fire Retiree/Supp.		-0-	5,991	5,991

This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1063 passed on third and final reading.

Complete text of Ordinance No. 1063 will be found in Ordinance Book No. 8 at page 226.

It was the consensus of Council that Ordinance No. 1063 passed on third reading with the understanding that the City Manager's recommendations regarding the pay plan would be implemented.

ORDINANCE NO. 1065 - AN ORDINANCE ESTABLISHING AN ADVISORY BODY KNOWN AS THE ASHEVILLE TREE COMMISSION

4. Consideration was given to the second reading of Ordinance No. 1065, an ordinance establishing an Advisory Body known as the Asheville Tree Commission.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Councilman Michael then moved to appropriate $32,200 of the Water Budget to supplement a 50¢ per hour increase to the Labor I and Labor II positions, these funds to come from a reduction in overtime in the amount of $32,200, leaving a balance in the overtime line item of $35,400.

Councilman Rainey offered a substitute motion that the City Council request that the City Manager examine the pay plan with the following goals in mind:

(a) to reschedule the time table for performance pay so that it can be paid by January 1, 1979;

(b) to institute a longevity plan for those employed less than five years;

(c) to examine the positions of Labor I to ascertain how many of them can be rewritten to become Labor II.

Payment for these increases will come from:

(a) a $10,000 reduction in the Chamber of Commerce contribution;

(b) a reduction in dues and subscriptions;

(c) car allowances;

(d) in-state travel (which will be undertaken in a city automobile);

(e) eliminate the privilege of employees taking city cars and trucks home.

Councilman Michael's motion died for the lack of a second.

Councilman Rainey's substitute motion died for the lack of a second.

The City Manager reviewed portions of his budget letter presented to Council on June 15, 1978. He recommended that the budget as presented be adopted and that a study be given to reconsider the proposed pay plan to determine whether city employees could be given a raise above the 5 percent across-the-board raise proposed. He said a report on the study would be completed as soon as possible but not later than July 29, 1978. He said if the review shows that changes should be made, the changes that the City Council approves will recommend back pay to July 1, 1978.

Councilman Rainey was excused from the meeting at 6:50 p. m.

After discussion, Councilman Cole moved that Ordinance No. 1063 be amended to include a 2¢ tax rate increase in order to meet the needs of the employees of the City of Asheville. This motion died for the lack of a second.

Vice-Mayor Horton then moved that all amendments pertaining to the budget passed at the June 22, 1978 meeting be rescinded and that the following amendments be substituted:

RESOLUTION NO. 78-133 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CHANGE ORDER NO. IV WITH RUCKMAN BROTHERS OF ENKA, NORTH CAROLINA FOR THE PROJECT KNOWN AS MONTFORD AREA PUBLIC WORKS

6. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a change order no. IV with Ruckman Brothers of Enka, North Carolina for the project known as Montford Area Public Works.

The City Manager read the resolution. He said the following items would be added to the contract currently in progress with Ruckman Brothers Construction Company and called the Montford Area Public Works. 1) On Montford Avenue remove the existing sidewalk marked for removal and replace with new 5 feet wide 4-inch thick concrete sidewalk. 2) On Montford Avenue between the entrance to Klondike Apartments and the end of the existing sidewalk, place a 5 foot combination curb and sidewalk section. The total cost of this addition is $18,689.00.

Councilman Rainey suggested that if brick is presently on the sidewalk, that brick be used for historic preservation.

Upon motion of Councilman Rainey, seconded by Councilman Cole, Resolution No. 78-133 was unanimously adopted.

Complete text of Resolution No. 78-133 will be found in Resolution Book No. 10 at page 298.

SALE OF DISPOSAL PARCEL 81 - EAST RIVERSIDE URBAN RENEWAL PROJECT

7. Consideration was given to the sale of Disposal Parcel 81 in the East Riverside Urban Renewal Project.

The City Manager read a memorandum from the Housing Authority recommending the acceptance of the bid of Rice, Padgett & Talbert of $35,035.35 for Disposal Parcel 81 in the East Riverside Urban Renewal Project. The proposal calls for the construction of a 4,000 square-foot office building.

Councilman Michael moved to approve the sale of Disposal Parcel 81 in the East Riverside Urban Renewal Project to Rice, Padgett & Talbert in the amount of $35,035.35. This motion was seconded by Vice-Mayor Horton and carried unanimously.

BIDS - ONE (1) MODEL 4103 PLAYBACK UNIT FOR DICTAPHONE 4000 RECORDING UNIT FOR ASHEVILLE POLICE DEPARTMENT

8. Consideration was given to bids received June 26, 1978 for one (1) Model 4103 Playback unit for Dictaphone 4000 Recording Unit for the Asheville Police Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the only responsive bid of Dictaphone Corp. in the amount of $3,800.00.

Councilman Cole moved to accept the recommendation of the Purchasing Agent and award the bid to Dictaphone Corp. in the amount of $3,800.00. This motion was seconded by Councilman Michael and carried unanimously.

The City Manager said, at the request of Council, several changes to the ordinance as it relates to the Commission's activities on private property have been proposed. He said the changes are as follows:

1. Page 1, Section 1(a) - In the 4th line of the paragraph strike "and private property areas."

2. Page 3. - Add subsection 1. which would read as follows:

"(1) The Commission may provide advisory services for private property owners relative to the growth and protection of trees on their property provided that the property owner makes a specific written request for assistance."

After discussion, Councilman Michael moved to amend Ordinance No. 1065 to include the amendments read by the City Manager. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1065 passed on second reading.

ORDINANCE NO. 1068 - AN ORDINANCE REALLOCATING, AMENDING AND APPROVING COMMUNITY DEVELOPMENT BUDGET FUNDS SET FORTH IN THE CITY OF ASHEVILLE CAPITAL PROJECT FUND BUDGET FOR 1975-76

5. Consideration was given to an ordinance reallocating, amending, and approving Community Development Budget funds set forth in the City of Asheville Capital Project Fund Budget for 1975-76.

The City Manager read the ordinance explaining that it is estimated that $7,450 will be needed in order to cover cost overruns and complete the Community Development Hilltop Recreation Center Project and $7,450 is available from the Community Development Magnolia Park Project which will leave a balance in excess of $4,000 to construct a wading pool and thereby complete the project as planned. This ordinance will reflect the changes necessary in the budget.

Vice-Mayor Horton moved for the adoption of Ordinance No. 1068. This motion was seconded by Councilman Cole.

On a roll call vote of 4-0, Ordinance No. 1068 passed on first reading.

Vice-Mayor Horton moved to suspend the rules and proceed to the second reading of Ordinance No. 1068. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1068 passed on second reading.

Councilman Michael moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1068. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1068 passed on its third and final reading.

Complete text of Ordinance No. 1068 will be found in Ordinance Book No. 8 at page 274.

Thursday, July 13, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey, F. Jack Cole, Otis B. Michael, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Councilman Otis B. Michael gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the June 29, 1978 meeting.

Vice-Mayor Horton noted that a preliminary summary of budget changes was inadvertently put into the minutes and requested that the summary be changed to reflect the corrected summary as approved by Council.

Councilman Rainey said since the agenda for the June 29, 1978 meeting was rearranged and since he was excused from the meeting at 6:50 p. m. the minutes of the meeting were not specific in stating which items he participated. He requested that the minutes reflect what items he did participate in.

Councilwoman Price said she was late for the meeting, arriving at 4:00 p. m. and she would also like the minutes to reflect what items she participated in.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton the minutes of the June 29, 1978 meeting were approved as amended.

RESOLUTION NO. 78-135 - RESOLUTION IN MEMORY OF CALVIN W. MARSHALL

2. Consideration was given to a resolution in memory of Calvin W. Marshall, former Vice-Mayor of the City of Asheville.

Councilman Ralph D. Morris, Jr. read the resolution.

Upon motion of Councilman Morris, seconded by Councilwoman Price, Resolution No. 78-135 was unanimously adopted.

Complete text of Resolution No. 78-135 will be found in Resolution Book No. 10 at page 300.

RESOLUTION NO. 78-136 - RESOLUTION REQUESTING THE BOARD OF ELECTIONS FOR BUNCOMBE COUNTY TO CALL AN ELECTION PURSUANT TO G. S. 18A-51, AS AMENDED BY THE 1978 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY, ON THE QUESTION OF WHETHER TO ALLOW THE SALE OF MIXED BEVERAGES IN SOCIAL ESTABLISHMENTS AND RESTAURANTS WITHIN THE CITY OF ASHEVILLE

2. Consideration was given to a resolution requesting the Board of Elections for Buncombe County to call an election pursuant to G. S. 18A-51, as amended by the 1978 Session of the North Carolina General Assembly on the question of whether to allow the sale of mixed beverages in social establishments and restaurants within the City of Asheville.

RESOLUTION NO. 78-134- RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION FOR DEVELOPMENT OF A SOLID WASTE COLLECTION SYSTEM PLAN

9. Consideration was given to a resolution authorizing the filing of a grant application for development of a Solid Waste Collection System Plan.

The City Manager read the resolution explaining that this grant will aid in planning or updating plans for municipal solid waste collections systems.

Upon motion of Vice-Mayor Horton, seconded by Councilman Cole, Resolution No. 78-134 was unanimously adopted.

Complete text of Resolution No. 78-134 will be found in Resolution Book No. 10 at page 299.

COUNCIL MEEETING OF JULY 6, 1978 CANCELLED

Councilman Michael moved that the meeting of July 6, 1978 be cancelled. This motion was seconded by Councilman Rainey and carried unanimously.

EMERGENCY GARBAGE PICKUP CENTERS

As a matter of information, the City Manager announced that until the City Employees' Strike is over, residents are asked to take their garbage to one of the following centers:

Ira B. Jones School - North Asheville
Vance School - West Asheville
Oakley Fire Station Parking Lot- Oakley
Biltmore School - Biltmore & Shiloh
New Haw Creek School- East Asheville
Hilliard Street at Aston Park - Montford and South French Broad

RALPH BISHOP - LOTTERY SALES

Mr. Ralph Bishop, again spoke to Council regarding the lottery sales in Asheville.

Adjournment.

Ray M. Hamilton
MAYOR

Marian F. Metcalf
CITY CLERK

The issue is control, straight out control. It's here, I think, that the citizens of Asheville will have to make up their minds — in the snowy days of January — which is an interesting date to select in the mountains. Avoiding the major election where there would be a major turnout. I can see the liquor by the drink forces and their strategy here and I don't blame them. They don't want a large turnout. You either rush into your election as the councilmembers of Black Mountain have chosen or you wait and pray for a six inch snow. I don't blame them. I guess if I'm engaged in strategy, I would decided that for my advantage too. Certainly, by avoiding the November election day, they have avoided a large turnout. I think its going to be more important that we discuss the issue of control and make sure we get an adequate turnout so this issue can be settled.

As far as control is concerned, it is my opinion that liquor by the drink will increase consumption of alcohol in Asheville and Buncombe County. There are debates over this and I've seen statistics on one side and on the other. It reminds me so much of the college debating season where you get a book that has a case for the affirmative and a case for the negative, and it just appears that there is no way to decide this point. In the data that I have seen, these data are conclusive that we will have increased consumption as a result of liquor by the drink.

Secondly, I think the mechanism of control of consumption as outlined by this bill is one of the most awkward that I've ever seen. For example, in one amendment on page two, the restaurant selling mixed drinks "must adopt rules for the special labeling of containers of alcoholic beverages sold for resale in mixed beverages and to require the holders of mixed beverage permits to maintain records of alcoholic beverages purchased and sold as mixed beverages and to maintain records of monthly sales of mixed beverages separate from other sales." Then turning to page seven there are several specifics here (and I won't take time to read them all) but first under point (a) on page seven one of the requirements is to: "it is not permitted to refill any alcoholic beverage container with any other intoxicating liquor for use on the licensed premises; (b) transfer from one container to another any special label, seal or devise required on containers of alcoholic beverages purchased for resale as mixed beverages." I submit to you that this will be impossible to enforce. There is no way that we can hire enough ABC agents to enforce the mechanics — the cumberances and involved and complex mechanics — of this bill. It is highly complex and I think we ought to be aware of that.

The third order of control that I'm concerned about is the sale to miners, or individuals under 21. On page one, it is prohibited "for any person, firm, or corporation knowingly to sell or give any alcoholic beverages or mixed beverages to any person under 21 years of age or any person under 21 years of age to purchase or possess, or for anyone to aid or abet such a person in purchasing alcoholic beverages or mixed beverages." We're

The City Manager read the resolution.

Corporation Counsel Moore read a letter from Sonya E. Friedrich, from the Buncombe County Board of Elections relative to the dates a referendum could be held.

Councilman Michael moved for the adoption of Resolution No. 78-136, amending the resolution to call for the election in the 3rd week in January, 1979. This motion was seconded by Councilman Cole.

The following statements were made by several Councilmembers.

Councilman Rainey: "Mr. Mayor, I would like to take some time to discuss this issue because it does appear, whether we like it or not, that we are into a campaign on liquor by the drink. I regret that we have rushed into this. I would prefer that we have an opportunity to prepare by having a public hearing on this issue, and I'm disappointed and I need not try to hide my disappointments. We have public hearings in this business, at the drop of a hat, for almost every issue in the world and all of a sudden you come to this one and I don't understand the rush to judgement. But, here we are anyway. It seems to me that we first of all need to clear the underbrush.

The issue involved here is not the issue of democracy versus dictatorship. It's not whether or not we are somehow not permitting people to exercise their rights, as citizens, to vote. The law that we are acting under was passed in Raleigh and that law states on page eight that "In any county or city where ABC stores have been established, an election may be called on the question of whether the on premises sale of mixed beverages should be allowed in social establishments and restaurants." What the people in Raleigh did was to place within the power of the City Council, or the Board of Commissioners, or by a petition, the privilege of calling an election. This is not denial of rights. It is first and foremost, a decision — like any other decision — that must be made by a Councilmember based on issue.

I want to avoid the debate over splitting a hair here. I cannot in my own mind split the hair. This issue is liquor by the drink. The issue is not democracy. The issue is whether you call an election.

The issue is not whether you block someone's right to vote and I think that we can clarify that, although I must admit I'm not at all very optimistic about that clarification sticking. In politics, you say that you have lost a battle when you have lost it in the press. (My good friends of the press over here on the left, and I can see the first line of troops sitting here, ask the questions: They are asking it that way. I know that they are going to correct that in the future, but I wanted to mention it in passing.) The issue is not referendum or as such, the issue is liquor by the drink.

Secondly, this is not a moral issue. We are not discussing dry versus wet. Personally, my religion teaches me temperance not abstinence. In general, the history of christendom teaches temperance not abstinence. So it's not a moral issue. It's not the wet forces versus the dry forces. It's not an attempt to return to prohibition.

Dr. Rainey brought up several things, three to be exact, and since he raised the issue, I'd just like to say I don't see how mixed drinks can cause increased consumption. If you can take a bottle to a restaurant and pour as much as you want without anybody knowing exactly how much you poured I think that is increased consumption as high as you can get it. If you have to order drinks by the jigger and pay for each one I think most peoples consumption would be better, in that minors would not be allowed to drink because they would be asked if they were minors at the time they purchased a drink rather than bring their own bottle in and just have to ask for a set up which is not prohibited by law to be sold to anyone.

I'm not going to say what I'm for or against. I'm going to say I think that the people should have the right to vote for what type of alcohol consumption they want in the City of Asheville. As far as voting for the election to be held on January 3, I would be willing to vote for the election to be held on any day that the brownbagging forces or the mixed drink forces want to have it. I don't see the difference. I don't know that much about politics to guess whether a light turnout will help or whether a heavy turnout will help. I just don't know. But if you want to change that I'll be glad to change it."

Vice-Mayor Horton: "Mr. Mayor, I was really hoping to listen to some of the other comments before making mine. I know there are members of the public who are here who would like to address the Council on this issue before we take our vote and certainly we will give these people an opportunity.

I'd like to preface my remarks with a couple of old fashioned sayings and I'm right in between two different interpretations by Councilman Rainey and Councilman Morris. First, "a rose by any other name would smell as sweet," that's from Shakespeare, probably from the Bible originally. Then theres another one "no matter how you slice it, it's still salami." I think that we do have a difference of opinion but I'll get to what my opinion is in just a moment.

Today this Council is not, contrary to what you have heard, just considering a referendum on liquor by the drink. It is considering calling another referendum on liquor by the drink. Now, I would like to assert my privilege to speak and make my remarks on behalf of the majority of Asheville voters who voted against liquor by the drink just a little over four years ago. If this Council calls for another referendum on liquor by the drink, we are saying to that majority of Asheville voters, "Your previous vote means nothing. It doesn't count." We're further saying the State legislature has chosen to ignore the 2-1/2 to 1 margin against liquor by the drink in the North Carolina statewide referendum and we are further telling this majority of the voters of Asheville that in conspiracy with the liquor industry and several special interest groups the democratic process has been unscrupulously, if not unethically, bypassed and you the majority of the citizens of Asheville are being required to replay this game that you won only a short time ago. You have to vote all over again and allow the minority and the special

not doing a very good job about policing the sale of liquor to minors now. This provision contains nothing that will help us in that enforcement; indeed, the provisions laid out in this bill will even make it more difficult to enforce the prohibition of sale of liquor to persons under 21. We're going into this totally blind. The size of the establishment.... I would ask the City Manager to tell me if we know how many restaurants in Asheville that would be under this bill be permitted to sale liquor by the drink. We do not have that information. I would ask whether the restaurant located at the airport will be permitted under this bill to sell liquor by the drink. No one knows how many restaurants within Asheville.....(Discussion followed among Council members relative to restaurant at the Airport being allowed to sell liquor by the drink).... We are looking at this issue flying blind.

So let me summarize, Mr. Mayor, the issue is not one of democracy or the lack of it. The issue is not one of morality. The issue is one of control and its on that basis that I think that we'll have to make our decision today. I cannot in my own mind support liquor by the drink. Now, I could, if I wanted to, I suppose, come down on both sides of the issue. Or, I could do a rapid act of mental gymnastics before the public which I suppose would be worth a rather large admission price in itself. That is I could say, "Personally, I have certain feelings on this. However, on the other hand, I will do something else; I will vote the other way."

Those of us with minority blood in us, such as Apache blood, do not like to speak with forked tongue. I cannot do this.

As I leave, leaving forward to the exit period of my tenue in politics, one thing that I promised myself is that I would at least be true to my own feelings. The issue here, Mr. Mayor, is liquor by the drink and for that reason I will vote against a call for an election on this issue."

Councilman Morris: "If Dr. Rainey is through I would like to absolutely disagree with his first premise. Now, you can say the issue is "twinkle, twinkle, little star"if you choose to, that won't make it true. The issue is democracy. The issue does have to do with whether or not this City Council will allow its citizens to take part in the decision making or whether this Council will deny them that privilege. Whatever you call it - it does not change the fact. The more often you say it the less sense it makes to me, frankly. I think the citizens have a right and I think this Council ought to allow them to make the determination themselves. I don't think we ought to dictate to them. "

Councilman Michael: "I'd like to agree with Councilman Morris. The only thing we are voting on today is whether or not the people should have the right to vote for mixed drinks or liquor by the drink. We are voting on a referendum. We are not voting on how the people should vote or whether we should have mixed drinks or not.

I have one final thought, remember this my friends and fellow townspeople, all who may be within the sound of my voice, our city will never be the same again if liquor by the drink comes in."

Mayor Trantham: "I do resent the fact that some think the election in January was set up or rigged by this Council because its going to snow on that day. I think the good Lord is the only one who know if it's going to snow, not this Council. I don't think this Council has any intention of depriving the citizens of a public hearing. Whatever action is taken here today is the time to have the public hearing. I have all the confidence in the world in this Council in doing what is honest and upright. I've never seen any other action since I've been here. I just wanted to clarify that."

Mrs. A. D. Brown spoke against the Council calling for a referendum on liquor by the drink.

Rev. Wilbur Groce, a vice president of the N. C. Christian Action League and minister of Asheville Wesleyan Church said he did not think the bill as written could be enforced. He said the citizens of Buncombe County voted in the statewide referendum and should be allowed to vote in this election. He also said Council should not rush into having an election before the guidelines are completed by the State ABC Board.

Mr. Don Taylor, President of the Buncombe County Christian Action League, said he recognized that Council would take a vote on the issue at todays meeting but since the State ABC rules have not been formulated he suggested that the vote be delayed until they have been completed.

Mr. John Hicks concurred with Mr. Don Taylor.

Mr. Bill Fass, a restaurant owner and citizen of Asheville, spoke in favor of calling a referendum on the issue of liquor by the drink. He said the citizens have a right to change their minds since the last statewide referendum.

At the request of Councilman Rainey, Mayor Trantham called for a roll call vote on the resolution.

Resolution No. 78-136 passed on a roll call vote of 4-2, with Councilwoman Price, Councilmen Cole, Morris and Michael voting "aye" and Vice-Mayor Horton and Councilman Rainey voting "no."

Vice-Mayor Horton moved that the City Manager advise Council no later than November 15, 1978 as to the status of the guidelines from the State ABC Board in order that Council could consider rescheduling the election date if the guidelines are not completed or sufficient. This motion was seconded by Councilman Morris and carried unanimously.

Complete text of Resolution No. 78-136 will be found in Resolution Book No. 10 at page 301.

interest crowd a second chance at forcing liquor by the drink upon your community. Now, thats what we'll we saying to the majority of the people of Asheville who voted in the statewide referendum in 1973.

Now, I have heard proponents of liquor by the dring argue that this is a question of controlling the amount of alcohol to be consumed in our community. In my opinion that is hogwash. This argument of control in the first place is a fallacy and perhaps can not be considered. In the second place, I agree with Councilman Rainey that statistics from all over this nation show that with liquor by the drink you have an increase, markedly increased, consumption of alcohol in a given community. I have here a chart that was made up by the Research Department of the Preferred Mutual Insurance Company, going all the way back to 1960 - running from 1960 to 1972 -- and on a comparative basis the figures of per capita consumption of alcohol in those states that have ABC stores or some similar control, but not licensed outlets of mixed drinks or liquor by the drink, the per capita consumption is running -- some of the figures 109, 106, 111, 132, and on to 1972 - 155. But with other licensed outlets of liquor by the drink the statistics run from 144 on up to 204 in 1972 or about a 33 per cent increase in the per capita consumption in those areas that do have licensed outlets for mixed beverages in their community. So statistics do bear out that if you are considering controls it would weigh heavily against liquor by the drink as no way to control public consumption of alcohol.

Now, let's get back to the basic issue. The question here is: (a) liquor by the drink as a legal means of the public consumption of alcohol in our city; or(b) no liquor by the drink to add to the social problems of our community. If we remove all the rhetoric and argumentation it boils down simply to this, even in the action this Council is about to take to day-- Liquor by the drink or no liquor by the drink.

There's another argument that I also consider a fallacy. The argument that "the people ought to vote on it." The simple truth answer to that is the people have already voted and the majority in Asheville voted against liquor by the drink. I see no evidence to this present moment that their feelings have changed in the slightest. Make no mistake about it, if this Council calls for this referendum it will in fact be consenting to the majority of Asheville citizens being victimized by some appallingly unscrupulous manipulations within the political system of North Carolina, namely our State legislature, and by so doing Council will be consenting to the subjection of all citizens of Asheville to a super rip-off by the liquor industry and other special interest groups which are even now standing in the wings already drooling. Litterly drooling over visions of the fat profits they expect to make from liquor by the drink. Be assured those special interest profits would be astronomical. For example, in what other business could one realize a mark up on its main product of 500% to 600%. My personal contention is this - in order to spare our community the trauma of a long disruptive and divisive political campaign-- the scars of which may well remain for many years- this Council should accept the fact that a majority of Asheville voters have already voted against liquor by the drink, and this Council should honor that democratic action by refusing to call another referendum on liquor by the drink.

After discussion, Councilman Cole moved to continue the public hearing until July 20, 1978 giving Council members an opportunity to look at the property in question. This motion was seconded by Councilman Morris and carried unanimously.

PUBLIC HEARING - GROUP DEVELOPMENT - PHASE II - ADDITION TO MEMORIAL MISSION HOSPITAL

4. A public hearing was held relative to the Group Development of Phase II of an addition to Memorial Mission Hospital.

Vice-Mayor Horton opened the public hearing at 5:02 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission at a meeting on June 7, 1978, reviewed the site plan of the proposed additions to Memorial Mission Hospital of W.N.C., Inc. The plan was prepared by Six Associates, Inc., Architects, and was submitted in accordance with Article 6, Group Developments of the Asheville Zoning Ordinance No. 322, as amended. The Commission voted to recommend the site plan to Council for approval subject to the following:

a) Compliance with appropriate sedimentation control regulations.

b) Compliance with requirements of the Water and Sewer Department in letter dated June 5, 1978.

Mr. John Rogers, of Six Associates, Inc., answered general questions from members of Council.

Vice-Mayor Horton closed the public hearing at 5:08 p. m.

After discussion, Councilwoman Price moved to approve the group development plan for Phase II of an addition to Memorial Mission Hospital subject to the conditions recommended by the Planning and Zoning Commission. This motion was seconded by Councilman Rainey and carried unanimously.

PUBLIC HEARING - AMENDING ORDINANCE NO. 424 - SUBDIVISION REGULATIONS

ORDINANCE NO. 1069 - AN ORDINANCE AMENDING ORDINANCE NO. 424, KNOWN AS "AN ORDINANCE ESTABLISHING REGULATIONS FOR THE DEVELOPMENT OF REAL ESTATE SUBDIVISION"

5. A public hearing was held relative to amending Ordinance No. 424, "An Ordinance Establishing Regulations for the Development of Real Estate Subdivisions."

Vice-Mayor Horton opened the public hearing at 5:09 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said at the regular meeting of the Planning and Zoning Commission held June 7, 1978, the staff pointed out the need for amending the definition of "subdivision" to bring the City's Subdivision Regulation Ordinance into conformance with state statutes. The Commission voted to recommend to City Council that Ordinance No. 424, "An Ordinance Establishing Regulations for the Development of Real Estate Subdivisions" be amended to bring the ordinance into conformance with state statutes. Mr. Emrick then reviewed the amendments to be included in the ordinance.

COUNCIL RECESS - MEETING TURNED OVER TO VICE-MAYOR

Council recessed at 4:25 p. m. and Mayor Trantham turned the meeting over to Vice-Mayor Horton.

Mayor Trantham was excused from the meeting at 4:25 p. m.

Council reconvened at 4:35 p. m.

BOXING AND WRESTLING COMMISSION - REVENUES

Dr. Leon Feldman, Chairman of the Boxing and Wrestling Commission, presented a check in the amount of $7,000 to the City of Asheville for revenues from the Boxing and Wrestling Commission.

PUBLIC HEARING - REZONING OF SWEETEN CREEK ROAD -MR. JOHN McDUFFIE AND MR. JAMES WESTALL, WALLS & THRASH FUEL COMPANY, NOVA ENTERPRISES, INC. AND MR. W. H. GUTHERIE

3. A public hearing was held relative to rezoning property on Sweeten Creek Road from R-3 Residential District to CS Commercial Service District, property owned by Mr. John McDuffie and Mr. James Westall, Walls and Thrash Fuel Company, Nova Enterprises, Inc., and Mr. W. H. Guthrie.

Vice-Mayor Horton opened the public hearing at 4:39 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission at a regular meeting held June 7, 1978, considered the request of the petitioners that Lot 172, 262, 338, 178-1/2, and 261, Ward 13, Sheet 23, be rezoned from R-3 Residential District to CS Commercial Service District. He said the Commission voted to recommend approval of this petition for the following reasons:

A. The proposed rezoning would bring the area into conformity with the already existing situation in the area. Much of the property in the vicinity is already commercial.

B. The proposed rezoning would be in the general interest of all property owners in the area and will not materially or adversely affect the character of the neighborhood.

By the use of a map, Mr. Emrick reviewed the location of the property in question.

Mr. Ward Hendon, Attorney for Walls and Trash Fuel Company, spoke in favor of the rezoning. He said the property is presenting being used as commercial.

Francis Robinson, a resident of the area in question, spoke in opposition to the rezoning.

Mrs. Davis, a resident of the area in question, also spoke in opposition to the rezoning.

Councilman Michael moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1070. This motion was seconded by Councilman Rainey and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1070 passed on third and final reading.

Complete text of Ordinance No. 1070 will be found in Ordinance Book No. 8 at page 277.

ORDINANCE NO. 1065 - AN ORDINANCE ESTABLISHING AN ADVISORY BODY KNOWN AS THE ASHEVILLE TREE COMMISSION

8. Consideration was given to the third reading of Ordinance No. 1065, an ordinance establishing an Advisory Board known as the Asheville Tree Commission.

Councilman Rainey moved to delete subsection (1), relative to private property, from Ordinance No. 1065. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1065 passed on third and final reading.

Complete text of Ordinance No. 1065 will be found in Ordinance Book No. 8 at page 266.

MRS. SIMMONS - 580 SAND HILL ROAD - BUSINESS BEING CARRIED ON NEXT DOOR

9. Mrs. Simmons, 580 Sand Hill Road, complained to Council that a business is being carried on next door to her at 574 Sand Hill Road. She said the business has been carried on for over two years.

Vice-Mayor Horton said the Inspection Division would investigate the complaint and follow up with an attempt to bring the violation into compliance.

RESOLUTION NO. 78-137 - RESOLUTION TERMINATING THE NOVEMBER 6, 1961, AGREEMENT WITH THE STATE HIGHWAY COMMISSION CONCERNING THE LIGHTING OF THE ASHEVILLE EXPRESSWAY

10. Consideration was given to a resolution terminating the November 6, 1961, agreement with the State Highway Commission concerning the lighting of the Asheville Expressway.

The City Manager read the resolution. He explained that the section of highway covered by the agreement is becoming part of the Interstate highway system, having been designated I-240, and therefore should not be the responsibility of the City.

Upon motion of Councilwoman Price, seconded by Councilman Michael, Resolution No. 78-137 was unanimously adopted.

Complete text of Resolution No. 78-137 will be found in Resolution Book No. 10 at page 302.

After discussion, Vice-Mayor Horton closed the public hearing at 5:16 p. m.

The City Manager read the ordinance.

Councilman Michael moved for the adoption of Ordinance No. 1069. This motion was seconded by Councilwoman Price.

On a roll call vote of 5-0, Ordinance No. 1069 passed on first reading.

ORDINANCE NO. 1062 - AN ORDINANCE REVISING THE SANITATION CODE OF THE CITY OF ASHEVILLE

6. Consideration was given to the third reading of Ordinance No. 1062, an ordinance revising the Sanitation Code of the City of Asheville.

Clark Brown, Superintendent of Public Works, advised that the ordinance has been revised since the first and second readings. He said the major change would be the elimination of the setout and setback service.

The City Manager said the program would take about four weeks to implement and that an explanation of the code and its new requirements is now being prepared and will be given out to city residents on the garbage collection routes.

After discussion, Councilwoman Price moved to amend Ordinance No. 1062 as presented on third reading. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1069 passed on third and final reading.

Complete text of Ordinance No. 1069 will be found in Ordinance Book No. 8 at page 215.

ORDINANCE NO. 1070 - ORDINANCE ESTABLISHING THE CORRECTED FOURTH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT AMOUNT FOR THE CITY OF ASHEVILLE

7. Consideration was given to an ordinance establishing the corrected Fourth Year Community Development Block Grant Entitlement Amount for the City of Asheville.

The City Manager read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1070. This motion was seconded by Councilman Michael.

On a roll call vote of 5-0, Ordinance No. 1070 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1070. This motion was seconded by Councilman Michael and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1070 passed on second reading.

E. Resolution authorizing the submission of a grant application to the Appalachian Regional Commission for enterprise development in the downtown area.

HIGHLIGHTS: The proposed project will enable the development of a promotion strategy to facilitate commercial and economic growth within Downtown Asheville's Central Business District. This project will play a vital role in the further development of Asheville's Revitalization efforts, as well as being a powerful catalyst for the strengthening of economic health and prosperity within the Western North Carolina region.

Resolution Book No. 10 Page 306

F. Motion regarding amendment of the Fiscal Year 1978-79 Budget to include the CETA Police/Fire Cadet Employment Program.

HIGHLIGHTS: The City of Asheville Federal Programs Fund budget for Fiscal Year 1978-79 be amended to include the $122,475 appropriation and expenditures through June 30, 1978 and to further appropriate the balance of $40,825 of the total CETA Police/Fire Cadet Program grant of $163,300 through September 30, 1978. This program is fully funded by CETA through the Buncombe County Manpower Office.

G. Resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish the dwelling houses known as 21 Blake Street and 93 Washington Road.

HIGHLIGHTS: 21 Blake Street and 93 Washington Road have been found to be unfit for human habitation, unsafe and dangerous to life. Owners have not complied with order to repair said structure or demolish and remove said structure. Pursuant to N.C.G.S. 160A-364, a public hearing is required before the adoption of an ordinance directing the Housing Officer to demolish said structure.

Resolution Book No. 10 Page 307 .

H. Consideration of bids opened July 5, 1978 for folding chairs, folding tables and office furniture for the Montford Recreation Center, Parks and Recreation Department.

HIGHLIGHTS: Four (4) bids were received.

Ray Kisiah, Director of Parks and Recreation, and George Phipps, Purchasing Agent, recommend award to the low bidder, meeting specifications, on a per item basis:

Hoyle Office Supplies, Inc.

Bid Item #1	1,000.00	1,000.00

APPROVAL OF THE CONSENT AGENDA

11. The Ctiy Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution authorizing the Mayor of the City of Asheville to execute easement in favor of the Carolina Power and Light Company.

HIGHLIGHTS: This easement is for Carolina Power and Light Company to update an existing electric power line at the intersection of Pearson Drive and Gay Street on property belonging to the City of Asheville, known as the Montford Recreation Center Complex.

Resolution Book No. 10 Page 303

B. Public hearing relative to the Asheville Downtown Commission "Downtown Development Plan."

C. Resolution authorizing and directing the Mayor and City Manager to execute on behalf of the City of Asheville the contract with the North Carolina Department of Transportation for State Project 8.2017402, Buncombe County.

HIGHLIGHTS: The City of Asheville proposes to make road improvements, consisting of widening of French Broad Avenue for turn lanes radii and the installation of traffic signals at the intersection of Patton Avenue and French Broad Avenue, under the Federal-Aid Safer Off-System Program, under Project 8.2017402, Buncombe County.

Resolution Book No. 10 Page 304

D. Resolution authorizing the Mayor to sign a lease agreement with Piedmont Airlines.

HIGHLIGHTS: This lease, along with similar leases for Delta and United, is the outcome of the 1975 renegotiation of rental rates and landing fees. The landing fee, which has been 13¢ per thousand pounds since 1975, will increase (retroactively) to 19¢ for 1976-77, 20¢ for 1978, 21¢ for 1979, and 22¢ for the period from January 1, 1980, to January 14, 1981, when the current five-year period ends and the rates are renegotiated. Rental rates for ticket counter space and office space in the terminal buidling are also being increased.

Resolution Book No. 10 Page 305.

NOTES: All quantities are estimated for the year. City of Asheville purchase orders will be placed on an as-needed basis.

Cost all items recommended - $110,256.00

Budget: Chemical and Laboratory Supplies - Accoun: No. 30-50-731-0032, Budgeted $150,000.0C

J. Resolution approving contract between the City of Asheville and the United States Department of Transportation, Urban Mass Transportation Administration, Grant Number NC-90-0041, and authorizing the City Manager of the City of Asheville to receive and expend Federal funds.

Resolution Book No. 10 Page 309 .

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously approved.

PUBLIC HEARING SCHEDULED - GROUP DEVELOPMENT - VICTORIA HEALTH CARE CENTER

12. The City Manager read a letter from Verl Emrick, Planning Director, which stated that the Planning and Zoning Commission at a meeting held June 8, 1977, reviewed the site plan for the proposed Victoria Health Care Center to be located on Vernon Road near Victoria Road. The plan was prepared by Traber Associates for Dr. John Holt and was submitted in accordance with Article 6, Group Developments of the Asheville Zoning Ordinance #322, as amended. After discussion, the Commission voted to recommend the site plan to City Council for approval subject to the developer complying with the recommendations set forth by the Planning and Zoning Commission.

Councilman Morris moved to schedule a public hearing on the matter for August 3, 1978. This motion was seconded by Councilman Rainey and carried unanimously.

PUBLIC HEARING SCHEDULED - EAGLE-MARKET STREET NEIGHBORHOOD AND ECONOMIC DEVELOPMENT PROJECT

13. The City Manager read a letter from Verl Emrick, Planning Director, which stated that the Planning and Zoning Commission, at it's regular meeting on July 12, 1978 reviewed the redevelopment plan for the Eagle-Market Street Neighborhood and Economic Development Project at the request of the Housing Authority of the City of Asheville. After reviewing the plan and listening to public comments on the plan, the Commission voted to recommend approval of the plan to City Council. In keeping with state law on urban renewal projects, the City Council must hold one formal public hearing on the plan before taking action to approve, amend or reject the redevelopment plan.

Councilwoman Price moved to schedule a public hearing on the matter for August 3, 1978. This motion was seconded by Councilman Cole and carried unanimously.

Gantt Office Furniture

Bid Item #2	290.00	
Bid Item #3	2,508.50	
Bid Item #4	987.50	3,786.00

Talman's Office Supplies, Inc.

Bid Item #5	289.00	
Bid Item #6	133.00	422.00

Southern School Service, Inc.

Bid Item #7	183.70	183.70

TOTAL 5,391.70

Funding: Sufficient Model Cities funds are available for above expenditure, Account Code 65-25-902-0-000-0074

I. Consideration of bids opened July 5, 1978 for chemicals for treatment of water, Fiscal Year July 1, 1978 through June 30, 1979.

HIGHLIGHTS: Eleven (11) bids were received.

Dean Yancey, Superintendent of Water Production and Quality Control Division, and George Phipps, Purchasing Agent, recommend award on a per item basis to the lowest bidder as follows:

Moreland Chemical Co., Spartanburg, S. C.

Item #1: Liquid Chlorine - Approximately 200,000 Pounds @ $7.24/CWT (Price firm for one year) $14,480.00

Ticar Chemical Co., Asheville, N. C.

Item #2: Caustic Soda, 50% - Approximately 440,000 Pounds @$7.5275/CWT (Price firm for 90 days) $33,121.00

Thompson-Hayward Chemical Co., Thomasville, N. C.

Item #3: Liquid Hydrofluosilicic Acid - Approximately 300,000 Pounds @ $2.697/CWT (Price firm for 6 months) $ 8,091.00

Shannon Chemical Corp., Malvern, P.A.

Item #4: Dry Zinc Polyphosphate - Approximately 120,000 Pounds @ $45.47/CWT $54,564.00

VACANT LOT ON STATE STREET

A citizen of State Street complained of a vacant lot on State Street that needs to be cleared.

The Inspection Division was instructed to investigate the complaint about the vacant lot on State Street.

COUNCILMAN MICHAEL - POLICE MONITORING SYSTEM

Councilman Michael said there was some concern about the Asheville Police Department terminating the police monitoring system.

The City Manager said the Chief of Police is currently reviewing the monitoring system and that he has made no recommendations to terminate the system as of yet.

Councilman Michael said there should be some reassurance that it will not be discontinued before an agreement is made that is fair to everyone.

GROUP DEVELOPMENTS - COUNCIL REVIEW QUESTIONED

Councilman Rainey questioned whether it was necessary for Council to review group developments when no controversy is anticipated.

Verl Emrick, Planning Director, said he would check into the matter.

Adjournment.

Ray M. Lapsley
MAYOR

Frances J. Roberts
CITY CLERK

JOINT REZONING PETITION - MR. PETER FEISTMAN - MR. JOSEPH KANE

Verl Emrick, Planning Director, said the Planning and Zoning Commission at a regular meeting held on June 7, 1978 considered the request of Mr. Peter Feistman and Mr. Joseph Kane that Lots 4, 6, and 8, Sheet 50, Ward 7, and Lot 556, Sheet 18, Ward 7 (located on Sweeten Creek Road) be rezoned from R-3 Residential District to HI Heavy Industrial District. After discussing the issues of this request the Commission voted to recommend denial of this petition to City Council. He said the petitioners were notified of the recommendation of denial, however there was a misunderstanding as to the time limit the petitioners had in order to request Council to hold a public hearing on the matter. Mr. Emrick requested that Council give the petitioners an additional thirty (30) days in order to request the City Council for a public hearing.

Councilwoman Price moved to allow Mr. Peter Feistman and Mr. Joseph Kane an additional thirty (30) days in which to request Council to conduct a public hearing on their rezoning request. This motion was seconded by Councilman Morris and carried unanimously.

CLAIM - MRS. EUNICE F. PARRIS

The City Manager presented a claim received from Mrs. Eunice F. Parris.

Vice-Mayor Horton referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - MR. LEWIS BLODGETT

The City Manager presented a claim received from Mr. Lewis Blodgett.

Vice-Mayor Horton referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - MR. PAUL W. LEGG

The City Manager presented a claim received from Mr. Paul W. Legg.

Vice-Mayor Horton referred the claim to the Corporation Counsel for investigation and recommendation.

CLAIM - MR. AND MRS. JOHN YOUNG

The City Manager presented a claim received from Mr. and Mrs. John Young.

Vice-Mayor Horton referred the claim to the Corporation Counsel for investigation and recommendation.

RALPH BISHOP - LOTTERY SALES

Mr. Ralph Bishop, again spoke to Council regarding the lottery sales in Asheville.

Councilman Morris moved for the adoption of Ordinance No. 1071. This motion was seconded by Councilman Cole.

Councilman Rainey said he could not vote for the rezoning change since it was not consistent with previous Council policies. He said the rezoning would impact the neighborhood with commercial developments.

Councilman Michael said the property in question is mostly commercial property and he did not feel the rezoning would damage anyone. He said if Council did not rezone the property they would be stopping progress.

Mr. Phil Carson, attorney representing Walls and Thrash Fuel Company, said the property is commercial in character and appealed to Council to rezone the property as petitioned.

Mr. John McDuffie, petitioner, spoke in favor of the rezoning.

On a roll call vote of 4-2, Ordinance No. 1071 passed on first reading with Councilwoman Price and Councilman Rainey voting "no."

ORDINANCE NO. 1069 - AN ORDINANCE AMENDING ORDINANCE NO. 424, KNOWN AS "AN ORDINANCE ESTABLISHING REGULATIONS FOR THE DEVELOPMENT OF REAL ESTATE SUBDIVISIONS"

4. Consideration was given to the second reading of Ordinance No. 1069, an ordinance amending Ordinance No. 424, known as "An Ordinance Establishing Regulations for the Development of Real Estate Subdivisions."

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1069 passed on second reading.

AFFIRMATIVE ACTION QUARTERLY REPORT

5. Mr. Sam Graves, of the Personnel Division, presented members of Council with the Affirmative Action Quarterly Report.

Mr. Graves made brief comments relative to the contents of the report. He said in his opinion progress has been made in the Affirmative Action Program during the last four months.

Councilman Michael said the report indicated more white males still being hired in professional or administrative positions. He said that a high percentage of blacks recently hired in para-professional positions were temporary employees hired by the Parks and Recreation Department.

Mayor Trantham commended the Affirmative Action Committee for their work in the program.

RESOLUTION NO. 78-145 - RESOLUTION APPOINTING A MEMBER TO THE PLANNING AND ZONING COMMISSION FOR THE CITY OF ASHEVILLE (Mr. William C. Frue, Jr.)

6. Consideration was given to a resolution appointing Mr. William C. Frue, Jr., as a member to the Planning and Zoning Commission for the City of Asheville.

Thursday - July 20, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey, F. Jack Cole, Otis B. Michael, Ralph D. Morris, Jr., Acting Corporation Counsel Robert J. Robinson, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Corporation Counsel William C. Moore

INVOCATION

Councilman Ralph D. Morris, Jr. gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the July 13, 1978 meeting.

Upon motion of Councilman Rainey, seconded by Councilman Cole, the minutes of the July 13, 1978 meeting was approved as submitted.

RESOLUTION NO. 78-144 - RESOLUTION OF APPRECIATION TO JAMES W. DANIELS FOR SERVICES AS CHAIRMAN OF THE ASHEVILLE PLANNING AND ZONING COMMISSION

2. Consideration was given to a resolution of appreciation to James W. Daniels for services as chairman of the Asheville Planning and Zoning Commission.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Vice-Mayor Horton, Resolution No. 78-144 was unanimously adopted.

Complete text of Resolution No. 78-144 will be found in Resolution Book No. 10 at page 310.

PUBLIC HEARING - REZONING OF SWEETEN CREEK ROAD - MR. JOHN McDUFFIE AND MR. JAMES WESTALL, WALLS AND THRASH FUEL COMPANY, NOVA ENTERPRISES, INC. AND MR. W. H. GUTHERIE

ORDINANCE NO. 1071 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

3. A public hearing continued relative to rezoning property on Sweeten Creek Road from R-3 Residential District to CS Commercial Service District, property owned by Mr. John McDuffie and Mr. James Westall, Walls and Thrash Fuel Company, Nova Enterprises, Inc. and Mr. W. H. Gutherie.

There being no further comments relative to the rezoning request, Mayor Trantham closed the public hearing at 3:17 p. m.

The City Manager read the ordinance rezoning the property as petitioned.

CLAIMS - ACCIDENT REPORTS TO INSURANCE CARRIERS - MARLOWE, SEARCY, JOHNSON, DIELD, WHEELS, INC. COLUMBIA BIBLE COLLEGE

9. The City Manager presented a memorandum from Mr. W. R. Swearngan, Facility Services Superintendent, which stated that the following claims against the City of Asheville for damages have been forwarded to the insurance carrier.

A. Vehicle accidents - St. Paul Fire and Marine Insurance

1. Ms. Agnes Marlowe
   18 Hawthorne Lane

2. Bob Searcy
   673 Moreville Road

3. William L. Johnson
   15 Latha Street

B. Accidents reported where City vehicle not at fault

1. Lawrence A. Dield
   777 Lakeshore Drive

2. Wheels, Inc.
   Decatur, Georgia — Driver- Ms. Ruth Chapman
   16 Sterling Street
   Asheville, N. C.

C. Parked vehicle hit by City truck - no claim as yet

1. Columbia Bible College
   7436 Monticello Road
   Columbia, South Carolina

TRASH COLLECTION PROCEDURE

10. The City Manager reported that a brochure explaining the new garbage pickup system to be implemented July 31, 1978 will be delivered to all city residents beginning Friday, July 21, 1978.

CITY MANAGER'S RECOMMENDATIONS REGARDING PAY AND EVALUATION PROGRAM FOR 1978-79.

11. As a result of a direction from City Council during the June 29, 1978 City Council meeting the City Manager presented the following recommendations regarding pay and evaluation program for 1978-79.

1. Entry level pay for unskilled full-time positions (40 hour week) will be a minimum of $3.01 per hour. Therefore, all full-time employees in the positions of Baggagemen, Elevator Operator, Janitor, Parking Attendant, and Watchman earning below $2.87 per hour as of June 30 will be increased to $3.01 effective July 1, 1978.

2. Unskilled full-time employees that were on the payroll as of July 1, 1978 in the positions of Laborer I, Laborer II, Janitor Leadman and Garage Attendant will be paid $3.17 per hour effective July 1, 1978. For most people in these positions, this will mean a total of at least a 30¢ increase

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 78-145 was unanimously adopted.

Complete text of Resolution No. 78-145 will be found in Resolution Book No. 10 at page 311 .

APPROVAL OF CONSENT AGENDA

7. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Scheduling of a public hearing relative to rezoning Ward 7, Sheet 50, Lot 5 (corner of Caribou Road and Wyatt Street) from R-3 Residential District to OI Office Institutional District, property owned by Dr. James H. Maddox and Handiskills for August 17, 1978.

B. Scheduling of a public hearing relative to rezoning Ward 12, Sheet 12, Lot 42-1/4 and a portion of Lot 7 (678 and 686 North Louisiana Avenue) from R-5 Residential District to LI Light Industrial District, property owned by Mr. and Mrs. Henry C. Fisher, Jr., for August 17, 1978.

C. Scheduling of a public hearing relative to the site plan of proposed Mini Warehouse Facilities to be located on Sweeten Creek Road for August 17, 1978.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the consent agenda was unanimously approved.

RESOLUTION NO. 78-146 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH HOBSON CONSTRUCTION COMPANY, INC., FOR THE PROJECT KNOWN AS STATE STREET FIRE LINE

8. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Hobson Construction Company, Inc., for the project known as State Street Fire Line.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Morris, Resolution No. 78-146 was unanimously adopted.

Complete text of Resolution No. 78-146 will be found in Resolution Book No. 10 at page 312 .

7-20-78
RGW

30

CITY OF ASHEVILLE
SUMMARY OF PAY ADJUSTMENT BUDGET CHANGES

DIVISION/ACTIVITY	AMOUNT NEEDED	SOURCE
General Fund		
Cemetary	$ 998.40	Reduce part-time positions
Streets	$ 5,678.40	Delete 1 MEO I position
Sanitation	$13,977.60	Delete 1 Laborer I and 1 MEO I position
Facility Services	$ 3,619.20*	
Parking Garage	$ 582.40*	
Parking Services	$ 1,289.60*	*Delay hiring 2 positions
Aviation	$ 3,473.60	Delay filling vacant Janitor position
Civic Center	$ 2,329.60	Reduce funding of part-time positions
Parks & Recreation	$ 7,176.00	Delay filling 4 vacant positions until after 9-1-78
	$39,124.80	
Motor Transport	$ 2,683.20	Reduction of Laborer position
Water Fund	$15,745.60	Delay or not fill 3 positions
Community Development Fund	$ 291.20	Reduction of Administrative expenses

July 1, 1978 will be eligible for a 5% salary increase effective January 1, 1979 provided they receive a satisfactory job performance evaluation (Except Step F). For individuals in the unskilled job categories, this will mean a 15¢ to 16¢ increase per hour.

4. All new full-time City employees will be eligible for an increase in pay after six months work and upon receiving a satisfactory job performance evaluation.

5. Job performance standards will be set for each position by the appropriate department head. Employee suggestions and input will be encouraged in developing the standards.

6. Employee staff meetings and committees will be encouraged at the department level to develop better communications among employees regarding City policy and procedures.

7. Employee training opportunities will be a major thrust of all departments during this year.

8. Buildings on Valley Street are being evaluated -

   A. The Barn is being renovated entirely.
   B. We are planning to move the Gas Station for better access.
   C. We are looking for new space for Motor Transport, Traffic Engineering, Street, and Sanitation. With these facilities moved, a significant amount of space will be available for the Water and Sewer Maintenance and Construction facilities.

9. We are developing better methods of distributing uniforms and hand tools so that these items are more readily available to employees.

10. We have a staff committee studying the use of City vehicles and specific policies regarding this should be completed in the near future.

11. Specific recommendations from various departments that do not effect the entire City will be dealt with on departmental basis.

The City Manager said in order to implement the increased wages, the department heads have been directed to find sufficient funds within their budges rather than sacrificing budgeted capital expenses. He said this would mean that some approved positions will not be filled and that some services, such as leaf and brush pickup may lag a bit. He said the total cost is projected at $39,124. He said the significance of the cuts will probably not be noticed on a day-to-day basis.

Thursday - July 27, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey, F. Jack Cole, Otis B. Michael, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Councilman Gene Rainey introduced Rev. Eric Kast, Minister of St. Georges Episcopal Church and Secretary to the Full Gospel Businessmens Fellowship, who gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the July 20, 1978 meeting.

Councilman Michael requested that the following sentence be added to the minutes of the July 20, 1978 meeting relative to his statement regarding racial balance at the Housing Projects: "Councilman Michael said he thought the Asheville Housing Authority should set an example of fair housing for the City of Asheville and should not have as many housing units as they have that are for one predominent race."

Councilman Michael then moved for the approval of the minutes of the July 20, 1978 meeting as amended. This motion was seconded by Councilwoman Price and carried unanimously.

BILL WILMER - STREET DEPARTMENT EMPLOYEE - COMMENTS RELATIVE TO PAY PLAN

2. Bill Wilmer, Street Department Employee, said he had been selected to personally thank the City Council for their review of the Pay Plan and for the adjustments made to the plan. He also thanked the City Manager for his efforts in reviewing the plan. He said he felt a bridge of trust had been completed between Valley Street and City Hall.

ORDINANCE NO. 1071 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Rezoning property on Sweeten Creek Road)

3. Consideration was given to the second reading of Ordinance No. 1071, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended rezoning property on Sweeten Creek Road from R-3 Residential District to CS Commercial Service District, property owned by Mr. John McDuffie and Mr. James Westall, Walls and Trash Fuel Company, Nova Enterprises, Inc. and Mr. W. H. Gutherie.

Mayor Trantham said this ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Councilwoman Price moved that Council concur in the recommendation of the City Manager regarding pay and evaluation program for 1978-79. This motion was seconded by Councilman Cole and carried unanimously.

Vice-Mayor Horton noted that an important point in the recommendations is realized through a restudy of the incentive pay plan which will affect all city workers.

Vice-Mayor Horton endorsed the City Manager's supervisory training program and requested that once the guidelines are set up for the training that a report be given to Council.

COUNCILMAN MICHAEL - RACIAL BALANCE AT HOUSING PROJECTS

Councilman Michael said he had talked with the Housing Authority regarding the predominance of black families in Housing Projects. He said the projects should have racial balance and requested that a progressive report be given to City Council relative to the progress being made on the complete integration of housing projects.

MRS. NAVES - BRIDGE ON OAK HILL DRIVE

Mrs. Naves, of 83 Oak Hill Drive, spoke to Council about a dangerous bridge on Oak Hill Drive off Hazel Mill Road.

Mayor Trantham advised Mrs. Kranes that the City Manager would investigate the matter and report back to Council.

PACK MEMORIAL LIBRARY BUILDING

Councilman Cole said City Council will be discussing the use of the Pack Memorial Library Building for the use by the Department of Archives and History with the Buncombe County Commissioners on Tuesday, July 25, 1978. As a suggestion, he said if the building is sold the funds would be used for library purposes or the property could be deeded to Buncombe County in order for the County to enter into an agreement with the the Department of Archives and History.

Adjournment.

MAYOR

CITY CLERK

and division heads. The City Charter provides that no sale or other disposition of surplus personal property of the City having a replacement cost in excess of $100 shall be made by the Director of Finance unless direction be made by the Council by resolution. He said it had been estimated that the City would recognize between $7,000 and $10,000 in revenues from the auction.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, Resolution No. 78-148 was unanimously adopted.

Complete text of Resolution No. 78-148 will be found in Resolution Book No. 10 at page 314.

RESOLUTION NO. 78-149 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO MAKE APPLICATION FOR AN ENRICHMENT GRANT FOR HILLCREST RECREATION CENTER

7. Consideration was given to a resolution authorizing the Director of Parks and Recreation to make application for an enrichment grant for Hillcrest Recreation Center.

The City Manager read the resolution. He said the City's share on this federal grant would be through in-kind contributions from the staff presently working at the Hillcrest Recreation Center.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, Resolution No. 78-149 was unanimously adopted.

Complete text of Resolution No. 78-149 will be found in Resolution Book No. 10 at page 315.

APPROVAL OF THE CONSENT AGENDA

8. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

Resolution No. 78-150

A. Resolution authorizing the execution of an extension of the Water Agreement by and between the City of Asheville and the County of Buncombe and certain Water Districts within Buncombe County.

HIGHLIGHTS: The main changes in this agreement over the original agreement are 1) the agreement will last for one (1) year from July 1, 1978 through June 30, 1979; 2) the annual contribution to County Maintenance Operation has been increased from $350,000 to $400,000.

Resolution Book No. 10 page 317.

On a roll call vote of 4-2, Ordinance No. 1071 passed on second reading, with Councilwoman Price and Councilman Rainey voting "no."

ORDINANCE NO. 1069 - AN ORDINANCE AMENDING ORDINANCE NO. 424, KNOWN AS "AN ORDINANCE ESTABLISHING REGULATIONS FOR THE DEVELOPMENT OF REAL ESTATE SUBDIVISIONS"

4. Consideration was given to the third and final reading of Ordinance No. 1069, an ordinance amending Ordinance No. 424, known as "AN ORDINANCE ESTABLISHING REGULATIONS FOR THE DEVELOPMENT OF REAL ESTATE SUBDIVISIONS."

Mayor Trantham said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1069 passed on third and final reading.

Complete text of Ordinance No. 1069 will be found in Ordinance Book No. 8 page 275.

RESOLUTION NO. 78-147 - RESOLUTION REAPPOINTING MEMERS OF THE PLANNING AND ZONING COMMISSION FOR THE CITY OF ASHEVILLE (Mr. Robert Turner and Mr. Joseph L. Brady)

5. Consideration was given to a resolution reappointing Mr. Robert Turner and Mr. Joseph L. Brady as members of the Planning and Zoning Commission for the City of Asheville, terms beginning August 14, 1977 and expiring on August 14, 1979.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, Resolution No. 78-147 was unanimously adopted.

Councilman Rainey said he voted for the resolution but with some trepidation. He expressed concern for the length of time some members serve on commissions. He said he felt some policy should be established to limit the time a member could serve on a commission, with the exception of any individual serving as chairman of a commission. He said there should be more of a turnover on these commissions.

Complete text of Resolution No. 78-147 will be found in Resolution Book No. 10 at page 313.

RESOLUTION NO. 78-148 - RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO SELL SURPLUS PROPERTY

6. Consideration was given to a resolution authorizing the Director of Finance to sell surplus property.

The City Manager read the resolution, explaining that the City of Asheville is planning a public auction at the Asheville Civic Center on August 12, 1978 of such surplus materials, equipment and items as may be declared as surplus by City department

D. Motion amending the City of Asheville Federal Project Fund Budget for Fourth Year Community Development Block Grant as follows:

Appropriation:

65-25-604-4	Central Business District	$ 87,000
65-25-940-4	East End/Valley Street Project	1,257,000
		$ 1,344,000

Revenue:

65-349.0000	HUD	$ 1,344,000

HIGHLIGHTS: This is to include these Capital Projects as approved by HUD in the Fourth Year Community Development Block Grant.

E. Motion amending the City of Asheville Federal Programs Fund Budget for Fiscal Year 1978/79 as follows:

Appropriation:

15-25-568	Transit Marketing Program	$17,370

Revenue:

15-348-0568	N. C. Department of Transportation	$16,035
15-347-0568	Asheville Transit Authority	1,335
		$17,370

HIGHLIGHTS: This is to include the total appropriation for the Transit Marketing Program grant agreement through June 30, 1979 and to include expenditures and revenues through June 30, 1978. This amendment will facilitate the accounting procedures for the total grant for the total period of the grant. City Council approved the original contracts by Ordinance No. 1050 and Ordinance No. 1066, dated May 18, 1978 and June 22, 1978 respectively.

F. Motion amending the City of Asheville Federal Programs Fund for Fiscal Year 1978-79 as follows:

Appropriation:

15-45-545	North Carolina Youth Conservation Corps	$38,266.29

Revenues:

15-348.0545	North Carolina Department of Natural Resources	$30,213.03
15-396.0500	Contribution from other funds - In-Kind	8,053.26
		$38,266.29

HIGHLIGHTS: This is to include the North Carolina Youth Conservation Corps project as approved by City Council Resolution No. 78-92, dated April 27, 1978, in the current fiscal year budget.

B. Motion amending the City of Asheville Third and Fourth Year Community Development funds Budget for Fiscal Year 1977-78 and Fiscal Year 1978-79 as follows:

ACCOUNT CODE	PROJECT	APPROPRIATION	BUDGET INCREASE DECREASE	NEW APPROPRIATION
19-25-600-3	Community Development Administration (Outside contributions, Sub-contract Asheville-Buncombe Community Relations Council)	$ 89,000	- $ 4,111	$ 84,998
19-25-600-4	Community Development Administration (Outside Contributions, Sub-contract Asheville-Buncombe Community Relations Council)	100,000	+ 4,111	104,111
19-25-604-3	Central Business District	85,000	- 52,304	32,696
19-25-604-4	Central Business District	87,000	+ 52,304	139,304
19-25-635-3	Community Development Planning	36,821	- 8,998	27,823
19-25-635-4	Community Development Planning	50,000	+ 8,998	58,998

HIGHLIGHTS: HUD legislation governing the Block Grant funds permits the reallocation of unspent funds for the continuation or completion of Community Development projects. The reallocation has been approved by the Area Office Representative.

C. Motion amending the City of Asheville Federal Projects fund budget for Third Year Community Development Block Grant as follows:

ACCOUNT CODE	PROJECT	APPROPRIATION	BUDGET INCREASE DECREASE	NEW APPROPRIATION
65-25-653-3	Nasty Branch Park	$100,000	- $6,000	$94,000
65-25-650-3	Mountainside Park	25,000	+ 6,000	31,000

HIGHLIGHTS: The funds reallocated for the completion of the Mountainside Park Project were made available as a result of a cut-back in the number of tennis courts originally planned for Nasty Branch Park. cut from four to two tennis courts.

JOB CORPS CENTER - HIGHLAND HOSPITAL SITE -MONTFORD HISTORIC DISTRICT

11. Mr. and Mrs. Elizabeth Hull of 167 Pearson Drive expressed concern that the Job Corps Center is considering Highland Hospital in the Montford Historic District Area as a site for the Center. They said if the hospital site is considered the residents of the area will see to it that the letter of the law is followed, which will include a site survey, a site utilization study, an environmental impact study, public hearings, and a formal assessment and poll of the community.

After discussion, Council told Mr. and Mrs. Hull they should also express their concerns to the Buncombe County Commissioners as they are the prime leaders and are more directly involved with the Job Corps Center officials.

Adjournment.

MAYOR

CITY CLERK

G. Approval of bids received July 24, 1978 for a tilt type cab and chassis tractor for the Motor Transport Division.

HIGHLIGHTS: Recommendation of low bid, Arrowhead International Truck Inc. in the amount of $36,658.00.

Funding: Motor Transport Division, Activity Fund: 11-15-424.0074

H. Approval of bids received July 25, 1978 for one low-boy trailer for the Motor Transport Division.

HIGHLIGHTS: Recommendation of low bid, Western Carolina Tractor Company, in the amount of $10,839.00.

Funding: Motor Transport Division, Activity Fund: 11-15-424.0074.

Upon motion of Councilman Cole, seconded by Councilman Michael, the consent agenda was unanimously approved.

CLAIMS - REPORTED TO INSURANCE CARRIERS - BILTMORE DAIRY FARMS - KAY W. ROUPE -MRS. GENEVA W. KEYLON

9. The City Manager presented a memorandum from Mr. W. R. Swearngan, Facility Services Superintendent, indicating that the following claims have been submitted to the insurance carrier:

A. Vehicle accidents - St. Paul Fire and Marine Insurance

1. Biltmore Dairy Farms - Driver - Bobby J. Bentley
Hendersonville Road
Rt. 5, Box 221-J
Candler, N.C. 28715

2. Kay W. Roupe
P. O. Box 614
Arden, N. C. 29704

B. Personal Injury - Puritan Insurance Company

1. Mrs. Geneva W. Keylon
Box 114
Enka, N. C.

REPORT ON ANTI-PORNOGRAPHY ORDINANCE

10. Vice-Mayor Horton reported that pursuant to Council's discussion relative to the actual enactment of an anti-pornography amendment to the City's revenue ordinance, Council had directed a committee to come up with a separate ordinance, by the end of July, covering the subject of pornography. He said the ordinance has not been finalized. He said the committee accepted an offer for legal advice from the Christian Action League and the basics of the ordinance are now being studied by two attorneys. He said the committee will have an official report to Council on an anti-pornography ordinance as soon as the results of the attorneys opinions are received. He said these opinions should be received in the very near future.

PUBLIC HEARING - REDEVELOPMENT PLAN - EAGLE-MARKET STREET NEIGHBORHOOD AND ECONOMIC DEVELOPMENT PROJECT

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, APPROVING THE REDEVELOPMENT PLAN FOR THE EAGLE-MARKET STREET NEIGHBORHOOD AND ECONOMIC DEVELOPMENT PROJECT

3. A public hearing was held relative to the redevelopment plan for the Eagle-Market Street Neighborhood and Economic Development Project.

Mayor Trantham opened the public hearing at 3:40 p. m.

The City Manager presented the notice to the public setting the time and place for the public hearing and the affidavit of publication.

Marvin Vierra, of the Planning Division, reviewed the plan. He also explained the funding of the plan which amounted to $20,949,070 of which $13,103,000 would come from private participation. He said the proposed development would take place within a prescribed geographical area lying between Census Tracts 1 and 7 (bordered on the west by Biltmore Avenue, on the east by Valley Street, on the north by Marjorie Street and Pack Square and on the south by Beaumont Street). The project includes the improvements of streets, sidewalks, water, sewer and drainage lines, grading, demolition, underground wiring, and related public facility improvements to attract new private development.

By the use of a map, Mr. Vierra reviewed the location of the Eagle-Market Street area. He said this area involves 28 acres, consisting of commercial and residential property.

Councilman Michael said all the streets in the proposed area are dead-end streets and he felt there should be more through streets.

Mr. Vierra said all the structures in the area will be brought up to code standards. He said there would be low interest loans available to implement the plan.

Councilman Michael said he would like to have some provision put into the plan whereby if a family has to be displaced that the owners be allowed to sell the property themselves without going through the Housing Authority. He said the federal guidelines would put a burden on the lower income families. He said in many cases the grants are not enough to bring the houses up to federal regulations.

A discussion followed between Councilman Michael and Larry Holt of the Asheville Housing Authority. Mr. Holt explained that the federal guidelines are stricter than the city guidelines in that money is being loaned on the property for a longer length of time. He said the loans would be administered through the banks and the banks would also set standards.

Logan Delany, Community Development Coordinator, said the plan would provide maximum assistance to private entrepreneurs in technical assistance and in obtaining low interest loans. He also commented on the historical preservation phase of the plan. He said citizen participation is encouraged in implementing the plan. He said his office had been contacting the individuals in the area and had received favorable responses.

Thursday - August 3, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Otis B. Michael, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/ City Clerk William F. Wolcott, Jr.

Absent: Councilmen Gene E. Rainey and F. Jack Cole

INVOCATION

Councilwoman Norma T. Price gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the July 27, 1978 meeting.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, the minutes of the July 27, 1978 meeting were approved as submitted.

PUBLIC HEARING - ASHEVILLE REVITALIZATION PLAN

2. A public hearing was held relative to the adoption of the Asheville Revitalization Plan as the Official Plan for the revitalization and future development of the Asheville Downtown Improvement Area.

Mayor Trantham opened the public hearing at 3:12 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Jim Daniels, Chairman of the Asheville Revitalization Plan said the Commission, appointed approximately one year ago, prepared a plan for the revitalization of the downtown area. He said the plan would be presented to Council by chapters and will be presented at successive Council meetings until September 14, 1978. He said the ideas, if properly implemented, will cause substantial economic, sociological and viable changes in the Asheville area.

Mrs. Robin Daniel, Vice-Chairman of the Asheville Revitalization Commission outlined the first four chapters of the Asheville Revitalization Plan. These chapters included: 1) Groundwork; 2) Historical Context; 3) Regional Context and 4) Social Environment.

Mrs. Daniel said copies of the plan could be purchased in the Planning Division for a small fee.

Mayor Trantham commended the Commission for their efforts in preparing the plan.

Councilwoman Price moved to continue the public hearing until August 10, 1978, without further advertisement. This motion was seconded by Councilman Morris and carried unanimously.

PUBLIC HEARING - VICTORIA HEALTH CARE CENTER

5. A public hearing was held relative to the site plan for the proposed Victoria Health Care Center to be located on Vernon Road near Victoria Road.

Mayor Trantham opened the public hearing at 4:54 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Asheville Planning and Zoning Commission has recommended approval of the site plan for the proposed Victoria Health Care Center subject to developer complying with the following:

1. A letter and supporting data certifying that the existing noise levels in the area fall within acceptable D.B. levels for residential development.

2. A letter indicating that the recommended 8 inch water line will be installed. In conjunction with the letter, submission of drawings indicating location of the line and points of connection with the building and the distribution systems.

3. Drawings showing placement of exterior fire hydrants on the site and the location of any existing hydrants off-site.

4. Drawing and narrative descriptions of road improvements contemplated for Vernon Road (a private road). Developer should provide access sufficient to accommodate service and fire fighting equipment. (Paved width of not less than twenty feet (20') for two-way traffic).

5. A letter from the Building Inspections Department indicating the required sedimentation control plan has been submitted for review and approval.

Larry Traber, architect, said the noise level would be complied with by buffering and insulation. He said there was some question relative to the private road (Vernon Road). He said he felt the City should make the improvements to the road due to the high tax base that the facility would bring to the City. He said the project would total $1.6 million. He said he had received a letter from T. C. Brown, Director of Public Works, indicating that the street improvements for this development will cost an estimated $17,750.00.

After discussion, Vice-Mayor Horton suggested that Council be given in writing a policy from the City Manager relative to requestsfor water, sewer and street services.

Mayor Trantham closed the public hearing at 5:23 p. m.

Councilwoman Price moved to approve the site plan of the Victoria Health Care Center subject to the recommendations of the Planning Staff and subject to present city policies. This motion was seconded by Councilman Morris and carried with Councilman Michael abstaining.

Mr. John White, 47 Eagle Street, said he had reviewed the plan and he felt with proper adjustments it would help the area.

Mayor Trantham closed the public hearing at 4:43 p. m.

The City Manager read the resolution. He emphasized to Council that this plan would be for four (4) years and that, by the adoption of this resolution, the Housing Authority would be carrying out the plan. He said whatever happens in the area will depend on the amount received from the grant and from private commitments. He said the Housing Authority would carry out the plan as outlined in the resolution, unless they are told, by Council amending the plan, to do otherwise. He said the Housing Committee, which would include Councilman Cole and Michael would be meeting with the Housing Authority relative to the plan.

After discussion, Councilwoman Price moved to delay action on the resolution until August 10, 1978 giving members of Council an opportunity to review the redevelopment plan. This motion was seconded by Councilman Morris and carried unanimously.

PUBLIC HEARING - DEMOLITION OF 21 BLAKE STREET AND 93 WASHINGTON ROAD

ORDINANCE NO. 1072 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 21 BLAKE STREET AND 93 WASHINGTON ROAD

4. A public hearing was held relative to the adoption of an ordinance directing the Housing Officer to proceed with the demolition and removal of 21 Blake Street and 93 Washington Road.

Mayor Trantham opened the public hearing at 4:49 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

J. E. Johnson, Director of Inspections, said all legal requirements have been fulfilled in respect to the demolition of said structures. He said the property had been inspected and the owners have not complied with the order to repair or demolish said structures.

There being no comments from members of Council or the public, Mayor Trantham closed the public hearing at 4:53 p. m.

The City Manager read the ordinance.

Vice-Mayor Horton moved for the adoption of Ordinance No. 1072. This motion was seconded by Councilwoman Price.

On a roll call vote of 4-0, Ordinance No. 1072 passed on first reading.

Mayor Trantham told Mr. Ramsey to present his additional evidence to the Board of Adjustments.

RESOLUTION NO. 78-151 - RESOLUTION SETTING INTERIM POLICY FOR WATER SYSTEM EXTENSIONS AND CONNECTIONS FOR THE CITY OF ASHEVILLE AND THE COUNTY OF BUNCOMBE

9. Consideration was given to a resolution setting interim policy for water system extensions and connections for the City of Asheville and the County of Buncombe.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, Resolution No. 78-151 was unanimously adopted.

Complete text of Resolution No. 78-151 will be found in Resolution Book No. 10 at page 318.

APPROVAL OF THE CONSENT AGENDA

10. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Motion amending the City of Asheville Parks and Recreation Fund budget for Fiscal Year 1978-79 as follows:

Appropriation:

Memorial Field - Capital Outlay - Other Improvements

14-45-506.0-00.0073 $50,000

Revenue:

Other Local Participation - Memorial Field

14-00-347.0506 $50,000

HIGHLIGHTS: This is to include appropriation for improvements to Memorial Field to be funded by the City School Board. The City will make said improvements and bill the School Board for actual costs incurred.

B. Motion approving bids received July 28, 1978 for Tickometer for Collections Division.

HIGHLIGHTS: Recommendation of bid received from Pitney Bowes in the amount of $3,511.50.

Funding: Revenue Sharing Trust Fund, Collections Division Capital Outlay Equipment, Account Code 50-10-413.0074 budgeted $3,536.00

ORDINANCE NO. 1071 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Sweeten Creek Road)

6. Consideration was given to the third and final reading of Ordinance No. 1071, an ordinance rezoning property on Sweeten Creek Road from R-3 Residential District to CS Commercial Service District, property owned by Mr. John McDuffie and Mr. James Westall, Walls and Thrash Fuel Company, Nova Enterprises, Inc. and Mr. W. H. Gutherie.

Mayor Trantham said this ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-1, Ordinance No. 1071 passed on third and final reading, with Councilwoman Price voting "no" and Mayor Trantham voting "aye."

Complete text of Ordinance No. 1071 will be found in Ordinance Book No. 8 at page 279 .

SIGN PERMIT - HAYWOOD TRANSFER AND STORAGE COMPANY, INC.

7. Consideration was given to a sign permit for Haywood Transfer and Storage Company, Inc. at 306 W. Haywood Street.

J. E. Johnson, Director of Inspections, said Haywood Transfer and Storage Company, Inc. has applied for a sign permit to erect a mounted wall sign at 306 West Haywood Street. He said the sign would be within 600' of a limited access highway which requires the approval of the City Council pursuant to Section 30-9-3 (B-7) of the Zoning Ordinance of the City of Asheville.

A representative of the Haywood Transfer and Storage Company, Inc. reviewed with the members of Council the type sign that would be mounted on the wall of their business.

After discussion, Councilman Morris moved to approve the sign permit for the Haywood Transfer and Storage Company, Inc. at 306 W. Haywood Street. This motion was seconded by Vice-Mayor Horton and carried unanimously.

MR. RAMSEY - DISCUSSION RELATIVE TO SIGN PERMIT AT '76 STATION AT WESTGATE

8. Mayor Trantham recognized Mr. Ramsey who said he had applied for a permit for a roof sign to be placed on the old '76 station at Westgate. He said the Board of Adjustments had turned down his request for the roof sign. He said the building had been remodeled and a roof sign is needed. He said he has additional drawings and evidence for his need of the sign.

Verl Emrick, Planning Director, said under the sign ordinance all roof signs must be approved by the Board of Adjustments.

Councilman Michael requested that he be furnished with a copy of the minutes of the Board of Adjustments pertaining to this matter and that he be furnished with the reason the Board of Adjustments refused Mr. Ramsey the sign permit. He said he would also like to know why all roof signs are no longer approved.

The City Manager then read the following letter:

August 3, 1978

Mr. K. M. Michalove, City Manager
City of Asheville
Post Office Box 7148
Asheville, North Carolina 28807

Dear Mr. Michalove:

Please be advised that based on the evidence submitted at the hearing held yesterday on the withdrawal of the bid filed by the F. T. Williams Construction Company on the Airport Runway Extension, that it is my opinion and that of Mr. W. E. Cox of Talbert & Cox Associates, that the City of Asheville should issue a written ruling allowing the request to withdraw filed by the F. T. Williams Construction Company. It is our opinion that the withdrawal request filed was based upon a mistake which constituted substantial error and that the bidder has submitted credible evidence that the mistake was clerical in nature and was actually due to an unintentional and substantial error and that the unintentional error was clearly shown by objective evidence.

If you have any questions in regard to the findings of this committee or this report, please advise.

Very truly yours,

William C. Moore
City Attorney

William E. Cox, P. E.
Talbert & Cox Associates

WCM/WEC/msm

After discussion, Councilwoman Price moved for the adoption of Resolution No. 78-152. This motion was seconded by Councilman Morris and carried unanimously.

Councilwoman Price moved that the bids for the site preparation for the runway and taxiway extension be re-advertised. This motion was seconded by Vice-Mayor Horton and carried unanimously.

The City Manager advised that the bids on the re-advertisement would offer several alternates, since the original bid amount was over the amount of money available.

Adjournment.

MAYOR

CITY CLERK

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, the consent agenda was unanimously adopted.

PUBLIC HEARING SCHEDULED - K-MART SHOPPING CENTER U.S. 25 (HENDERSONVILLE ROAD)

11. The City Manager read a letter from the Planning and Zoning Commission which recommended approval of the site plan for the proposed K-Mart Shopping Center to be located on U. S. 25 (Hendersonville Road) subject to the developer complying with the recommendations set forth by the Planning Staff.

Councilwoman Price moved to schedule a public hearing on the matter for August 24, 1978. This motion was seconded by Councilman Morris and carried unanimously.

CLAIMS - REPORTED TO INSURANCE CARRIERS - SECHLER, NORTON, HAMILTON

12. The City Manager presented a memorandum from W. R. Swearngan, Facility Services Superintendent, indicating that the following claims have been submitted to the insurance carrier:

Mr. R. L. Sechler
388 Beaucatcher Road
Asheville, N. C.

Mrs. W. A. Norton
142 White Pine Drive
Asheville, N. C.

Mrs. Betty Hamilton
67 Elizabeth Place
Asheville, N. C.

RESOLUTION NO. 78-152 - RESOLUTION ALLOWING F. T. WILLIAMS COMPANY, INC. TO WITHDRAW ITS BID FOR THE SITE PREPARATION FOR 1500' RUNWAY AND TAXIWAY EXTENSION AT THE ASHEVILLE AIRPORT

13. Consideration was given to a resolution allowing F. T. Williams Company, Inc. to withdraw its bid for the site preparation for 1500' Runway and Taxiway Extension at the Asheville Airport.

The City Manager read the resolution and explained that after the bids were received for the site preparation for 1500' runway and taxiway extension at the Asheville Airport, F. T. Williams Company, Inc., the low bidder, advised the consulting engineer, Talbert and Coxe Associates that a clerical error had been made in Item #23 of his bid in that he incorrectly wrote the rate of $15.00 per cubic yard instead of $250.00 per cubic yard for paved ditches. He requested that they be allowed to withdraw their bid from consideration and that their bid bond be returned.

The City Manager said a hearing was held with city representatives and the consulting engineers along with F. T. Williams Company, Inc. concerning the withdrawal of the bid.

ORDINANCE NO. 1072 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 21 BLAKE STREET AND 93 WASHINGTON ROAD

3. Consideration was given to the second reading of Ordinance No. 1072, an ordinance directing the Housing Officer to demolish those dwelling houses known as 21 Blake Street and 93 Washington Road.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 1072 passed on second reading.

RESOLUTION NO. 78-153 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, APPROVING THE REDEVELOPMENT PLAN FOR THE EAGLE-MARKET STREET NEIGHBORHOOD AND ECONOMIC DEVELOPMENT PROJECT

4. Consideration was given to a resolution of the City Council of the City of Asheville, North Carolina, approving the redevelopment plan for the Eagle-Market Street Neighborhood and Economic Development Project.

Mayor Trantham said a public hearing was held on August 3, 1978 relative to the Eagle-Market Street Neighborhood and Economic Development Plan and the resolution was presented to Council for consideration at that meeting. However, Council had tabled the resolution until the week of August 10, 1978.

Councilman Michael read the following letter and requested that the letter be made a part of the minutes:

MEMORANDUM TO: Members of City Council
Ken Michalove, City Manager

FROM: Dr. Otis B. Michael, Councilman

DATE: August 10, 1978

On August 9, 1978, I flew to Raleigh, North Carolina with Mr. George Gragg and Mr. Logan Delany and met Mayor Roy Trantham there. We met with Secretary Howard N. Lee, Department of Natural and Economic Resources, to discuss increased funding for the purchase of housing for low-income people in the City of Asheville. We were very well received and were told that it was very possible and probable that supplements of interest loans could be given,i. e., if the interest on a loan was 9%, then the State could supplement the difference and make the actual interest paid by the purchaser only 6%, therefore, decreasing his monthly payments.

The only problem that we were not able to solve and we will have to address in the future is decreasing the criteria for the purchase of a home by low-income people that are set up by the Housing Authority and Federal Guidelines. The main one was the fact that even if a lot can be puchased for $1, the title to the lot is not given until the house is completed according to the plans approved by the Housing Authority. This causes the potential homeowner to have to pay quite a bit of front-end money, even though the lot is only $1 and that would be reimbursed at the end. We hope to set up conferences between Community Development, Asheville Housing Authority, and City Council to discuss these

Thursday - August 10, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Otis B. Michael, Ralph D. Morris, Jr., F. Jack Cole, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Gene E. Rainey

INVOCATION

Councilman F. Jack Cole gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the August 3, 1978 meeting.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, the minutes of the August 3, 1978 meeting were approved as submitted.

PUBLIC HEARING - ASHEVILLE REVITALIZATION PLAN

2. A public hearing continued relative to the adoption of the Asheville Revitalization Plan as the Official Plan for the revitalization and future development of the Asheville Downtown Improvement Area.

James Daniels, Chairman of the Asheville Revitalization Commission, said Phase II of the plan would be presented at today's public hearing. He said there had been so much enthusiasm about the plan that the Planning Division had sold all the copies of the official plan. However, a summary report, consisting of 40 to 50 pages, is being prepared by the Planning Division and will be available for a nominal fee.

Chandler Gordon, Secretary of the Asheville Revitalization Commission, outlined Chapter five, six, seven and eight of the plan. These chapters included: 5) Economic Environment; 6) Natural Environment; 7) Cultural Resources; and 8) Building Standards and Regulations.

Councilman Michael said he disagreed with the plan, in part, in that he felt more high rise hotels and offices and convention facilities are needed downtown to attract people to the shops. He also said the streets should be wider.

Vice-Mayor Horton said the plan would have to contend with "social concerns" such as bars and pornography shops. He said the commission should also consider the lack of uniformed police officers walking a beat downtown.

Councilman Morris moved to continue the public hearing until August 17, 1978, without further advertisement. This motion was seconded by Councilman Michael and carried unanimously.

Upon motion of Councilman Morris, seconded by Councilwoman Price, Resolution No. 78-155 was unanimously adopted.

Complete text of Resolution No. 78-155 will be found in Resolution Book No. 10 at page 323.

APPROVAL OF THE CONSENT AGENDA

7. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adoption each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Approval of bids received August 7, 1978 for flood light lamps and fixtures for Memorial Stadium, Parks and Recreation Department.

HIGHLIGHTS: Three (3) bids were received:

Westinghouse Electric Supply Company	$7,132.80
Graybar Electric Supply Company	8,942.40
Burke Electric Supply Company	9,408.00

Low Bidder, Westinghouse Electric Supply Company was not responsive in that it did not meet specifications for U. L. approved materials.

Recommendation of fully responsive low bidder, Graybar Electric Supply Company in the amount of $8,942.40.

Funding: Special Appropriation from Buncombe County Commissioners through Asheville City Schools
Account Code 14-45-506-0-000-0073
Line Item Budget: $50,000.00

Resolution No. 78-156

B. Resolution approving the submission of an application for Title V - Older Americans Act Funds for the renovation of Harvest House.

Highlights: The Department of Health, Education, and Welfare Administration on Aging has made funds available for the acquisition, alteration, or renovation of facilities to be used as senior centers through Title V of the Older Americans Act. The City of Asheville has need of these funds for the renovation of the facility known as Harvest House located at 205 Kenilworth Road. The federal funds requested for this project total $30,000 to be matched by $10,000 in local cash and in-kind services.

Resolution Book No. 10 page 324.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Price the consent agenda was unanimously approved.

matters in the near future so that the lots that are available can be sold as soon as possible and houses for low-income persons can be built. It was also suggested that we might contact developers who would build groups of 10 houses or more, and therefore, build them at a lower cost since they would build more houses."

Council discussed the possiblity of the Housing Authority constructing homes on the $1 lots and selling them to individuals.

After discussion, Councilwoman Price moved for the adoption of Resolution No. 78-153. This motion was seconded by Councilman Michael and carried unanimously.

Complete text of Resolution No. 78-153 will be found in Resolution Book No. 10 at page 320 .

RESOLUTION NO. 78-154 - RESOLUTION AUTHORIZING THE PREPARATION OF ASHEVILLE RIVERFRONT REVITALIZATION PLAN

5. Consideration was given to a resolution authorizing the preparation of Asheville Riverfront Rivitalization Plan.

The City Manager read the resolution.

Verl Emrick, Planning Director, said this program would provide a planning grant funded by TVA in connection with the French Broad River basin. He said this program goes further than a clean-up campaign; it will be a total revitalization of the area. He said the City would receive approximately $30,000 from the contract and would include all the areas within the planning jurisdiction.

Councilwoman Price was appointed as Council's liaison for this project.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Price, Resolution No. 78-154 was unanimously adopted.

Complete text of Resolution No. 78-154 will be found in Resolution Book No. 10 at page 322 .

RESOLUTION NO. 78-155 - RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE LAND-OF-SKY REGIONAL COUNCIL AND THE CITY OF ASHEVILLE

6. Consideration was given to a resolution authorizing the execution of an agreement between the Land-of-Sky Regional Council and the City of Asheville.

The City Manager read the resolution.

Verl Emrick, Planning Director, said under this program the City would receive services provided by the Land-of-Sky in order to implement a car pooling study.

PUBLIC HEARING SCHEDULED - AMENDMENTS TO OTEEN SHOPPING CENTER GROUP DEVELOPMENT

9. Consideration was given to a motion scheduling a public hearing relative to amendments to the Oteen Shopping Center Group Development Plan.

Councilwoman Price moved to schedule a public hearing on the matter for September 7, 1978. This motion was seconded by Councilman Michael and carried unanimously.

STATUS REPORT ON DEBRA LANE FIRE LINE REQUESTED - VICE-MAYOR HORTON

10. Vice-Mayor Horton requested that the City Manager give Council members a status report on the Debra Lane Fire Line at next week's Council meeting.

Adjournment.

MAYOR

CITY CLERK

CLAIMS - REPORTED TO INSURANCE CARRIERS - PARHAM, DALTON, EVANS, JEWELL, JOHNSON, BLUE BIRD TAXI COMPANY, CAROLINA POWER AND LIGHT COMPANY, SOUTHERN BELL, KEISHA MOONEY

8. The City Manager presented a memorandum from W. R. Swearngan, Facility Services Superintendent, indicating that the following claims have been submitted to the insurance carrier:

A. Vehicle accidents - St. Paul Fire and Marine Insurance

1. David Max and Betty W. Parham
Rt. 4, Box 470
Asheville, N. C.

2. Betty Dalton
103 Wembley Road
Asheville, N. C.

3. Samuel Evans
Rt. 4, Box 446
Candler, N. C.

4. Arthur Gordon Jewell
150 E. Chestnut Street
Asheville, N. C.

B. Accidents reported where City vehicle not at fault

1. Gloria Logan Johnson
87 Burton Street
Asheville, N. C.

2. Blue Bird Taxi Company of Asheville
197 Hilliard Avenue
Asheville, N. C.

Driver: John Edward McPherson
42 Furman Avenue
Asheville, N. C.

C. Damage to Utility Pole by City Vehicle

1. Carolina Power and Light Company

2. Southern Bell

D. Personal Injury

1. Keisha Mooney
6-C Hillcrest Apartments
Asheville, N. C.

PUBLIC HEARING - REZONING PROPERTY - CARIBOU ROAD - DR. JAMES H. MADDOX AND HANDI SKILLS, INC.

4. A public hearing was held relative to rezoning property on Caribou Road from R-3 Residential District to OI Office Institutional District, property owned by Dr. James H. Maddox and Handi Skills, Inc.

Mayor Trantham opened the public hearing at 3:40 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, at its July 12, 1978 meeting, reviewed the request of Dr. James H. Maddox and Handi-Skills, Inc. that Ward 7, Sheet 50, Lot 5, located on Caribou Road be rezoned from R-3 Residential District to Light Industrial District. He said after reviewing the request, the Planning and Zoning Commission voted to recommend that this property be rezoned from R-3 Residential District to OI Office Institutional District. He said the Commission felt the rezoning would be in the general public interest and that the character of the neighborhood would not be materially or adversely affected by any use in the proposed change to OI Office Institutional District. He said the rezoning was requested in order to permit a building to be erected for the use of Handi Skills, Inc.

Mr. Emrick said residents of the area had opposed the rezoning request of LI Light Industrial but withdrew their opposition to OI Office Institutional District for the use by Handi Skills, Inc.

Mr. Emrick said this rezoning could be classified as "spot zoning." However, it was the staff's and the Commission's opinion that this facility did provide a unique type of operation and a unique educational opportunity for those individuals with handicaps and could serve the community in a unique manner and that this was justification for this particular rezoning, thereby meeting the test of law that has been provided by N. C. Courts. He said the courts have ruled that if the rezoning can be justified as being in the public interest based upon providing a service or services not currently available to the larger community area then the spot zone in and of itself is not inherently illegal.

By the use of a map, Mr. Emrick reviewed the location of the property in question.

Councilman Michael said he could justify the rezoning better if, in fact, Handi Skills, Inc. already owned the property. He said as of this date, Council has no guarantee that the property will be sold to Handi Skills, Inc. He said he felt Council would be using a humane variation of legality prematurely.

Mrs. Shriner, of Handi Skills, Inc. said they had been looking for a location for over a year. She said they needed enough acreage to allow room for expansion, greenhouse projects and small scale farming arrangements. She said they were also looking for a location in close proximity to their present site at Thoms Rehabilitation Hospital. She said the present facility is unable to serve the number of individuals needing the service. She said she felt the facility would be a credit to the community.

Thursday - August 17, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Otis B. Michael, Gene E. Rainey, Ralph D. Morris, Jr., F. Jack Cole, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Mayor Roy M. Tranthan gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the August 10, 1978 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the August 10, 1978 meeting were approved as submitted.

RESOLUTION NO. 78-157 - RESOLUTION OF APPRECIATION AND COMMENDATION TO SERGEANT JAMES E. FLEMING

2. Consideration was given to a resolution of appreciation and commendation to Sergeant James E. Fleming.

Councilman Michael read the resolution.

Upon motion of Councilman Michael, seconded by Councilman Morris, Resolution No. 78-157 was unanimously adopted.

Complete text of Resolution No. 78-157 will be found in Resolution Book No. 10 at page 325 .

PUBLIC HEARING - ASHEVILLE REVITALIZATION PLAN

3. A public hearing continued relative to the adoption of the Asheville Revitalization Plan as the Official Plan for the revitalization and future development of the Asheville Downtown Improvement Area.

James Daniels, Chairman of the Asheville Revitalization Commission, said in response to a statement by Vice-Mayor Horton at the August 10, 1978 meeting, that Chief Tucker advised him that a uniformed patrolman has been assigned to the streets downtown from dawn to dusk. He said the patrolman will be on foot patrol.

Jim Hunter, a member of the Asheville Revitalization Commission, outlined Chapters nine, ten and thirteen of the plan. These chapters included: 9) Downtown's Image; 10) Existing Land Development and Utilization; and 13) Community Facilities and Services.

Councilman Morris moved to continue the public hearing until August 24, 1978, without further advertisement. This motion was seconded by Vice-Mayor Horton and carried unanimously.

PUBLIC HEARING - SITE PLAN FOR SWEETEN CREEK MINI-WAREHOUSE FACILITIES

6. Verl Emrick, Planning Director, said the developers attorney, Mr. Gary Rowe has requested that the public hearing be continued until September 7, 1978 in order to complete negotiations regarding utility easements.

Councilwoman Price moved to continue the public hearing until September 7, 1978, without further advertisement. This motion was seconded by Councilman Michael and carried unanimously.

ORDINANCE NO. 1072 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 21 BLAKE STREET AND 93 WASHINGTON ROAD

7. Consideration was given to the third reading of Ordinance No. 1072, an ordinance directing the Housing Officer to demolish those dwelling houses known as 21 Blake Street and 93 Washington Road.

Mayor Trantham said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 1072 passed on third and final reading. (Councilman Morris was excused from the meeting during the vote on Ordinance No. 1072).

Complete text of Ordinance No. 1072 will be found in Ordinance Book No. 8 at page 280.

MONTFORD RECREATION CENTER COMPLEX - SWIMMING POOL DISCUSSION

8. Virgil Sturgill, of the Montford Community Club, read a prepared statement requesting that Council consider constructing a swimming pool at the Montford Recreation Center Complex.

Ray Kisiah, Parks and Recreation Director, said if Council desired a swimming pool at the Montford Recreation Center Complex, capital funds are available for the construction of a swimming pool. However, no funds are appropriated for the operational cost of the pool.

After discussing the issue, it was the consensus of Council to discuss the matter during Council's work session on August 22, 1978.

BLAYLOCK AVENUE - COMPLAINT- RE: VACANT HOUSES

9. A resident of the Blaylock Avenue section of Oakley, said there are two (2) vacant houses on Blaylock Avenue that need to be inspected. She also said street lights are need on Blaylock Avenue.

Mayor Trantham instructed the City Manager to investigate the complaints.

Richard Ford, Chairman of the Handi Skills Board, said Handi Skills, Inc. has a bona fide agreement to purchase the property with two conditions; one being that the property be zoned appropriately and the other being that Handi Skills, Inc. can obtain a loan from the Small Business Administration.

Council discussed at length the question of spot zoning. Corporation Counsel Moore said it would be his opinion that this rezoning would definitely be spot zoning and he would advise Council against rezoning property with any conditional restrictions.

Virgil McConnell, a resident of the area, said that the people in Shiloh would not object to the rezoning if they could be assured that Handi-Skills, Inc. would use the property.

Councilman Morris suggested that Council consider allowing the facility to be included as a conditional use, possibly as a trade school, in the R-3 Residential District rather than rezoning the property.

After discussion, Councilman Morris moved to continue the public hearing, without further advertisement, until August 24, 1978. This motion was seconded by Councilman Michael and carried unanimously.

PUBLIC HEARING - REZONING PROPERTY - N. LOUISIANA AVENUE AND ADAMS HILL ROAD - MR. AND MRS. HENRY C. FISHER, JR.

ORDINANCE NO. 1073 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

5. A public hearing was held relative to rezoning property at the intersection of North Louisiana Avenue and Adams Hill Road from R-5 Residential District to LI Light Industrial District, property owned by Mr. and Mrs. Henry C. Fisher, Jr.

Mayor Trantham opened the public hearing at 4:15 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, at its July 12, 1978 meeting, reviewed the request and recommended to Council that the property be rezoned as petitioned. He said two residents of the area had voiced written opposition to the rezoning.

Henry Fisher, Jr., owner of the property petitioned for rezoning, reviewed the location of the property by an aerial photograph. He said his present business is partially non-conforming and the rezoning is necessary for expansion of his business.

Mr. Emrick, upon questioning of Council, said buffering would be required between the Light Industrial District and the present residential zone.

Mayor Trantham closed the public hearing at 4:28 p. m.

Verl Emrick, Planning Director, read the ordinance rezoning the property as requested.

Councilwoman Price moved for the adoption of Ordinance No. 1073. This motion was seconded by Councilman Michael.

On a roll call vote of 5-1, Ordinance No. 1073 passed on first reading with Councilman Rainey voting "no."

RESOLUTION NO. _____ - RESOLUTION AUTHORIZING CONDEMNATION OF PARCEL NUMBER 1 IN THE KENILWORTH PARK PROJECT AREA

12. Consideration was given to a resolution authorizing condemnation of Parcel Number 1 in the Kenilworth Park Project Area.

The City Manager read the resolution.

Mr. Ed Vess, of the Housing Authority, said they have been unable to acquire Parcel Number 1 of the Kenilworth Park Project properties through negotiation and this resolution would authorize condemnation in order that the City of Asheville may carry out its approved plan of development.

Upon questioning of Councilman Morris, Mr. Vess said the property owner had not been notified that this matter would be considered by Council at this meeting.

Councilman Morris moved to table the resolution until August 24, 1978 and instructed the Housing Authority to notify the property owner that Council will be considering the resolution. This motion was seconded by Councilman Michael and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

13. The City Manager reported that the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Scheduling of a public hearing relative to rezoning property on Haywood Road from R-3 Residential District and CH Commercial Highway District to CS Commercial Service District, property owned by B. C. Morton, et al for September 21, 1978.

HIGHLIGHTS: The Planning and Zoning Commission voted to recommend to City Council that Lots 8, 9, 9-1/2, and 9-3/4, be rezoned from CH Commercial Highway District to CS Commercial Service District, and that Lots 100, 101, 149, 150 and 151 remain R-3 Residential District as presently zoned. The petitioner's attorney has requested a public hearing on the entire rezoning petition.

B. Resolution No. 78-159 - Resolution authorizing the Mayor of the City of Asheville to execute a contract with the Urban Mass Transportation Administration.

Resolution Book No. 10 at page 327.

ORDINANCE NO. 1074 - AN ORDINANCE AMENDING SECTION 28-83 OF ARTICLE IV (SPEED REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

10. Consideration was given to an ordinance amending Section 28-83 of Article IV (Speed Regulations) of the Code of Ordinances of the City of Asheville.

The City Manager read the ordinance.

Paul Dutcher, Traffic Engineer, said this ordinance will eliminate the forty-five and fifty mile per hour speed limit from N. Hanover Street (N.C.191) to the west end of Beaucatcher Tunnel. He said the N. C. Department of Transportation will declare the speed limit from N. Hanover Street (N.C. 191) to the west end of Beaucatcher Tunnel at fifty-five miles per hour. He said this ordinance will also declare a forty-five mile per hour speed limit from U. S. 74 to the Blue Ridge Parkway (a portion of which was thirty-five miles per hour, that portion from U. S. 74 to the old New Haw Creek Road intersection). He said the N. C. Department of Transportation had requested Council's consideration in the changing of these speed limits in order to allow for more continuity of speed limits on these particular highway sections. He said the fifty-five mile per hour zone would be a maximum speed, however the volume of traffic usually controls the speed in lieu of the speed limit.

After discussion, Councilwoman Price moved to amend the ordinance to provide for a fifty (50) mile per hour speed limit from N. Hanover Street (N.C. 191) to the west end of Beaucatcher Tunnel. This motion was seconded by Councilman Rainey.

Councilwoman Price commented that a fifty-five mile per hour zone on these particular highways was too great of a speed.

On a voice vote, Councilwoman Price's amendment failed on a vote of 4-3, with Mayor Trantham breaking a tie vote.

Councilman Morris then moved for the adoption of Ordinance No. 1074. This motion was seconded by Councilman Cole.

On a roll call vote of 4-2, Ordinance No. 1074 passed on first reading with Vice-Mayor Horton and Councilwoman Price voting "no."

RESOLUTION NO. 78-158 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE TREE COMMISSION

11. Consideration was given to a resolution appointing members to the Asheville Tree Commission.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, Resolution No. 78-158 was unanimously adopted.

Complete text of Resolution No. 78-158 will be found in Resolution Book No. 10 at page 326.

PETITION - BILTMORE PINES APARTMENTS

16. The City Manager presented a petition from residents opposing the construction of the Biltmore Pines Apartments under the Section 8 Housing Assistance. The City Manager said the petition would be forwarded to the Planning Division.

CLAIM - BONNIE SPARKS

17. The City Manager presented a claim received from Bonnie Sparks.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

COUNCILMAN MICHEAL - TRASH COLLECTION AND POLICE PATROL

18. Councilman Micheal said he had received several complaints relative to poor trash collection as well as poor police patrol on Town Mountain Road. He suggested that a complaint follow-up be implemented, perhaps with a postcard being mailed to the complainant to determine if the complaint had been answered satisfactorily.

The City Manager said the Police Department has a follow-up complaint process. He said he would check into other departments implementing the same.

Adjournment.

Ray M. Trantham
MAYOR

Norma J. Roberts
CITY CLERK

C. Motion relative to the sale of East Riverside Urban Renewal Parcels.

HIGHLIGHTS: The Housing Authority has received the following bids for disposal parcels in the East Riverside Urban Renewal Project.

Parcel	Reuse	Price	Bid	Redeveloper
77	Commercial	$175,500	$180,000	Beverly-Grant, Inc.
80	Commercial	126,700	126,700	Beverly-Grant, Inc.
84	Commercial	79,000	79,510	Victoria Investment Co.
84A	Commercial	1,150	1,150	St. John Church of God

The parcels call for the construction of 4,000 square foot office buildings on Parcels 77 and 80, a 7,000 square foot office building on Parcel 84, and additional parking on Parcel 84 A.

D. Scheduling of a review of the Asheville Terrace Development for August 24, 1978.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Price, the consent agenda was unanimously approved.

RESOLUTION NO. 78-160 - RESOLUTION APPOINTING MEMBERS TO THE RECREATION BOARD FOR ASHEVILLE (Mrs. Hal R. Cory, Mr. Lawrence Gilliam, and Mr. William Pfeiffer)

14. Consideration was given to a resolution appointing Mrs. Hal R. Cory, Mr. Lawrence Gilliam, and Mr. William Pfeiffer as members of the Recreation Board for Asheville.

The City Manager read the resolution.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 78-160 was unanimously adopted.

Complete text of Resolution No. 78-160 will be found in Resolution Book No. 10 at page 328.

CLAIMS - REPORTED TO INSURANCE CARRIERS - MR. CLIFF S. GREAVES, MS. LAVADA WEISBECKER

15. The City Manager presented a memorandum from W. R. Swearngan, Facility Services Superintendent, indicating that the following claims have been submitted to the insurance carrier:

1. Mr. Cliff S. Greaves
   1104 W. Cornwals
   Greensboro, North Carolina 27408

2. Ms. Lavada Weisbecker
   Route 2, Box 22
   Leicester, North Carolina 28748

Mayor Trantham said the 90-day special free on-street parking program at metered spaces in the downtown area is scheduled to end on the last day of August. He said the City Council has been asked to extend the program through August, 1979.

Bob Anthony, President of the Mid-City Merchants Council read the following request:

August 23, 1978

To: Members of the Asheville City Council
Asheville, North Carolina

From: Robert W. Anthony, Jr., President Mid-City Merchants Council by Secretary Helen S. McElyea

The following is directed to your attention:

At a joint meeting of the Mid-City Merchants Council and the Central Asheville Association on August 23, 1978, of the Boards of Directors of the two groups, it was moved and unanimously carried that a request be made to the City Council to endorse the extension of the successful parking experiment as requested by the Revitalization Commission and City Staff.

Attending the meeting of August 23 were the following: Robert Anthony, Donald Heet, Robert Beard, Jack Woodcock, Roy Burchfield, John Reid, Ray Spells, Charles Kern,Samuel Blythe, Chan Gordon, Helen McElyea, Michael Branch, Charles Enman, James Pressley, F. Jack Cole, Frank Coxe, Leon Rocamora, Louis Rifkin, and James Daniels.

cc: Bob Satterwhite - Asheville Citizen
City Manager Kenneth Michalove

Phyllis Millian suggested that Council increase the fine for illegal parking in a space designated for the handicapped from $5 to $10 and that private property owners post signs that violators will be towed away for parking in spaces designated for handicap parking.

Councilman Rainey said he would vote against the extension because of the amount of money the City could lose in parking meter revenues. He said he felt the loss would amount to approximately $70,000 a year. He said he also felt the free parking program poses enforcement problems, in that it lowers the possibility of violators being caught. He said the Asheville Revitalization Commission had suggested that the amount the city loses from the parking experiment be taken from a fund for downtown sidewalk and street improvements, which he felt was a bad idea.

Edith Miller also complained about the enforcement of handicap parking spaces.

Roy Burchfield, Vice-President of the Mid-City Merchants Council and manager of J. C. Penny Co., Inc., said the additional revenues to be derived from increased sales, that many of the downtown stores have reported since the experiment began, will offset the loss of revenue from the meters. He said Council should consider the long-range effects.

Thursday - August 24, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Councilwoman Norma T. Price, Gene E. Rainey, Ralph D. Morris, Jr. F. Jack Cole, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Bill B. Horton and Councilman Otis B. Michael

INVOCATION

Mayor Trantham introduced Rev. James Tucker of the Morningside Baptist Church, who gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the August 17, 1978 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the August 17, 1978 meeting were approved as submitted.

MAMA T's IN THE PARK - ANNOUNCEMENT OF OPENING

Mrs. Mitzi Tessier announced the opening of "Mama T's in the Park" on August 24, 1978. She said this would be a joint entertainment venture between Jack and Mitzi Tessier and the City Parks and Recreation Department. She said it would be held in the old pavilion at the Recreation Park and would feature bluegrass music, square dancing, clogging and singing. She said the Asheville Bluegrass Band and a house clogging team will be included in the program.

Mrs. Tessier thanked the City Parks and Recreation Department for their cooperation and help in promoting the program.

PUBLIC HEARING - ASHEVILLE REVITALIZATION PLAN

2. A public hearing continued relative to the adoption of the Asheville Revitalization Plan as the Official Plan for the revitalization and future development of the Asheville Downtown Improvement Area.

Leon Rocamora, a member of the Asheville Revitalization Commission, outlined Chapters eleven and twelve of the plan. These chapters included: 11) Existing Circulation and 12) Utilities Infrastructure.

Councilwoman Price moved to continue the public hearing until August 31, 1978 without further advertisement. This motion was seconded by Councilman Cole and carried unanimously.

ON-STREET FREE PARKING PROGRAM - DISCUSSION RELATIVE TO EXTENDING PROGRAM

3. Consideration was given to extending the on-street free parking program at metered spaces in the downtown area.

5. A. Any future development of property located at the southwest corner of the project site shall be subject to site plan review and approval, and

B. In the event the out lot is developed in connection with the project, it is recommended that no driveway permit be granted directly onto U. S. 25.

6. Approval by Metropolitan Sewage District for sanitary sewer connection and line extension.

Mr. Emrick, by the use of a map, reviewed the location of the proposed K-Mart Shopping Center. He said the project would consist of 15 acres, with 115,937 square feet of building area. He said the project would have 704 parking spaces which would be well over the spaces required by the Zoning Ordinance. He said presently the area is a vacant wooded lot.

Mr. M. J. Hakan, architect, answered general questions from members of Council. Upon inquiry, Mr. Hakan said there would be no problem with planting trees in some of the designated parking spaces.

Councilwoman Price moved for the approval of the site plan of the proposed K-Mart Shopping Center to be located on U. S. 25 (Hendersonville Road) subject to the recommendations of the Planning and Zoning Commission and that tree plantings be done by the recommendation of the Planning Director. This motion was seconded by Councilman Rainey and carried unanimously.

Mr. Hakan commended the Planning Staff and the Planning and Zoning Commission for their help in the project.

CONTINUATION OF PUBLIC HEARING - REZONING PROPERTY - CARIBOU ROAD - DR. JAMES H. MADDOX - HANDI SKILLS, INC.

5. A public hearing continued relative to rezoning property on Caribou Road from R-3 Residential District to OI Office Institutional District, property owned by Dr. James H. Maddox and Handi Skills, Inc.

Verl Emrick said the petitioners had requested a continuation of the public hearing until definite word can be received from the Small Business Administration relative to the loan for the construction of the Handi Skills, Inc. building.

Councilman Morris moved to continue the public hearing until financial arrangements for the building can be resolved. This motion was seconded by Councilman Cole and carried unanimously.

Virgil McConnell, of the Shiloh area, said the residents of the area would like to be notified when the matter is brought back to Council for consideration.

Jim Daniels, Chairman of the Asheville Revitalization Commission, said the Commission had recommended the extension of the program for one year. He said they had also recommended a task force to monitor the program and recommend changes as needed in downtown parking policies, rates and enforcement during this period.

Rev. James Tucker said he supported any measure that would help to revitalize downtown. He said he felt one of the reasons people shop in the malls rather than downtown was due to easy parking situations.

After discussion, Councilman Morris moved to table the decision on parking until August 31, 1978 in order to have all Council members present when a decision is reached. This motion was seconded by Councilwoman Price and carried unanimously.

PUBLIC HEARING - K-MART SHOPPING CENTER - U. S. 25 (HENDERSONVILLE ROAD)

4. A public hearing was held relative to the site plan for the proposed K-Mart Shopping Center to be located on U. S. 25 (Hendersonville Road).

Mayor Trantham opened the public hearing at 4:10 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, at its August 2, 1978 meeting, reviewed the site plan and recommended approval of the plan subject to the following:

1. A) That the developer comply with recommendations of the Water and Sewer Department for connections and installation of lines as set forth by the Utilities Operations Coordinator, or

   B) That a 10 feet maintenance easement be granted to the City by the developer so that individual water meters may be installed for various tennants. The developer is advised that if this approach is taken, lines, meters, etc. shall be installed to City specifications at the owner's expense and must be finally accepted by the Asheville City Council.

2. That identification signs for K-Mart and Winn-Dixie not exceed 375 square feet per use. (Maximum permitted by Sign Ordinance).

3. That additional identification signs for other proposed retail uses not exceed 150 square feet per use.

4. If the developer desires a free-standing sign on the property at any point in time that said signage be limited to one (1) joint identification sign -

   Specifications

Total square footage:	375 square feet
Height:	40 feet
Setbacks:	As prescribed in Zoning Ordinance

Secondly, even though the 1978-1979 HAP does not reflect a numerical accommodation of this project, it would provide a needed resource. David has identified 629 elderly citizens which could qualify for residence in these units (See Attachment "B"). This number of potential residents coupled with the fact that the anticipated construction of some 350 to 400 units has never been forthcoming, one would be safe in stating that the need still exists.

3. Traffic Volume in Area:

That latest traffic volumes figures for Tunnel Road (U.S. 70) show 35,000 ADT. However, with the opening of I-240 in 1981, the projected volumes decrease to 15,000. (I-240 will be designed to carry 60,000 ADT).

4. Zoning of Proposed Site:

The site is presently zoned CH Commercial Highway District. This district will allow residential development provided it is done to R-3 standards. Should higher density levels be desired, you can, of course, ask that the Board of Adjustment grant a variance to those specific provisions.

5. Availability of Utilities:

(a) Water: The Water Department reports that there is an existing 16" line on the southeastern property line which can serve the project.

(b) Sanitary sewer: The existing service to the property is a 6" line running along Tunnel Road. Don indicates that the project could possibly be served with the existing line, but if additional capacities are needed, an 8" line would be necessary.

NOTE: In providing service to this property, the owner would be required to finance the project.

6. Provision of Sidewalk:

In his narrative, the developer indicates that shopping areas are "within easy walking distance of the site." However, a sidewalk should be constructed. The estimated cost for constructing a sidewalk from Kenilworth Road to the Mall is as follows:

ASHEVILLE TERRACE - PROPOSED APARTMENT DEVELOPMENT - 200 TUNNEL ROAD

6. A public hearing was held relative to the plan for the proposed apartment development known as the Asheville Terrace.

Mayor Trantham opened the public hearing at 4:35 p. m.

The City Manager presented the notice to the public and affidavit of publication.

Verl Emrick, Planning Director, explained the process a developer must go by in order to receive Section 8 Housing Assistance Payments for a HUD financed housing development. He said the developers of the project known as the Asheville Terrace, Lawler-Wood Associates, Inc. has received preliminary approval for the project and HUD has requested the City to comment on this proposal or to object to its approval if it is inconsistent with the local Housing Assistance Plan. He said if the project receives final approval by HUD the project will again be considered by Council through the Group Development process.

Mr. Emrick then read the following memorandum:

TO: Ken Michalove, City Manager

FROM: Verl R. Emrick, Jr., Planning Director

SUBJECT: Tunnel Road Section 8 Project
NC 19-0014-015 - Asheville Terrace -
Lawler-Wood, Inc., Developers

DATE: August 15, 1978

In response to your request, I met with David Jones, Buzz Johnson, Don Walsh and Larry Ward to discuss the project captioned above and based on their comments, the following opinions on the project are offered.

1. General Project Description:

(a) Project Location: 200 Tunnel Road
(b) Total number of units: 248
New Construction: 192
Motel Rehab Units: 56
(c) All units will be one bedroom, approximately 500 square feet per unit.
(d) Rental fee for units - $331.00 - rent will include all utilities except telephone.

NOTE: See Attachment "A" for detailed narrative description of units and amenities offered.

2. Relationship to Asheville's Housing Assistance Plan (HAP):

Both David Jones and myself agree that the project is consistent with the housing goals stated in the City's HAP. Any project of this nature which will provide suitable housing for low and moderate income families would, of course, be consistent with the City's goals and objectives.

Mr. Thomas Howard, Vice-President of Lawler-Wood Associates, proposed owners and developers, said the proposed rent subsidy is a maximum set by HUD and not necessarily the rent for the project. He said since a sidewalk would impose a problem with right-of-way acquisitions as well as expensive the developers are proposing to provide transportation for the tenants to shopping and neighboring facilities. He said with proper construction and insulation there should be no problem with noise abatement.

Mr. Wallace Hyde, partial owner of the property, said if this project is not approved Asheville would not receive any funding from the present HUD allocation.

Councilwoman Price said she felt the project was good but she did not favor the location.

Mayor Trantham closed the public hearing at 5:03 p. m.

Councilman Rainey moved to advise HUD that the project is consistent with Asheville's housing goals and objectives and accept the preliminary site plan, but reserve final approval based on the developer's final plan which must go through Group Development Review and Approval. This motion was seconded by Councilman Cole and passed on a voice vote of 4-1, with Councilwoman Price voting "no." (Due to the absence of two members of Council, it was necessary for Mayor Trantham to vote).

ORDINANCE NO. 1073 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Rezoning Property on North Louisiana Avenue and Adams Hill Road)

7. Consideration was given to the second reading of Ordinance No. 1073, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, rezoning property at the intersection of North Louisiana Avenue and Adams Hill Road from R-5 Residential District to LI Light Industrial District, property owned by Mr. and Mrs. Henry C. Fisher, Jr.

Mayor Trantham said the ordinance was previously read on first reading and will not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-1, Ordinance No. 1073 passed on second reading, with Councilman Rainey voting "no." (Due to the absence of two members of Council, it was necessary for Mayor Trantham to vote).

ORDINANCE NO. 1074- AN ORDINANCE AMENDING SECTION 28-83 OF ARTICLE IV (SPEED REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

8. Consideration was given to the second reading of Ordinance No. 1074, an ordinance amending Section 28-83 of Article IV (Speed Regulations) of the Code of Ordinances of the City of Asheville, increasing the speed limit from N. Hanover Street (N.C. 191) to the west end of Beaucatcher Tunnel to fifty-five miles per hour and increasing the speed limit from U. S. 74 to the Blude Ridge Parkway to forty-five miles per hour.

Length:	3,050 feet
Width:	6 feet
Cubic Yards of Concrete Necessary:	223.65
Estimated Cost per Cubic Yard:	$2.25

Estimated Cost: $11,685.00 (To the City)

NOTE: Cost does not reflect acquisition of necessary right-of-way or installation of curb and gutter.

RECOMMENDATIONS:

At this point, the Council has three options in making comments on this project. These are:

(1) Advise HUD that the proposal is consistent with Asheville's stated housing goals and objectives, but withhold any comment on the acceptability of the site.

(2) Advise HUD that the project is consistent with Asheville's housing goals and objectives and accept the preliminary site plan, but reserve final approval based on the developer's final plans which must go through Group Development Review and Approval; or

(3) Advise HUD that the City will withhold its opinions on the acceptability until the developer has submitted site plans which are in sufficient detail to be reviewed under the provisions of the Group Development Section of the Asheville Zoning Ordinance.

In order for the site plan to meet the criteria for evaluation, the information detailed in Attachment "D" will be needed.

NOTE: Items checked "No" on the form indicates that the information is not available as of the date of this memorandum.

The developer should be cognizant that HUD in all likelihood requires an environmental assessment for this site with particular attention being given to compliance with their noise abatement requirements.

My recommendation is to go with option #2.

Should you have any questions, please advise.

VREJR/nr
Encls/

PACK MEMORIAL LIBRARY - APPRAISAL

The City Manager reported that he had received the appraisal of the Pack Memorial Library from William T. Duckworth. He said the market value of the property is $90,000.00. He said the City has received an offer to purchase or lease the building, however, other offers would be considered. He said it would be the City's policy not to consider an offer less than the appraised value. He said the sale of the property would be in conformance with state law.

CLAIMS - MRS. BONNIE SPARKS - MR. EARNEST JOHNSTON - MR. CHRISTOPHER BANKS

The City Manager presented a memorandum from W. R. Swearngan, Facility Services Superintendent, indicating that the following claims have been submitted to the insurance carrier:

1. Mrs. Bonnie Sparks
   Asheville, North Carolina

2. Mr. Earnest Johnston
   38 Clingman Avenue
   Asheville, North Carolina.

Claims sent to Saint Paul Fire and Marine Insurance:

1. Mr. Christopher Banks
   587 Brevard Road
   Asheville, North Carolina

ALLEY - OFF BROADWAY

The City Manager presented a letter from J. M. Hearn Company, 34 Broadway; M & M Beauty Shop, 30 Broadway; Globe Furniture Company, 26 Broadway; and Brezny Mauldin Photographers of 32 Broadway requesting that some action be taken regarding the condition of an alley off of Broadway which runs behind their businesses.

PUBLIC HEARING SCHEDULED - ROCK HILL APARTMENTS

Councilwoman Price moved to schedule a review of the Rock Hill Apartments development for September 7, 1978. This motion was seconded by Councilman Rainey and carried unanimously.

BUS TRANSPORTATION SYSTEM - FEDERAL GRANT RECEIVED

The City Manager reported that the City had received a federal grant in the amount of $145,980 for improvements to the bus transportation system. He said this grant had been requested for the last four or five years and is just now coming through. He said he would have a resolution prepared for next week's meeting approving the agreement.

REPORT ON 48 AND 53 BLAYLOCK AVENUE

The City Manager said he had the two vacant houses at 48 and 53 Blaylock Avenue inspected and found that the houses were considered to be substandard. He said one of the houses had been sold at public auction on August 23, 1978.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Councilwoman Price said she was opposed to the ordinance because it would be adding a dangerous speed limit to these particular highways.

Verl Emrick, Planning Director, said he had been in contact with Walter Cochran, State District Engineer, and was told this ordinance had been requested for a continuity of speed.

After discussion, Councilman Morris moved to table the ordinance until such time as the State District Engineer could discuss the issue with Council. This motion was seconded by Councilwoman Price and carried unanimously.

BIDS - 1978-79 PAVING PROGRAM

9. Consideration was given to bids received August 21, 1978 for the 1978-79 Paving Program.

The City Manager read a memorandum from the Purchasing Agent which stated that three (3) bids were received and it was recommended that the bid be awarded to Asheville Paving Company, Inc. who submitted the lowest overall bid, totaling $475,775.00 based on estimated quantities.

Councilwoman Price moved to accept the recommendation of the Purchasing Agent and award the bid to Asheville Paving Company, Inc., the lowest overall bidder, totaling $475,775.00. This motion was seconded by Councilman Cole and carried unanimously.

ORDINANCE NO. 1075 - AN ORDINANCE REPEALING SECTIONS 10-1 THROUGH 10-20 (CHARITABLE SOLICITATIONS) OF THE ASHEVILLE CODE OF ORDINANCES

10. Consideration was given to an ordinance repealing Sections 10-1 through 10-20 (Charitable Solicitations) of the Asheville Code of Ordinances.

The City Manager read the ordinance and said recent court actions indicate that the City Code regarding procedures and approval for charity solicitations is unconstitutional. However, state law now provides for reviews of charity solicitations. He said Charlotte Hutchison, Research Analyst and Bill Moore, Corporation Counsel, have researched this matter and have agreed that there is a need for the City to repeal the City's ordinance.

Charlotte Hutchison, Research Analyst, answered general questions from members of Council relative to licensing and enforcement by the Charitable Solicitation and Licensing Branch of the North Carolina Department of Human Resources.

Councilwoman Price moved for the adoption of Ordinance No. 1075. This motion was seconded by Councilman Cole.

On a roll call vote of 4-0, Ordinance No. 1075 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1075. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1075 passed on second reading.

Thursday - August 31, 1978 - 3:00 o'clock p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton; Councilwoman Norma T. Price, Gene E. Rainey, Otis B. Michael, Ralph D. Morris, Jr., F. Jack Cole, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Vice-Mayor Horton gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the August 24, 1978 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the August 24, 1978 meeting were approved as submitted.

CONGRESSMAN LAMAR GUDGER

Mayor Trantham introduced Congressman Lamar Gudger who addressed Council on various issues. He said that he was delighted that the local governing bodies were working together along with State and Federal representatives. He assured Council of his full support.

Mayor Trantham then turned the meeting over to Vice-Mayor Horton in order to meet with Congressman Gudger and City officials relative to items of immediate concern.

RESOLUTION NO. 78-161 - RESOLUTION OF APPRECIATION TO MRS. JAMES M. WESTALL FOR SERVICES RENDERED TO THE CITY OF ASHEVILLE THROUGH THE PARKS AND RECREATION ADVISORY BOARD

2. Consideration was given to a resolution of appreciation to Mrs. James M. Westall for services rendered to the City of Asheville through the Parks and Recreation Advisory Board.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilwoman Price, Resolution No. 78-161 was unanimously adopted.

Complete text of Resolution No. 78-161 will be found in Resolution Book No. 10 at page 329.

RESOLUTION NO. 78-162 - RESOLUTION OF APPRECIATION TO CAPTAIN ROY E. KING

3. Consideration was given to a resolution of appreciation to Captain Roy E. King.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilman Rainey, Resolution No. 78-162 was unanimously adopted.

AIRPORT BIDS - RUNWAY EXTENSION

William F. Wolcott, Jr., Associate City Manager, announced that bids for construction of the first phase of the airport runway extension were opened on August 24, 1978. He said Champion Landscaping of Kings Mountain was the apparent low bidder with a base bid of $2,156,825. He said the bids must be approved by the FAA in Atlanta. He said applications are being made for more money from the Federal Aviation Administration.

Adjournment.

MAYOR

CITY CLERK

Councilwoman Price moved to extend the on-street free parking program through March 31, 1979. This motion was seconded by Councilman Morris.

Vice-Mayor Horton noted that if the program is extended, we should implement the changes early so we can perfect the program and benefit by the already 6-month time period.

City Manager K. M. Michalove noted that one recommendation already in is to revert the area around the City/County Plaza and the Post Office area back to metered parking. Also, the early morning parking ban should be eliminated in these areas. He noted that approximately 40% of the total amount of on-street parking meters in downtown would become operational. He said that some other recommendations have come in and would be looked over in the next few weeks.

It was noted that the City Manager has the power to make changes in the experiment during the 7-month period in case a hardship case arises.

Councilman Michael said that the complaints on the parking program are not reaching the City Manager, the Revitalization Commission and the other people who are in a position to change the ordinance. Mr. Michalove stated that he would obtain a summary of the complaints for Councilman Michael's review.

Councilman Michael asked that the following letter from Mrs. Martha Hoskins be included in the minutes:

> "My mother who is 85 and now home with a nurse, after 7 weeks at St. Joseph's Hosptial, had a 9:15 appointment with Wayne Woodard, M.D. in the Flat Iron Building. My sister parked between Penneys and John Carrolls and rushed across the street to help the nurse with mother. Wayne Woodard is off on Thursday afternoon but, of course, he would verify this statement. Thank you for your interest and kindness."

Councilman Rainey said that the meters have no effect on business and that there is no data to confirm or deny this. He was concerned the estimated loss of revenue from the meters would hurt the City. He estimated the City will lose $70,000 because the meters are eliminated, not $42,000 that the City officials estimated.

Councilman Rainey said that he felt the meters were the best method of regulating parking. He also felt that the people deriving the benefit or the merchants should support the program.

Mr. Don Dyer, manager of a parking lot in the downtown area, said that he felt the plan was not working satisfactory.

Mr. Leon Rocamora, along with Mr. James Daniels, spoke in favor of the program stating that it has been very good for the City of Asheville's morale.

Vice-Mayor Horton and Councilman Michael were assured that the revitalization subcommittee would review the progress of the experiment monthly.

The motion made by Councilwoman Price and seconded by Councilman Morris to extend the on-street free parking program through March 31, 1979, carried on a 5-1 vote, with Councilman Rainey voting "no."

The City Council recessed for 5 minutes at 5:07 o'clock p.m.

Complete text of Resolution No. 78-162 will be found in Resolution Book No. 10 at page 330.

RESOLUTION NO. 78-163 - RESOLUTION OF APPRECIATION TO CAPTAIN NEIL C. SAMS

4. Consideration was given to a resolution of appreciation to Captain Neil C. Sams.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, Resolution No. 78-163 was unanimously adopted.

Complete text of Resolution No. 78-163 will be found in Resolution Book No. 10 at page 331.

PUBLIC HEARING - ASHEVILLE REVITALIZATION PLAN

5. A public hearing was continued relative to the adoption of the Asheville Revitalization Plan as the Official Plan for the revitalization and future development of the Asheville Downtown Improvement Area.

Mrs. Mimi Cecil, a member of the Asheville Revitalization Commission, outlined Chapter Fourteen entitled "The Revitalization Strategy."

Mr. Wayne Cooper, a member of the Asheville Revitalization Commission, outlined Chapter Fifteen entitled "Downtown Framework Plan."

Mr. Bob Orr, a member of the Asheville Revitalization Commission, outlined Chapter Sixteen entitled "Circulation and Access Patterns."

Mrs. Alice Collette, a member of the Asheville Revitalization Commission, outlined Chapter Seventeen entitled "Social/Cultural Improvement Strategy."

Councilman Morris moved to continue the public hearing until September 7, 1978 without further advertisement. This motion was seconded by Councilwoman Price and carried unanimously.

ON-STREET FREE PARKING PROGRAM - EXTENSION OF PROGRAM THROUGH MARCH 31, 1979

6. Consideration was given to extending the on-street free parking program at metered spaces in the downtown area.

Mayor Trantham returned to the Council Chambers.

Mr. Robert Anthony, President of the Mid-City Merchants Council, spoke in support of the extension of the on-street free parking program through August, 1979.

Councilman Michael suggested that the program be continued for one month in order to get an opinion from the tenants in the downtown area. He noted that the one month postponement would give us time to work out any inequities before extending it for a full year.

Mr. Herbert Anson, owner of a building in the downtown area, spoke in support of the parking program stating that it is important to the area to draw the traffic.

Mayor Trantham said that the ordinance was previously read on the first reading and would not be re-read unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1075 passed on its third and final reading.

Complete text of Ordinance No. 1075 will be found in Ordinance Book No. 8 at page 285.

RESOLUTION NO. 78-164 - RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

10. Consideration was given to a resolution authorizing the execution of a contract with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as amended.

The City Manager read the resolution explaining that a Capital Grant under Section 3 of the Urban Mass Transportation Act of 1964, as amended, has been approved in the maximum amount of $145,980.

Mr. Larry Ward, Transportation Planner, explained that these funds will aid in financing the purchase and installation of a bus washing system, bus shelter complex, passenger amenities and various support equipment. He also answered general questions from the Council.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Price, Resolution No. 78-164 was unamimously adopted.

Complete text of Resolution No. 78-164 will be found in Resolution Book No. 10 at page 332.

RESOLUTION NO. 78-165 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH WOOD AND CORT, P. A., ARCHITECTS FOR DESIGN AND CONSTRUCTION ARCHITECTURAL SERVICES FOR PHASE I SAFETY TO LIFE REQUIREMENTS FOR THE CITY BUILDING

11. Consideration was given to a resolution authorizing the Mayor to sign a contract with Wood and Cort, P.A., Architects for design and construction architectural services for Phase I Safety to Life Requirements for the City Building.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Cole, Resolution No. 78-165 was unanimously adopted.

Complete text of Resolution No. 78-165 will be found in Resolution Book No. 10 at page 333.

APPROVAL OF CONSENT AGENDA

12. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item.

ORDINANCE NO. 1073 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Rezoning property on North Louisiana Avenue and Adams Hill Road)

7. Consideration was given to the third and final reading of Ordinance NO. 1073, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended, rezoning property at the intersection of North Louisiana Avenue and Adams Hill Road from R-5 Residential District to LI Light Industrial District, property owned by Mr. and Mrs. Henry C. Fisher, Jr.

Mayor Trantham said that the ordinance was previously read on the first reading and would not be re-read unless there was a specific request to do so.

On a roll call vote of 5-1, Ordinance No. 1073 passed on its third and final reading, with Councilman Rainey voting "no."

Complete text of Ordinance No. 1073 will be found in Ordinance Book No. 8 at page 283.

ORDINANCE NO. 1074 - AN ORDINANCE AMENDING SECTION 28-83 OF ARTICLE IV (SPEED REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

8. Consideration was given to the second reading of Ordinance No. 1074, an ordinance amending Section 28-83 of Article IV (Speed Regulations) of the Code of Ordinances of the City of Asheville, increasing the speed limit from N. Hanover Street (N. C. 191) to the west end of Beaucatcher Tunnel to fifty-five miles per hour and increasing the speed limit from U. S. 74 to the Blue Ridge Parkway to forty-five miles per hour.

Mayor Trantham said the ordinance was previously read on the first reading and would not be re-read unless there was a specific request to do so.

Mr. Walter Cochran, State District Engineer, explained that the State felt that the fifty-five miles per hour speed limit was a safe speed for this area and that they were trying to be consistent with speeds.

It was Councilwoman Price's feeling that fifty-five miles per hour on these highways would be dangerous and that she would oppose this ordinance.

Vice-Mayor Horton said that he was opposed to the ordinance because he feels that the speeds posted now are sufficient for safety reasons.

Councilman Morris moved that Council proceed with the second reading of Ordinance No. 1974. This motion was seconded by Councilman Michael.

On a roll call vote of 4-3, Ordinance No. 1074 passed on its second reading, with Councilman Rainey, Councilwoman Price and Vice-Mayor Horton voting "no" and Councilmen Cole, Michael, Morris and Mayor Trantham voting "yea."

ORDINANCE NO. 1075 - AN ORDINANCE REPEALING SECTIONS 10-1 THROUGH 10-20 (CHARITABLE SOLICITATIONS) OF THE ASHEVILLE CODE OF ORDINANCES

9. Consideration was given to the third and final reading of Ordinance No. 1075, an ordinance repealing Sections 10-1 through 10-20 (Charitable Solicitations) of the Asheville Code of Ordinances.

CLAIMS - REPORTED TO INSURANCE CARRIERS - MR. EARNEST JOHNSON, MS. SONYA BENTLEY, MRS. ELLA HUDGENS, MR. M. BRUCE KING, MRS. OSCAR HENDRIX, MRS. BINKLY, MRS. THELMA JOHNSON, MS. NANCY ELDERS

The City Manager presented a memorandum from W. R. Swearngan, Facility Services Superintendent, indicating that the following claims have been submitted to the insurance carrier:

1. Mr. Earnest Johnson
   38 Clingman Avenue
   Asheville, N. C.

2. Ms. Sonya Bentley
   Rt. 5, Box 2113
   Candler, N. C.

3. Mrs. Ella Hudgens
   51 Ora Street
   Asheville, N. C.

4. Mr. M. Bruce King
   Rt. 2, Box 1075
   Asheville, N. C.

5. Mrs. Oscar Hendrix
   15 Dysart Street
   Asheville, N. C.

Claims sent to Saint Paul Fire & Marine Insurance:

1. Mrs. Binkly
   132 Michigan Avenue
   Asheville, N. C.

2. Mrs. Thelma Johnson
   Candler, N. C.

3. Ms. Nancy Elders
   8 Twin Oak Apt.
   Arden, N. C.

PROCLAMATION - RESCUE SQUAD WEEK IN ASHEVILLE" - SEPTEMBER 4-10, 1978

Mayor Trantham proclaimed the week of September 4-10, 1978, as "Rescue Squad Week in Asheville."

PROCLAMATION - MUSCULAR DYSTROPHY DAYS - SEPTEMBER 3-4, 1978

Mayor Trantham proclaimed September 3-4, 1978, as "Muscular Dystrophy Days."

BIDS - FOOTBALL SCOREBOARD FOR MEMORIAL STADIUM

The City Manager asked for consideration of bids received August 31, 1978, for a football scoreboard, Nevco 2-3004, or Equal for Memorial Stadium, Parks and Recreation Department.

Upon the request of a citizen, a member of the City Council and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 78-166

Resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish the dwelling houses known as 17 Harrison Street, 185 Park Avenue and 966 West Chapel Road for October 5, 1978.

HIGHLIGHTS: 17 Harrison Street, 185 Park Avenue and 966 West Chapel Road have been found to be unfit for human habitation, unsafe and dangerous to life. Owners have not complied with orders to repair or demolish said structures.

B. Resolution No. 78-167

Resolution authorizing the Mayor of the City of Asheville to execute easement in favor of the North Carolina Department of Transportation.

HIGHLIGHTS: The North Carolina Department of Transportation has requested the City of Asheville to execute a right-of-way easement and a drainage easement on property belonging to the City, known as Weaver Park, for the purpose of widening certain sections of Merrimon Avenue and to install a permanent drainage for Merrimon Avenue.

C. Resolution No. 78-168

Resolution authorizing the Mayor to sign a contract with Computer System Services, Inc.

HIGHLIGHTS: This is an annual renewal of a contract with Computer Systems Services, Inc. for the purpose of obtaining electronic equipment data processing maintenance services.

D. Motion approving budget amendment to reflect a Library Service and Construction Act Grant in the amount of $16,561.

HIGHLIGHTS: This is an annual grant received to fund equipment and operating expenses at the Library.

Revenues:
Federal Grant LSCA Outreach Project $16,561

Appropriations:
Project Outreach Grant $16,561

Upon motion of Councilman Michael, seconded by Councilman Morris, the consent agenda was unanimously approved.

Councilman Michael stated that he would like a report on a quarterly basis from the Asheville Housing Authority, the Civic Center Commission and the Asheville Transit Authority.

COUNCILMAN F. JACK COLE - COMMUNITY DEVELOPMENT PUBLIC HEARINGS

Councilman Cole reported that at the Community Development public hearing he attended August 29, 1978, there was an excellent turn-out.

He reported that there was excellent newspaper coverage, but no television coverage.

Adjournment.

MAYOR

CITY CLERK

The City Manager read a memorandum from the Purchasing Agent which recommended the only bid submitted by The Sports Mart, Inc. in the amount of $3,621.62, be accepted.

The funding would be by special appropriation from Buncombe County Commission through the Asheville City Schools.

Councilwoman Price moved to accept the recommendation of the Purchasing Agent by awardeding the bid to the only bidder, The Sports Mart, Inc. in the amount of $3,621.62. This motion was seconded by Councilman Cole and carried unanimously.

VICE-MAYOR HORTON - COMMENDATION TO ASHEVILLE POLICE DEPARTMENT

Vice-Mayor Horton expressed his vote of thanks to the Asheville Police Department, along with the Buncombe County Sheriff's Department, State Bureau of Investigation, Federal Bureau of Investigation and the Internal Revenue Service for their fine work in cracking down on the gambling in the City of Asheville.

COUNCILMAN MICHAEL

Councilman Michael requested that the following letter be included in the minutes:

August 24, 1978

"Members of the Housing Authority
of the City of Asheville and
Mr. David C. Jones, Executive Director
Post Office Box 1898
Asheville, North Carolina 28802

Dear Madam and Gentlemen:

Thank you very much for your report of the accomplishments, status, and anticipated programs of the Housing Authority. It certainly helped me and others, I am sure, to understand the functions of your department.

It is hoped that in the future all authorities and commissions appointed by City Council will give at lease quarterly reports to Council and this should lead to better communication and understanding between us.

I hope that an orderly, cooperative integration of all the housing projects can be implemented as soon as feasible.

Again, I thank you for your attendance and report, and if I can help in any way, please don't hesitate to let me know. We will look forward to hearing from you in the near future.

Yours truly,

Otis B. Michael, M. D.
Councilman

OBM/msm
CC: Members of the Asheville City Council"

Mr. Verl Emrick, Planning Director, explained the process that a developer has to go through when there are funds available for Section 8 Housing. He explained that this is only a request from the Greensboro HUD Office asking for comments relative to whether or not this project is consistent with the housing goals as a community and some basics about the site itself. He said the only thing occurring at this point is that the developer, Western Carolina Housing, Inc., is asking, through his proposal, for a setting aside of funds by the federal agency. If the project is accepted by the federal agency, the developers will have to submit a very detailed architectural plan as well as a financing plan for approval. Those plans, since the area in question is within the City's 1-mile zoning jurisdiction, will have to go through a group development review, which is a site review process, before any building permits can be issued.

Mr. Emrick read the following report which discusses the information presently available and advises the City Council of staff's opinions relative to the project at this point in the review process:

1. General Project Description

   (a) Project Location: Westernmost extension of Rock Hill Road
   (b) Total Number of Units Proposed: 50 - New Construction
   (c) Apartment Configuration: 16 - 3BR - 950 sq.ft./unit
       34 - 2BR - 760 sq.ft./unit
   (d) Proposed Rental Rates: 3BR - $300/Month
       2BR - $250/Month
   (e) Project Management Agent: Alco Properties, Inc.
       Memphis, Tennessee

   * Property is currently under a 60-day option.
     (Owner of property: C. S. Harrell)

2. Relationship to Asheville and Buncombe County's Housing Assistance Plan (HAP)

   As stated before in other staff reports of this nature, any project of this type which will provide suitable housing for low and moderate income families would, of course, be consistent with the City's housing goals and objectives. Chuck Tessier, Buncombe County Planning Director, also states in a letter to the project developer dated March 22, 1978, that the project is consistent with the housing goals of Buncombe County.

3. Zoning of Proposed Site

   The property for this project is zoned LI Light Industrial District and as such it is inappropriately designated for residential zoning. Therefore, should the project proceed toward the final stages of development, the property owners of their agent must petition the Council to rezone the property.

   NOTE: In 1975, the Planning and Zoning Commission recommended that the site be zoned R-3 Residential District, but Council assigned the LI zone to the property after a rather lengthly debate.

Thursday - September 7, 1978 - 3:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton; Councilman Gene E. Rainey, Otis B. Michael, Ralph D. Morris, Jr., F. Jack Cole, Corporation Council William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilwoman Norma T. Price (Councilwoman Price took her seat at 3:47 o'clock p.m.)

INVOCATION

Councilman Otis B. Michael gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the August 31, 1978 meeting.

Upon motion of Councilman Cole, seconded by Councilman Rainey, the minutes of the August 31, 1978 meeting were approved as submitted.

PROCLAMATION

Mrs. Jumelia Hyatt, The Northwestern Bank, read a proclamation proclaiming the week of September 11-16, 1978 as "American Institute of Banking Week in Asheville."

GOVERNOR HUNT'S APPOINTMENT - MR. HAROLD GARLAND

Mayor Trantham was pleased to announce that Governor Hunt had appointed Mr. Harold Garland, Chief Electrical Inspector for the City of Asheville, to the State Board of Examiners for Electrical Contractors.

PUBLIC HEARING - ASHEVILLE REVITALIZATION PLAN

2. A public hearing was continued relative to the adoption of the Asheville Revitalization Plan as the Official Plan for the revitalization and future development of the Asheville Downtown Improvement Area.

Mr. James Daniels, Chairman of the Asheville Revitalization Commission, introduced Mr. George Tisdale who outlined Chapter Eighteen entitled "Marketing Strategy."

Vice-Mayor Horton moved to continue the public hearing until September 14, 1978, without further advertisement. This motion was seconded by Councilman Cole and carried unanimously.

PUBLIC HEARING - PROPOSED ROCK HILL APARTMENTS

3. A public hearing was held relative to the plan for the proposed apartment development known as Rock Hill Apartments.

Mayor Trantham opened the public hearing at 3:45 o'clock p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Councilwoman Price took her seat at 3:47 o'clock p.m.

Mayor Trantham said that he wrote a letter to Atlanta stating that the proposals should go to the local governing bodies first, then through the process of HUD, the Planning Department and Region B.

Councilman Rainey said that the property is presently zoned LI Light Industrial District and must be rezoned to residential if an apartment comply is to be placed there. Since it is not zoned for residential development now, he feels that the Council should oppose the project.

Councilman Cole was concered that the added children from the project would worsen the situation at the already over-crowded nearby schools.

It was Councilman Morris' opinion that the Buncombe County Commissioners should make the recommendation to HUD since the project would affect county schools and county sewers.

Mayor Trantham then asked for resident's comments, which are as follows:

Ms. Jacqueline Scott, 181 Rock Hill Road, stated that the residents are protesting multiple dwellings which would be centrally located between middle income 1-family dwellings. She explained the problem with already over-crowded schools, the problem in the drastic increase of the population causing a high increase of crime in this low crime area and the problem of noise and traffic. She passed out documents dealing with the amount of money involved in this project. She read a statement from a letter from the N. C. Department of Cultural Resources stating that they recommended an archeological survey be undertaken to acknowledge any sites before construction.

Mr. Howard Hazelrigg, 38 Stockwood Extension, stated that he felt that proposed Rock Hill Apartments and the proposed Biltmore Pine Apartments would not be in the best interest of the citizens in the community. He told Council that he is circulating a petition to rezone the area to a residential classification which would prohibit any development except single family houses. He also felt that this location of the project would lower property values in the area.

Mr. Bill Oglesby, Buncombe County Commission and a member on the Board of Directors of the Jaycee corporation sponsoring the project, said that they had no intention of causing problems in this community. He said that the Board feels that we have substandard and inadequate housing in Asheville and Buncombe County. He said that they are just trying to add homes for families that live in an area of substandard housing.

Mr. Clayton Wright, a resident in the area, spoke in opposition of this project.

Mr. Ridgley Robinson, representative of the Western North Carolina Jaycee Housing, Inc., spoke in favor of this project stating that they are trying to provide good, safe, decent and adequate housing for the people. It was Mr. Robinson's opinion that the project would not be detrimental to the existing neighborhood, as the residents might initially think.

Mr. Eric Redden, 125 Stockwood Road, spoke in opposition of this proposed development stating that this was a low crime area and if additional people came in, crime would increase.

Ms. Ann Worley, resident in the Reynolds School District, spoke in opposition of the project because of the over-crowding in schools.

4. Availability of Utilities

(a) Water: Conversations with the City's Water Department reveal that the existing 6" line which follows West Chapel Road and Rock Hill Road between Fairview Road and Sweeten Creek has sufficient flow capacity to serve the project. Information available on flow pressures and capacities indicates the line is capable of serving 122 units. However, it should be noted that prior to service connection being approved, the developer must have approval from the N. C. Department of Human Resources and comply with the area's joint water extension policies.

(b) Sanitary Sewer: The Buncombe County Engineering Department reports that there is an existing line which follows Rock Hill Road and stops at the developer's property line. Further, the engineers report no problems with providing connections to the property.

Information available indicates that there are no real problems with the capacities of the sewer system in this area outside the City Limits. There are, however, infiltration problems during times of heavy rains and flooding on Sweeten Creek.

5. Schools

Conversations with Mr. Robinson, Assistant Superintendent, Buncombe County Schools, indicate that Oakley Elementary and Reynolds Middle Schools are very near capacity and cannot accommodate a large number of additional students. Reynolds High School on the other hand can accommodate an additional 250 students.

NOTE: School population projections utilize a factor of 1.5 students per single family housing and 2.0 students per units in multi-family complexes. Therefore, one could project approximately 100 new students.

Mr. Emrick stated that at this point, the staff recommends that Council advise HUD that the project is consistent with Asheville's stated housing goals and objectives, but withhold any comment relative to the acceptability of the site until such time as specific site plans are submitted.

Councilman Michael made the point that it was his opinion that the community needs more single family housing rather than low rent housing.

City Manager K. M. Michalove explained that annually, the City Council is required to approve the Housing Assistance Plan. This Plan does not get into area designations, only a statement of the number of families that need assistance. He said that this Plan was approved approximately 7 months ago. He said that all the Planning Director does in analyzing this is that when a developer says that he wants to put up some rental units, the Director goes back and looks at the Plan and determines whether or not these rental units are needed. He pointed out that Mr. Emrick's opinion is based on this study that was done. He said that if Council doesn't want any more rental units developed, the study would have to be changed. He said that this study is required in order to receive Community Development funds.

Mr. Emrick said that units could mean rental apartments or single family detached dwellings.

Mr. Emrick reviewed the proposed amendments which consist of additions to the parking, a shift in a building and the addition of a Pizza Hut. The said that the amendments are of such a magnitude that the exceptions of the Group Development Review would not apply in this instance, therefore, it is necessary for Council to approve the amendments. He asked Council for their approval of the following:

1) Approve a Pizza Hut;

2) Require the developer to resubmit his Erosion Control Plan; and

3) Not approve, as part of the developer's scheme, an additional free standing sign for the Pizza Hut.

Mayor Trantham closed the public hearing at 6:05 o'clock p.m.

After some discussion relating to buffering, Councilwoman Price moved to accept the recommendations of the Planning Director with two rows of evergreen shrubs in the northwest corner in addition to the chainlink fence. This motion was seconded by Councilman Cole and carried unanimously.

PUBLIC HEARING - SITE PLAN APPROVAL - SWEETEN CREEK MINI-WAREHOUSE FACILITIES

5. A public hearing was held relative to the site plan for the proposed Sweeten Creek Mini-Warehouse Facilities to be located on Sweeten Creek Road.

Mayor Trantham opened the public hearing at 6:07 o'clock p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

It was noted that on August 17, 1978, Mr. Gary Rowe, the developer's attorney, requested that this public hearing be continued to this date in order to complete negotiations regarding utility easements.

Mr. Emrick, Planning Director, said that Asheville Planning and Zoning Commission has recommended approval of the site plan for the proposed Sweeten Creek Mini-Warehouse Facilities to be located on Sweeten Crrek Road subject to the developer complying with the following:

1) That the developer comply with all applicable requirements of the City of Asheville Erosion Control Ordinance. Buildings should be elevated and/or waterproofed in order to minimize potential flood damage from Sweeten Creek. Also, access drive, whether bridge or culvert, across Sweeten Creek be designed to allow unobstructed flow of water during times of flooding.

2) That the proposed additions to Buildings "A" and "D" be constructed in a manner which will not interfere with any future maintenance required on the existing sewer line.

3) That the developer work with the Buncombe County Public Safety Department to establish an easement through the property for the future extension of sanitary sewer services to the Rock Hill Road area.

Mr. C. E. Parker, 19 Stockwood Road, presented Council with several documents which he felt indicated Mr. Oglesby's connection with the projects and his role as a commissioner is in conflict of interest. He also presented a HUD guideline which said that no county official could have any interest in or receive benefits from a housing project. He felt that Mr. Oglesby should have stepped down off of that Board until this was over.

Ms. Sara Davis, Route 9, Box 167, Edgewood Road, spoke in opposition of this project stating that people lose their pride when living in these housing complexes.

Ms. Linda Redmond, a resident of Stockwood, spoke in opposition of this project because the property values in the area would be lowered.

Mr. Roger Knaup, Route 9, Box 72, a mail carrier, said that his many trips through housing developments of this type revealed bad living conditions and he was very much opposed to this project.

Mr. Arthur Edington, Route 9, Box 182, spoke in opposition of this project stateing that there were betters ways of meeting the housing needs of the citizens.

Mr. John T. Brownlee, 34 Stockwood Lane, spoke in opposition of the proposed project in this location.

A teacher at T.C. Roberson spoke in opposition to this project because of the hardship already on the existing schools.

Ms. Jean Sales, Riceville Road, spoke in opposition of this proposed project.

Councilman Morris suggested that a transcript of this public hearing be sent to HUD along with the recommendations of Council.

Mayor Trantham closed the public hearing at 5:32 o'clock p.m.

Vice-Mayor Horton suggested that the City Council find the project consistent with the local Housing Assistance Plan but does not approve the proposed location because of its potentially extreme impaction of the area schools, its intolerable increase in traffic congestion and its complete incompatibility with present property zoning.

Councilman Rainey moved to submit a negative recommendation on the basis of non-conformity with the zoning even though the project conforms with the Housing Assistance Plan. Also, the Council's opinion is based on the objection of the residents of the community as voiced on the attached tape. This motion was seconded by Councilman Cole and carried unanimously.

The City Council recessed for approximately 10 minutes at 5:47 o'clock p.m.

PUBLIC HEARING - AMENDMENTS TO THE OTEEN SHOPPING CENTER GROUP DEVELOPMENT PLAN

4. A public hearing was held relative to amendments to the Oteen Shopping Center Group Development Plan.

Mayor Trantham opened the public hearing at 5:50 o'clock p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

ORDINANCE NO. 1074 - AN ORDINANCE AMENDING SECTION 82-83 OF ARTICLE IV (SPEED REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

7. Consideration was given to the third and final reading of Ordinance No. 1074, an ordinance amending Section 82-83 of Article IV (Speed Regulations) of the Code of Ordinances of the City of Asheville, increasing the speed limit from N. Hanover Street (N.C. 191) to the west end of Beaucatcher Tunnel to fifty-five miles per hour and increasing the speed limit from U. S. 74 to the Blue Ridge Parkway to forty-five miles per hour.

Mayor Trantham said that the ordinance was previously read on the first reading and would not be re-read in its entirety unless there was a specific request to do so.

Vice-Mayor moved to amend the ordinance by changing the speed limit from N. Hanover Street (N.C. 191) to the west end of Beaucatcher Tunnel to fifty miles per hour. This motion was seconded by Councilwoman Price and carried on a 4-2 vote, with Councilmen Michael and Morris voting "no."

Complete text of Ordinance No. 1074 will be found in Ordinance Book No. 10 at page 284.

APPROVAL OF THE CONSENT AGENDA

8. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution authorizing the execution of a contract with the State of North Carolina Department of Transportation for a State Airport Aid Grant.

HIGHLIGHTS: State Project No. 77-05 funds will be used to extend safety area runway 34; upgrade MITL and HIRL System; construct CFR Station; and purchase 1500 gallon foam fire truck.

The grant is in the maximum amount of $30, 170.

Resolution No. 78-169 - Found in Resolution Book No. 10 - page 337.

B. Resolution authorizing the execution of a contract with the State of North Carolina Department of Transportation for a State Airport Aid Grant.

HIGHLIGHTS: State Project No. 78-07 funds will be used for site preparation for 1500 foot runway and taxiway extension including Navaid sites and lighting.

The grant is in the maximum amount of $644,200.

Resolution No. 78-170 - Found in Resolution Book No. 10 - page 338.

4) That the developer provide buffering as required in Section 30-3-14 (2) of the Zoning Ordinance along the westernmost property line abutting residentially zoned property where natural vegetation is inadequate or may be removed.

In response to Councilman Rainey's inquiry about the security, Mr. George Morosani, Owner, said that there is now a couple living on the premises. Once the plan is completed, there will be a chainlink fence around the area, also, a turnstyle will be built with a resident manager on the premises.

Mr. Gary Rowe explained that if Building "D" has to be moved, it will destroy the whole design of the area. It is his feeling that the sewer line which runs there has only a prescriptive right, not a grant. He doesn't feel that Mr. Morosani can be required to move his building back from that line unless there is a specific easement of 10'-15' along and with the sewer line. He said that the legal right is not there to make Mr. Morosani move his building back. He said that there is adequate protection and the risk is more with Mr. Morosani.

Mr. Rowe said that if the site plan was approved with the stipulations from the Planning and Zoning Commission recommended, they would try to negotiate with Buncombe County for an easement for future use in the Rock Hill Road area. The point being that they do not want the County to have the impression that the developer must not build until they have obtained some easement agreement with them. They feel that they will have to be forced to deal with the County on their terms as to what they deem as a reasonable number of feet from the sewer line.

City Attorney Bill Moore told Mr. Rowe that he would go over to the County with him to make some agreement with the County to make sure that there is no responsibility on the County for maintaining this sewer line.

Vice-Mayor Horton moved to table this public hearing, without further advertisement, until October 5, 1978, until the developer could negotiate a specific agreement with the County. This motion was seconded by Councilwoman Price and carried unanimously.

ORDINANCE NO. 1076 - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, CHAPTER 21 - POLICE, SPECIFICALLY SECTION 21-11 (AUXILIARY POLICE OFFICERS INCLUDED IN WORKMAN'S COMPENSATION PLAN)

6. Consideration was given to an ordinance amending the Code of Ordinances of the City of Asheville, Chapter 21 - Police, specifically Section 21-11 (Auxiliary Police Officers included in Workman's Compensation Plan).

The City Manager read the ordinance and explained that uniforms and weapons are available. These volunteer officers would have the same training and authority as regular officers, but would not be paid.

Councilwoman Price moved for the adoption of Ordinance No. 1076. This motion was seconded by Councilman Rainey.

On a roll call vote of 6-0, Ordinance No. 1076 passed on its first reading.

It was the Council's consensus to put the two resolutions dealing with State Airport Aid Grants under the consent agenda.

PROCLAMATION - SEPTEMBER 10-16, 1978 - FRENCH BROAD RIVER WEEK

Mayor Trantham proclaimed the week of September 10-16, 1978 as "French Broad River Week."

PROCLAMATION - NATIONAL CANCER DAY - SEPTEMBER 8, 1978

Mayor Trantham proclaimed September 8, 1978, as "National Cancer Day."

PROCLAMATION - AMERICAN INSTITUTE OF BANKING WEEK IN ASHEVILLE - SEPTEMBER 11-16, 1978

Mayor Trantham proclaimed the week of September 11-16, 1978 as "American Institute of Banking Week in Asheville."

Adjournment.

Ray M. Trantham
MAYOR

Frances F. Holcomb
CITY CLERK

C. Resolution authorizing the Mayor to sign on behalf of the City of Asheville Change Order No. 2 with Southworth Construction Company, Inc. for the project known as Renovation of Valley Street Maintenance Facility.

HIGHLIGHTS: The following items to be included in the contract currently in progress with Southworth Construction Company, Inc.:

1) Remove existing stucco wall and replace with metal siding discarded metal windows at East Wall. $2,850.00

2) Remove existing stucco wall and replace with metal siding discarded metal windows at West Wall. $2,850.00

3) Replace gable end with metal siding at South end of building. $1,699.00

4) In lieu of metal siding at rear wall at Southwest corner replace with masonry blocks. $1,492.00

5) Remove brick wall at North east corner at door, furnish new door, replace wall with metal siding, raise roof for door clearance and install new metal roof in area affected. $9,357.00

Resolution No. 78-171 - Found in Resolution Book No. 10 - page 339.

D. Consideration of bids opened August 30, 1978, for galvanized corrugated steel pipe for the Parks and Recreation Department.

HIGHLIGHTS: Four (4) bids were received.

Recommend the low bid submitted by Silverman Company in the amount of $13,554.20 be awarded.

Funding: Community Development Funds
Sufficient funds are available for above expenditure

E. Consideration of bids opened August 25, 1978, re-roof East Asheville Community Center, Parks and Recreation Department.

HIGHLIGHTS: Three (3) bids were received.

Recommend the low bid submitted by Asheville Roofing, Inc. in the amount of $9,761.00.

Funding: Revenue Sharing Trust Fund
Recreation Program East Asheville Center
Capital Outlay Other Improvements Account Code
50-45-501-0-089.0073
Budgeted $10,000.00

Upon motion of Councilman Cole, seconded by Councilwoman Price, the consent agenda was unanimously approved.

The City Manager read the resolution.

Mr. Cox, Talbert, Cox and Associates, said that the localizer on the north end at the Airport would be moved.

Upon inquiry of Councilman Rainey, Mr. Cox said that the construction would begin as early as September 25, 1978.

Mr. Cox said that the airport would not be closed at any time, but there will be certain periods that there will be restrictions on landings to the south and perhaps some take-offs to the north.

It was Vice-Mayor Horton's hope that there would be news coverage on this construction.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Price, Resolution No. 78-173 was unanimously adopted.

Complete text of Resolution No. 78-173 will be found in Resolution Book No. 10 at page 341.

PUBLIC HEARING - ASHEVILLE REVITALIZATION PLAN

4. A public hearing was continued relative to the adoption of the Asheville Revitalization Plan as the Official Plan for the revitalization and future development of the Asheville Downtown Improvement Area.

Mr. James Daniels, Chairman of the Asheville Revitalization Commission, introduced Mr. Robert Orr who outlined Chapter 19 entitled "Architectural Conservation" and Chapter 20 entitled "Building Codes."

Due to several officials being out of town next Thursday the City Manager requested that Council postpone the entire agenda scheduled for September 21, 1978 until September 28, 1978.

Councilwoman Price moved to postpone the entire agenda scheduled for September 21, 1978 until September 28, 1978. This motion was seconded by Councilman Cole and carried unanimously.

Councilman Michael moved that the next meeting of the City Council be held on September 28, 1978. This motion was seconded by Councilwoman Price and carried unanimously.

Councilman Michael said HUD was in the process of approving the Battery Park Hotel for elderly housing. He said he felt this would hurt the downtown revitalization. He said it was his hope that a private entrepreneur would be interested in restoring the Battery Park as a hotel that would attract tourist downtown. He said Council had previously, over a year ago, voiced their opposition to the Battery Park Hotel being used for elderly housing. He said he felt HUD should have consulted Council before approving the plan.

James Daniels, Chairman of the Asheville Revitalization Commission, said the Commission was in agreement with Councilman Michael.

Thursday - September 14, 1978 - 3:00 o'clock p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton; Councilwoman Norma T. Price; Councilmen Gene E. Rainey, F. Jack Cole, Otis B. Michael; Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Ralph D. Morris, Jr.

INVOCATION

The invocation was given by Councilman Gene E. Rainey.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the September 7, 1978 meeting.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the minutes of the September 7, 1978 meeting were approved as submitted.

PROCLAMATION

Mrs. Roy Cagle read a proclamation proclaiming the week of September 17-23, 1978 as "Constitution Week."

RESOLUTION NO. 78-172 - RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING AND RATIFYING THE EXECUTION OF A GRANT AGREEMENT FOR PROJECT NO. 6-37-0005-04 BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF ASHEVILLE

2. Consideration was given to a resolution authorizing, adopting, approving, accepting and ratifying the execution of a grant agreement for Project No. 6-37-0005-04 between the United States of America and the City of Asheville.

Mayor Trantham explained that this grant offer is in the amount of $1,546,085 for Fiscal Year 1978 and $627,962 for Fiscal Year 1979. This is a total of $2,174,047. The amount will cover the base bid for the first phase of the project. The maximum federal limitation is $3,302,187 which would allow the addition of Fiscal Year 1979 discretionary funds of $1,128,140 if they become available. This would be used to complete the entire First Phase of the project of the 1500' runway and taxiway extension at the Asheville Airport.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Price, Resolution No. 78-172 was unanimously adopted.

Complete text of Resolution No. 78-172 will be found in Resolution Book No. 10 at page 340.

RESOLUTION NO. 78-173 - RESOLUTION AWARDING CONTRACTS FOR THE SITE PREPARATION FOR A 1500' RUNWAY AND TAXIWAY EXTENSION, INCLUDING GLIDE SLOPE AND LOCALIZER GRADING AND FENCING AT THE ASHEVILLE AIRPORT

3. Consideration was given to a resolution awarding contracts for the site preparation for a 1500' runway and taxiway extension, including glide slope and localizer grading and fencing at the Asheville Airport.

ORDINANCE NO. 1077 - AN ORDINANCE AMENDING ORDINANCE NO. 1002, KNOWN AS "AN ORDINANCE ESTABLISHING THE ASHEVILLE UNIFORMED POLICEMEN'S RETIREMENT PLAN AND TRUST"

6. Consideration was given to an ordinance amending Ordinance No. 1002, known as "An Ordinance Establishing the Asheville Uniformed Policemen's Retirement Plan and Trust."

The City Manager read the ordinance and explained that this ordinance would give the officers under the old plan the opportunity to participate in the new plan. He said the officers would be given a deadline of December 1, 1978 to join the new plan.

Councilman Cole moved for the adoption of Ordinance No. 1077. This motion was seconded by Councilman Rainey.

On a roll call vote of 5-0, Ordinance No. 1077 passed on first reading.

Councilman Michael moved to suspend the rules and proceed to the second reading of Ordinance No. 1077. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1077 passed on second reading.

Councilman Michael moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1077. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1077 passed on third and final reading.

Complete text of Ordinance No. 1077 will be found in Ordinance Book No. 8 at page 288.

ORDINANCE NO. 1078 - AN ORDINANCE AMENDING ORDINANCE NO. 1003, KNOWN AS "AN ORDINANCE ESTABLISHING THE ASHEVILLE UNIFORMED FIREMEN'S RETIREMENT PLAN AND TRUST"

7. Consideration was given to an ordinance amending Ordinance No. 1003, known as "An Ordinance Establishing the Asheville Uniformed Firemen's Retirement Plan and Trust."

The City Manager read the ordinance.

Councilman Cole moved for the adoption of Ordinance No. 1078. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 5-0, Ordinance No. 1078 passed on first reading.

Vice-Mayor Horton moved to suspend the rules and proceed to the second reading of Ordinance No. 1078. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1078 passed on second reading.

Vice-Mayor Horton moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1078. This motion was seconded by Councilwoman Price and carried unanimously.

Councilman Rainey said he did not feel a sudden action by Council would be fair to the current owners of the hotel.

After discussion, Councilman Michael made the following motion:

WHEREAS, the City Council of Asheville has previously voiced its opposition to converting the Battery Park Hotel to elderly housing; and

WHEREAS, it is the Council's opinion:

1. That such a conversion would not be in the best interest of the Downtown's economic revitalization.

2. The building would be better utilized as a hotel facility.

NOW, THEREFORE, THE CITY COUNCIL MOVES:

That Council reaffirm to HUD its objection relative to the conversion of the Battery Park Hotel and again request that HUD disapprove the project.

This motion was seconded by Councilwoman Price and carried unanimously.

ORDINANCE NO. 1076 - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, CHAPTER 21 - POLICE, SPECIFICALLY SECTION 21-11 (AUXILIARY POLICE OFFICERS INCLUDED IN WORKMAN'S COMPENSATION PLAN).

5. Consideration was given to the second reading of Ordinance No. 1076, an ordinance amending the Code of Ordinances of the City of Asheville, Chapter 21 - Police, specifically Section 21-11 (Auxiliary Police Officers included in Workman's Compensation Plan).

Mayor Trantham said this ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Councilman Michael requested that if Council approves the Asheville Police Reserve unit, that the Chief of Police consider using one or two persons that live in the housing projects. He said this would help with better communications between the people that live in the housing projects and give them better police protection. He said if this request could not be complied with he would like a report as to the reason it can not be complied with.

On a roll call vote of 5-0, Ordinance No. 1076 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1076. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1076 passed on third and final reading.

Complete text of Ordinance No. 1076 will be found in Ordinance Book No. 8 at page 286.

C. Resolution No. 78-176 - Resolution authorizing execution of a grant-in-aid application for Buncombe County Historic Properties Inventory - Phase II.

HIGHLIGHTS: A comprehensive inventory of historic properties in Asheville and Buncombe County is in progress. This project (Phase I), including completion of the inventory and preparation of the data for publication, is funded through the mid-June 1979 via a 1978 Survey and Planning Grant.

We are now seeking funds to extend the project through December 1979 (Phase II) and, specifically, to support publication of the inventory data in two formats (a detailed working document and an evocative public education document) and to develop a comprehensive community preservation plan based on the inventory.

(Local funds overmatched the 1978 Study and Planning grant by more than $8,000. It is on the basis of this overmatch in Phase I that we are asking Archives and History to fund more than 50% of Phase II).

Resolution Book No. 10 Page 344 .

D. Approval of bids received September 12, 1978, uniforms for Asheville Fire Department.

HIGHLIGHTS: Two (2) bids were received.

Fire Chief Ball and the Purchasing Agent recommend the over-all low bid submitted by Asheville Army Store in the amount of $6,378.59 be accepted.

Funding: General Fund - Fire Department, Uniforms
Account Code 10-40-470.0036
Budgeted $10,000.00

E. Approval of bids received September 5, 1978, for Advent Videobeam, Model 710 or Equal, including Videobeam Projector and 6' Diagonal Screen for Pack Memorial Library.

HIGHLIGHTS: One bid was received.

Nancy Hammond of Pack Memorial Library and the Purchasing Agent recommend the one and only bid submitted by Bridge Sound Company in the amount of $2,595.00 be awarded.

Funding: Library Service and Construction Act (LSCA) Grant to fund equipment and operating expenses at the Library.
Total appropriation $16,561.00
Account Code 51-30-450-781.0074

On a roll call vote of 5-0, Ordinance No. 1078 passed on third and final reading.

Complete text of Ordinance No. 1078 will be found in Ordinance Book No. 8 at page 290.

APPROVAL OF THE CONSENT AGENDA

8. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 78-174 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Warren Brothers Construction Company of Asheville, North Carolina for the project known as Oakley Area Public Works - Contract #2.

HIGHLIGHTS: This project entails the installation of approximately 939 square yards of combination curb and sidewalk, 699 square yards of 4-inch thick concrete sidewalks, 154 tons of bituminous surface course, 3 catch basins, 105 linear feet of 15-inch plain galvanized CMP, and other items necessitated by the proposed construction.

Four (4) bids were received on August 29, 1978, and Mr. William DeBruhl, Utilities Operations Coordinator, recommends that the low bid be awarded to Warren Brothers of Asheville, N. C. in the amount of $47,237.13.

This project is funded under 65-25-619-2-000.0041.

Resolution Book No. 10 page 342.

B. Resolution No. 78-175 - Resolution for counties, cities, towns, Board of Alcoholic Control and other public agencies making application for coverage of policemen and other law enforcement officers under the Old-Age and Survivors Insurance provisions of Title II of the Federal Social Security Act.

HIGHLIGHTS: This application would be to extend to eligible policemen, or other law enforcement officers, in positions subject to membership in the Asheville Uniformed Policemen's Retirement Plan the benefits authorized by Title II of the Federal Social Security Act, as amended, and as authorized by Article 2 of Chapter 135 of the General Statutes of North Carolina, as amended.

Resolution Book No. 10 page 343.

Following individuals have claims against City of Asheville for damages:

Mrs. David M. Trulove 188 Edgewood Road Asheville, North Carolina	$138.60 damage to Car - Chestnut Street torn up by Water Dept. Contractor.

Claims sent to Ohio Mutual Insurance:

Mr. David B. Cheadle 38 Woodward Avenue Asheville, North Carolina	Son fell at Civic Center during concert - claiming medical bills.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

REQUEST BY VICE-MAYOR HORTON - RE: ESCORT SERVICE LICENSING VIOLATION OF REVENUE ORDINANCE

11. Vice-Mayor Horton recalled that the Revenue Ordinance adopted this year included special licensing for escort services. He said the purpose of including the licensing for escort services was in order to prevent unlawful activities through the escort services. He said he had recently heard a news report that the Sheriff's Office had arrested two women on charges of prostitution, which were employees of an escort service based on Charlotte Street. He requested that the City Manager give him a report on Tuesday, September 19, 1978, as to whether this would be a violation of the City's Revenue Ordinance.

COUNCILMAN MICHAEL - REQUEST FOR GATE AT ASHEVILLE AIRPORT

12. Councilman Michael asked the City Manager what the status was of his request for a gate for private airplanes on the Commercial Ramp at the Asheville Airport.

The City Manager informed Councilman Michael that a report would be given to him at the next Council meeting.

Adjournment.

Ray M. Trantham
MAYOR

Thelma D. Roberts
CITY CLERK

F. Resolution No. 78-177 - Resolution authorizing the submission of an application to the Buncombe County Employment and Training Office for C.E.T.A., Title I funds for Fiscal Year 1978-79.

HIGHLIGHTS: The program will be administered for a 9-month period of time that would provide training to 18 individuals in the area of automotive mechanic, traffic signal technician, public safety communications, engineering, and airport and fire public safety training.

Resolution Book No. 10 Page 345.

Upon motion of Councilman Rainey, seconded by Councilman Michael, the consent agenda was unanimously approved.

CLYDE SAVINGS AND LOAN ASSOCIATION - SIGN PERMIT - 10 WOODFIN STREET

9. The City Manager said Clyde Savings and Loan Association has requested the approval of Council for a letter wall sign with 24" letters to be placed on the south side of the building located at 10 Woodfin Street. This sign permit requires the approval of City Council pursuant to Section 30-9-3 (B-7) of the Zoning Ordinance due to the sign being within 600' of a limited access highway.

Mr. George L. Chumbley, Jr. and Mr. Bishop of Clyde Savings and Loan Association reviewed the details of the proposed lettering sign.

Councilwoman Price moved for the approval of the sign permit requested by Clyde Savings and Loan Association. This motion was seconded by Councilman Rainey and carried unanimously.

CLAIMS - MR. JAMES WATERS, MR. BLALOCK, MRS. CHRISTINE MATTHEWS, MR. RICK EDWARDS, MRS. DAVID TRULOVE, MR. DAVID B. CHEADLE

10. The City Manager presented the following claims received from Mr. W. R. Swearngan, Facility Services Superintendent, for the week of September 7, 1978 and the week of September 14, 1978.

Following individuals have claims against City of Asheville for damages:

1. Mr. James Waters
   182 Montford Avenue
   Asheville, North Carolina 28801

2. Mr. Blalock
   21 Blalock Street
   Asheville, North Carolina 28803

3. Mrs. Christine Matthews
   783 Caribou Road
   Asheville, North Carolina 28803

4. Mr. Rick Edwards
   67 Nancy Street
   Emma, North Carolina 28806

Mr. Daniels said the Commission would make their final formal presentation at next week's meeting. He said at that time work sessions could be scheduled.

Councilwoman Price took her seat at the Council meeting at 4:15 p. m.

Councilwoman Price moved to continue the public hearing on the Asheville Revitalization Plan until October 5, 1978. This motion was seconded by Councilman Morris and carried unanimously.

A discussion was held relative to the Commission's involvement in the purchasing of bus shelters for Pritchard Park.

PUBLIC HEARING - REZONING PROPERTY - CORNER OF HAYWOOD ROAD AND CLOYES STREET - OWNED BY B. C. MORTON ET AL

4. A public hearing was held relative to rezoning property at the corner of Haywood Road and Cloyes Street from R-3 Residential District and CH Commercial Highway District to CS Commercial Service District, property owned by B. C. Morton et al.

Vice-Mayor Horton opened the public hearing at 4:33 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission at a meeting held July 12, 1978 considered the request of Mr. B. C. Morton and Others that Ward 6, Sheet 10, Lots 8, 9, 9-1/2, 9-3/4, 151, 150, 149, 101 and 100 be rezoned from R-3 Residential District and CH Commercial Highway District to CS Commercial Service District. He said after discussing the issues of the request, the Commission voted to accept the Staff report and recommend to City Council that Lots 8, 9, 9-1/2, and 9-3/4 be rezoned from CH Commercial Highway to CS Commercial Service District, and Lots 100, 101, 149, 150, and 151 remain R-3 Residential District as presently zoned. He said Mr. Morton, through his attorney, has requested that the entire request be brought before Council.

Mr. Emrick, by the use of a map, reviewed the location of the property in question.

Attorney William T. Biggers, representing Mr. B. C. Morton, spoke in support of the rezoning request.

Vice-Mayor Horton read the following letter from Mrs. Oscar Hendricks:

September 28, 1978
15 Dysart Street
W. Asheville, N. C. 28806

Council Members-

Due to my husband's very serious illness I am unable to attend this meeting today. I do hope this letter will serve the purpose of my not being there to voice our disapproval of the rezoning of lots belonging to Mr. Morton on Cloyes and Dysart Streets. We are presenting a copy of our petition, and our many letters of opposition are on file with Mr. Emrick's office. Please refer to them. Thank you.

Signed: Mrs. Oscar Hendrix

Thursday - September 28, 1978 - 4:00 o'clock pm

Regular Meeting

Present: Vice-Mayor Bill B. Horton; Presiding, Councilmen Gene E. Rainey, F. Jack Cole, Otis B. Michael, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Roy M. Trantham and Councilwoman Norma T. Price
(Mayor Trantham took his seat at 4:55 p. m.)
(Councilwoman Price took her seat at 4:15 p. m.)

INVOCATION

The invocation was given by Councilman Ralph D. Morris, Jr.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the September 14, 1978 meeting.

Upon motion of Councilman Cole, seconded by Councilman Rainey, the minutes of the September 14, 1978 meeting were approved as submitted.

STATEMENT BY COUNCILMAN MICHAEL - RE: RESCINDING RESIGNATION

2. Councilman Michael made the following statement concerning his previous resignation:

"I wish to officially rescind my resignation from Asheville City Council. It was one of the hardest things in my life that I have done. Resign a job under pressure. Thanks to the other Councilmen and the public they gave me the strength and courage to reconsider. It took courage, honesty and brotherhood for those people to ask a person of a different race and political party to reconsider. I will try to honor this trust and continue to represent all people in a fair and honest way. May God Bless all of you as his children."

PUBLIC HEARING - ASHEVILLE REVITALIZATION PLAN

3. A public hearing was continued relative to the adoption of the Asheville Revitalization Plan as the Official Plan for the revitalization and future development of the Asheville Downtown Improvement Area.

Mr. James Daniels, Chairman of the Asheville Revitalization Commission, introduced Mr. Richard Thornton, staff executive for the Commission, who presented the five (5) financial aspects of the Revitalization Plan.

After discussion, Vice-Mayor Horton said he felt Council should have work sessions with the finance committee of the Asheville Revitalization Commission in order to more fully discuss what they have come up with in the areas of implementation.

Mr. Thornton said the Commission had prepared a summary of the Revitalization Plan which is available to the public for $1.00 if they pick them up and $1.50 if they desire to have a copy mailed to them.

Leonard & Viola Gaddy - 28 Cochran St.
Elton & Mabel Chambers 33[illegible] Haywood Rd.
Glenn Cole 841 Haywood Rd
Lottie Cabe " " " "
Ralph & Ruby Day 929 Haywood Rd

Mayor Trantham closed the public hearing at 5:32 p. m.

After discussion, Councilwoman Price moved to table consideration of the ordinance rezoning the property until the petitioner has worked out a suitable compromise with the property owners and wishes to bring the matter back to Council. This motion was seconded by Councilman Cole and carried unanimously.

SIGN PERMIT - A F E FEDERAL CREDIT UNION - 219 HAYWOOD STREET

5. Consideration was given to the approval of a sign permit for A F E Federal Credit Union at 219 Haywood Street.

J. E. Johnson, Director of Inspections, said Mr. David M. Clayton of A F E Federal Credit Union, 219 Haywood Street, has requested approval of a 5' x 7' ground sign. He said this sign is within 600' of the expressway which requires Council approval pursuant to Section 30-9-3 (B-7).

Councilman Morris moved for the approval of the sign permit for A F E Federal Credit Union at 219 Haywood Street. This motion was seconded by Councilman Michael and carried unanimously.

DISPOSAL PARCELS - EAST RIVERSIDE RENEWAL PROJECT - PARCELS 50, 56, 125, 129, 133 & 133A

6. Consideration was given to bids for disposal parcels in the East Riverside Renewal Project.

The City Manager read a letter from the Asheville Housing Authority which stated that the following bids for disposal parcels in the East Riverside Renewal Project had been received:

Parcel	Reuse	Price	Bid	Redeveloper
50	Commercial	41,000	41,102	Oak Valley Associates
		(4,000 sq. ft. - Medical Office Building)		
56	Commercial	5,800	5,800	WNC Hospital Mutual Services
		(Driveway for rear access)		
125	Residential	3,780	3,780	Leo D. Ferguson
		(Single family residence)		
129	Residential	1,300	1,300	Clark Smith
		(Adjacent owner - No construction)		
133 & 133 A	Residential	1,520	1,520	George Self
		(Adjacent owner - no construction)		

Mayor Trantham took over the chair at 4:55 p. m.

Mrs. Christine Mashburn, 25 Cloyes Street, spoke in opposition to the rezoning. She presented pictures showing the structures adjoining the property. She said the traffic conditions would worsen and the rezoning would lower their property values.

Mrs. Helen Eagle, of Dysart Street, also spoke in opposition to the rezoning.

The following petition was presented to members of Council:

We the following property owners and residents of Haywood Road, Cloyes Street and Dysart Street do hereby oppose the re-zoning of Lots# 151,150, 149, 101, 1 for the following reasons:

1. It would decrease the value of our property and increase our taxes and insurance.
2. It will increase the noise and traffic on both dead-end streets.
3. Out of twelve families on both streets, seven families are retired.
4. On rainy and snowy days the two streets are plagued with mud due to unpaved driveways on property at 4 Cloyes Stree.
5. Trucks entering property at 4 Cloyes Street disturbs residents on Cloyes and Dysart days and night. If this property was re-zoned the disturbance would be worse.
6. An increase in traffic would endanger children and older residents.
7. Re-zoning of 4 Cloyes Street would devalue our property and we, the residents, are not in a position to sell and relocate our families.

Mrs. R. J. Hodges
Christine Mashburn
B. C. Mashburn
Miles D. Hafforth
Pat B Hafforth
Annie Mae Honeycutt
Jessie Mae Honeycutt
Larry Honeycutt
Oscar Hensley
Mrs. Virginia Hensley
Myrna C. Hensley
Helen R. Eagle
Mary Lois Erickson

E. B. Chandler
Mrs. O. B. Chandler
(Mrs. Patricia York)
(Mr. Larry E. York)
(We have 3 lots)

Evelyn L. Eagle Scott
Jeff Serafin
Cynthia Serafin
Martha Dungens
John J. Dungens
Lawrence Greene
W. Smith

A. Resolution No. 78-180 - Resolution approving various projects to be funded by WSIF Funds for fiscal year 1978-79.

HIGHLIGHTS: The following is a list of projects which have been approved by Buncombe County Commissioners:

1.	Spivey Mountain	$24,000
2.	Avondale Road	36,000
3.	Rosscraggon Reservoir Improvement	25,000
4.	English Drive	6,000
5.	Indian Trail	12,000
6.	Brickyard Road	76,800
7.	Upper Haw Creek	25,000
8.	Tiny Farms	25,000

Resolution Book No. 10 Page 348.

B. Resolution No. 78-181 - Resolution authorizing the City of Asheville to lease certain property at the corner of Valley Street and Southside Avenue.

HIGHLIGHTS: This will be a lease agreement for a gas station facility on Valley Street.

Resolution Book No. 10 Page 349.

C. Resolution No. 78-182 - Resolution setting rates for refuse collection for governmental and non-profit agencies.

Resolution Book No. 10 Page 350.

D. Resolution No. 78-183 - Resolution authorizing the Mayor to execute a capital improvement mass transit grant contract with the North Carolina Department of Transportation.

HIGHLIGHTS: The City has requested the North Carolina Department of Transportation to provide fifty (50) percent of the nonfederal cost of the following public transportation project to purchase and install seven garage doors, one ten thousand gallon fuel storage tank, one bus washer system, a bus shelter complex and 500 bus stop signs. Purchase of two supervisory automobiles, maintenance tools, and equipment and purchase of office equipment at an estimated total cost of $182,475.00 of which the nonfederal cost amounts to $36,495.00. This resolution would effectuate the aforesaid expressed purpose.

Resolution Book No. 11 Page 1.

Councilwoman Price moved for the approval of the bids for the disposal parcels as recommended by the Asheville Housing Authority. This motion was seconded by Councilman Michael and carried unanimously.

RESOLUTION NO. 78-178 - RESOLUTION AUTHORIZING CONDEMNATION OF PROPERTY IN THE BROOKLYN ROAD PROJECT AREA

6. Consideration was given to a resolution authorizing condemnation of property in the Brooklyn Road Project Area.

The City Manager read the resolution explaining that the Housing Authority has been unable to reach an agreement to puchase at the approved value Parcel 1 in the Brooklyn Road Project Area. He said this resolution would authorize condemnation in order that the City of Asheville might carry out its approved plan of development. The property is owned by a Mr. Miller at 322 Brooklyn Road.

Virgil McConnel spoke in favor of the resolution in order to get the project underway.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 78-178 was unanimously adopted.

Complete text of Resolution No. 78-178 will be found in Resolution Book No. 10 at page 346.

RESOLUTION NO. 78-179 - RESOLUTION APPROVING FAIR MARKET VALUE FOR PARCEL NUMBER 29 IN THE MONTFORD RECREATION COMPLEX

7. Consideration was given to a resolution approving fair market value for Parcel Number 29 in the Montford Recreation Complex.

The City Manager read the resolution explaining that the resolution will establish just compensation for Parcel Number 29 in the Montford Recreation Complex in the amount of $2,500.00, which reflects an updated appraisal. The original appraisal by W. T. Duckworth indicated a value of $2,150.00 and that amount was established as just compensation by resolution of City Council dated November 20, 1975.

Upon motion of Councilman Morris, seconded by Councilman Michael, Resolution No. 78-179 was unanimously adopted.

Complete text of Resolution No. 78-179 will be found in Resolution Book No. 10 at page 347.

APPROVAL OF THE CONSENT AGENDA

8. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

I. **Resolution No. 78-186 - Resolution authorizing the Mayor to sign a contract on behalf of Asheville Revitalization Commission.**

HIGHLIGHTS: This contract will involve a three-dimensional model of the Downtown Improvement District necessary for deriving a portion of the desired citizen input and interaction with the Commission. Mr. John E. Reid, Architect, will provide the services and it shall not exceed Five Thousand Dollars ($5,000.00).

Resolution Book No. 11 Page 4.

J. Approval of budget amendment appropriating funds for the Echo Hills-Debra Lane Water Line.

HIGHLIGHTS: This will transfer $19,000 from the Haw Creek Sewer Replenishment Project to the Debra Lane-Echo Hills project to accomodate an increase in the Debra Lane-Echo Hills project due to a change in the scope of the project and a current estimate of construction costs.

Upon motion of Councilman Morris, seconded by Councilman Michael, the consent agenda was unanimously approved.

NORTH ASHEVILLE PARK - ANNOUNCEMENT RE: CONSIDERATION

9. The City Manager announced that on October 5, 1978 the City Council will consider the development of a North Asheville Park adjacent to the Ira Jones School.

BUDGET AMENDMENT - COMMUNITY DEVELOPMENT FUNDS BUDGET - REHABILITATION INCENTIVE PROGRAM AND PROPERTY DISPOSITION INCOME

10. The City Manager presented the following budget amendment to amend the City of Asheville Second and Fourth Year Community Development funds budget for Fiscal Year 1976-77 and Fiscal Year 1978-79 as follows:

ACCOUNT CODE	PROJECT	APPROPRIATION	BUDGET INCREASE (DECREASE)	NEW APPROPRIATION
65-25-638-2	Rehabilitation Incentive Program	$100,000	$(46,000)	$54,000
	Property Disposition Income	39,000	(39,000)	-0-
	TOTAL		$ 85,000	
19-25-615-4	Rehabilitation Loan Administration	-0-	$ 85,000	$85,000

This is to reprogram surplus funds from Rehabilitation Incentive Program and to appropriate the property disposition income to the Fourth Year Rehabilitation Administration project, which will provide for the continuing operation of this activity in the Fourth Year.

E. Resolution No. 78-184 - Resolution authorizing the Mayor to execute a mass transportation planning grant with the North Carolina Department of Transportation.

HIGHLIGHTS: The City has requested the North Carolina Department of Transportation to provide fifty (50) percent of the nonfederal cost carrying out the mass transportation work task as outlined in the approved Asheville Urban Area Unified Planning Work Program at an estimated total cost of $45,000.00 of which the nonfederal cost amounts to $9,120.00. This resolution would effectuate the aforesaid expressed purpose.

Resolution Book No. 11 at page 2.

F. Resolution No. 78-185 - Resolution authorizing the Mayor to execute a memorandum of agreement between the Department of Transportation and the Federal Aviation Administration and the City of Asheville.

HIGHLIGHTS: There is a need to relocate the localizer serving Runway 34, the VASI serving Runway 16 and FAA cables serving the RTR and ASR facilities due to runway extension by the City of Asheville. The Memorandum of Agreement will cover the necessary costs expected to be incurred by the FAA as a result of the relocations.

Resolution Book No. 11 at page 3.

G. Approval of bids received September 22, 1978 for fire protection equipment for Asheville Water Treatment Plant at North Fork.

HIGHLIGHTS: Four (4) bids were received:

Recommendation of low bid award to Supply Specialties, Inc. for items 1 and 2 (fire hose), totaling $2,324.00 and award to Zimmerman-Evans, Inc. for items 3 through 8 (hardware type items), totaling $2,939.00.

Funding: Capital Outlay Equipment, Account Code 30-50-751.0074

H. Approval of bids received September 22, 1978 for two (2) high intensity direct current carbon arc follow spotlights for Asheville Civic Center.

HIGHLIGHTS: Three (3) bids were received:

Recommendation of award to low bid submitted by Theatrical Equipment Rental, Inc. in the net amount of $7,896.84.

Funding: Revenue Sharing Trust Fund, Civic Center Capital Outlay Equipment Account Code 50-15-423.0074 - budgeted $9,333.00

PARKING POLICY

13. The City Manager said after meeting with the Parking Committee several changes have been made to the parking policy. Those revisions are as follows:

a. Metered parking will be re-instated by October 15, 1978 on the following streets. In addition the early morning parking ban (8:00 - 9:30 a. m.) will be eliminated on these streets.

City-County Plaza	College Street (east of Market Street)
South Spruce Street	Church Street (south of Aston Street)
Market Street	Post Street
Otis Street	

b. Two hour free parking will be maintained between the hours of 9:30 a. m. - 6:00 p. m. on the following streets:

Battery Park Avenue	Church Street (north of Aston)
North Spruce Street	Lexington Avenue
Pack Square	Haywood Avenue
Broadway	Walnut Street
Biltmore Avenue	Commerce Street
East side of O'Henry Avenue	Page Avenue

Thirty minute free parking will be permitted between the hours of 8:00 and 9:30 a. m. on:

Pack Square	Church St. (north of Aston St.)
Lexington Avenue	Walnut Street
Broadway	both sides of Battery Park Ave.
Biltmore Avenue	

c. One hour free parking will be permitted between the hours of 8:00 and 9:30 a. m. on Wall Street and east side of Page Avenue.

d. On-street parking will be eliminated on Rankin Avenue.

LETTER FROM PAUL LIMBERT - BUNCOMBE COUNTY COUNCIL ON AGING, INC. - BATTERY PARK HOTEL

14. The City Manager presented a letter from Mr. Paul M. Limbert, President of the Buncombe County Council on Aging, Inc. requesting that Council reconsider their position relative to converting the Battery Park Hotel as elderly housing units.

CLAIMS - MRS. BROWN, MRS.MARQUARDT, MARSHALL SANDERS, BURNICE MASON

15. The City Manager presented the following claims received from Mr. W.R. Swearngan, Facility Services Superintendent.

Councilwoman Price moved for the approval of the budget amendment as presented by the City Manager. This motion was seconded by Vice-Mayor Horton and carried unanimously.

BUDGET AMENDMENT - COMMUNITY DEVELOPMENT FUNDS BUDGET - NEIGHBORHOOD IMPROVEMENT PROJECT - DEMOLITION AND CODE ENFORCEMENT

11. The City Manager presented the following budget amendment to amend the Third and Fourth Year Community Development funds budget for Fiscal Year 1977-78 and Fiscal Year 1978-79 as follows:

ACCOUNT CODE	PROJECT	APPROPRIATION	BUDGET INCREASE (DECREASE)	NEW APPROPRIATION
19-25-611-3	Neighborhood Imvpt. Project	$50,000	$ (4,000)	$46,000
19-25-612-3	Demolition & Code Enforcement	142,764	(29,500)	113,264
		TOTAL	$ 33,500	
19-25-612-4	Demolition & Code Enforcement	-0-	$33,500	$33,500

This is to transfer unobligated surplus funds from the Third Year Neighborhood Improvement Project and the Third Year Demolition and Code Enforcement Project to a Fourth Year Demolition and Code Enforcement Project which will provide for the continuing operation of necessary demoliton and code enfocement in the Community Development area.

During the discussion, Councilman Michael requested a report on funds being used in projects outside Community Development areas.

Councilwoman Price moved for the approval of the budget amendment as presented by the City Manager. This motion was seconded by Vice-Mayor Horton and carried unanimously.

BATTERY PARK HOTEL - CONVERSION TO ELDERLY HOUSING UNITS

12. As a matter of information the City Manager advised Council that Mayor Trantham had received a letter from Mr. John F. Lyle, Deputy Director - Development of the Housing Division of the Department of Housing and Urban Development indicating that major action had taken place relative to the converstion of the Battery Park Hotel into housing units for the elderly. He said a letter from the Department of Housing and Urban Development had been sent to the owners of the hotel, Battery House Associates, Ltd., indicating approval of the conversion under the Section 8 Housing Assistance Payments Program.

Thursday - October 5, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey, F. Jack Cole, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Otis B. Michael

INVOCATION

The invocation was given by Councilman F. Jack Cole.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the September 28, 1978 meeting.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, the minutes of the September 28, 1978 meeting were approved as submitted.

PUBLIC HEARING - ASHEVILLE REVITALIZATION PLAN

2. A public hearing was continued relative to the adoption of the Asheville Revitalization Plan as the Official Plan for the revitalization and future development of the Asheville Downtown Improvement Area.

In presenting the final presentation of the official plan of the Asheville Revitalization Plan, Mr. James Daniels, Chairman of the Commission, presented the Asheville High School Band who played "On Wisconsin." The school's cheerleaders also performed with a cheer about being proud of Asheville.

Using a scale model of what the downtown would look like if all the concepts of the plan were put into effect, Mr. Daniels told the Council that the tax base of the downtown would also increase tremendously of what it is today.

Mayor Trantham closed the public hearing at 3:15 p. m.

Mayor Trantham said Council would begin to schedule work sessions with the Commission members in order to more fully understand the details of the plan.

RESOLUTION NO. 78-188 - RESOLUTION OF APPRECIATION TO THE ASHEVILLE REVITALIZATION COMMISSION

The City Manager read a resolution of appreciation to the Asheville Revitalization Commission.

Upon motion of Councilwoman Price, seconded by Councilman Morris, Resolution No. 78-188 was unanimously adopted.

Complete text of Resolution No. 78-188 will be found in Resolution Book No. 11 at page 7.

Councilman Rainey suggested that the scale model of the proposed downtown Asheville be available to the delegates of the League of Municipalities during their convention in Asheville on October 22, 1978. He said the plan and the model should become a model for other cities to revitalize their downtown.

Following individuals have claims against City of Asheville for damages:

Mrs. Brown	Damage to fence - Sanitation Truck
Mrs. Marquardt	Water drainage on lot - $1,000.00

Claims sent to St. Paul Fire & Marine Insurance:

Marshall Sanders	Hit by Water Department Truck
Burnice Mason 408 Caribou Road Asheville, N. C.	Hit by Vehicle #212 - rolling from gas pumps - Valley Street

PROCLAMATION - FARM CITY WEEK - OCTOBER 2 - 7, 1978

Mayor Trantham proclaimed the week of October 2 - 7, 1978 as Farm-City Week.

PROCLAMATION - MONTH OF NOVEMBER - EPILEPSY MONTH

Mayor Trantham proclaimed the month of November as "Epilepsy Month."

PROCLAMATION - OCTOBER 1 - 7, 1978 - PRINCE HALL MASONIC WEEK IN ASHEVILLE

Mayor Trantham proclaimed the week of October 1 - 7, 1978 as Prince Hall Masonic Week in Asheville.

PROCLAMATION - TUESDAY, OCTOBER 3, 1978 - THOMAS WOLFE'S BIRTHDAY

Mayor Trantham asked that on October 3, 1978 all citizens remember Asheville's native son, Thomas Wolfe, on his birthday.

Adjournment.

MAYOR

CITY CLERK

Vice-Mayor Horton reiterated the comments made by Councilman Rainey. He said he would be in favor of the resolution.

Gary Dodd, a resident of North Asheville, spoke in favor of a park on the "Swain property." He presented a petition containing 466 signatures favoring the development of the park. He requested that Council act favorably and proceed with the development of the park. He said the residents of North Asheville were promised in the Spring that if no alternate location was found that Council would act favorably on the park on the "Swain property."

Harold Bennett, attorney representing some fifty (50) property owners in the vicinity of the proposed location, pointed out that the property in question is zoned R-1 Residential District which does not permit parks. He said he did not think Council could violate its own zoning ordinance without being subject to a court injunction. He said parks are not conducive in maintaining high property values in the best residential area in the City of Asheville.

Mr. Bennett cited several other locations in the City of Asheville which would be better than the proposed location. He said the City would not be saving money by accepting the grant due to the excessive cost of site preparation on the Swain property.

Carol Thompson of 651 Kimberly Avenue; Tom Spradling of 400 Country Club Road and Manley Wright of 300 Griffing Blvd. all spoke in opposition to the development of a park on the "Swain property."

After discussion, Vice-Mayor Horton suggested that before Council commits themselves on the project that the City Attorney and the Planning Director come up with some recommendations or alternatives for Council to consider in resolving the legal ramifications involved in the project site.

PUBLIC HEARING - GROUP DEVELOPMENT - SWEETEN CREEK MINI-WAREHOUSE FACILITIES - CONTINUED

4. Mr. Emrick, Planning Director said Mr. Rowe, attorney for the petitioner, has requested that the public hearing be continued for one (1) week.

Councilwoman Price moved to continue the public hearing until October 12, 1978 without further advertisement. This motion was seconded by Councilman Morris and carried unanimously.

PUBLIC HEARING - DEMOLITION OF 17 HARRISON STREET, 185 PARK AVENUE AND 966 WEST CHAPEL ROAD

ORDINANCE NO. 1079 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 966 WEST CHAPEL ROAD, 17 HARRISON STREET, AND 185 PARK AVENUE

5. A public hearing was held relative to the adoption of an ordinance directing the Housing Officer to demolish 17 Harrison Street, 185 Park Avenue, and 966 West Chapel Road.

Mayor Trantham opened the public hearing at 4:50 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

RESOLUTION NO. _____ RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT FOR THE DEVELOPMENT OF A NORTH ASHEVILLE PARK ON THE PROPERTY FORMERLY KNOWN AS THE "SWAIN PROPERTY"

3. Consideration was given to a resolution authorizing the Mayor to sign an agreement with the North Carolina Department of Natural Resources and Community Development for the development of a North Asheville Park on the property formerly known as the "Swain Property."

The City Manager read the resolution and said the City had received a letter from the State, on June 6, 1978, offering funds for the development of the North Asheville park. He said Council had previously set up funds for matching this particular grant. He said several studies have been made to locate other park sites and to look at other alternatives. He said Council is now considering whether or not to accept the grant for the development of the North Asheville park on the property in question.

Councilman Cole said he had looked at the property in question and he is convinced that this property is not suitable for a park. He said the citizens of North Asheville feel the development of a park in this area will endanger their property values. He said he thought there could be a better location. He said Weaver Park could be adequately expanded to cover the needs for a park in North Asheville. He said he is opposed to the resolution accepting the grant.

Councilman Morris said because he owns property near the proposed site he felt there might be a conflict of interest and he would abstain from voting.

The City Manager said the total project cost would be $144,046, with the grant providing $72,023 and the City matching the remainder with a $35,000 appropriation in cash and the remainder would be in-kind services for the development of the park.

Councilman Rainey said he had committed himself several years ago to the development of a park in North Asheville; therefore he favored the park and would vote for the resolution. He further stated that it was his opinion that a park would not impact a neighborhood nor detract from property values. He said after many studies the "Swain property" is the only feasible location now available. He said he felt to turn down a federal grant in the amount of $72,000 would be unwise.

Ray Kisiah, Director of Parks and Recreation, by the use of a map, reviewed the details of the proposed park. He said the park would be adjacent to Ira B. Jones School and would consist of an off street parking area, tennis courts, a play area, and a ball field. He said the School Board has agreed to give the City two acres adjacent to the school for the use of the park.

Mr. Kisiah said he would be against the expansion of Weaver Park to accommodate the Babe Ruth League. He pointed out that the Department of Transportation has plans for widening Murdock Avenue which would leave inadequate space for a Babe Ruth field. He said fourteen (14) sites were investigated and that no feasible location was found with the exception of one which was not within the city's price range.

Vice-Mayor Horton moved for the adoption of Ordinance No. 1081. This motion was seconded by Councilman Cole.

On a roll call vote of 5-0, Ordinance No. 1081 passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1081. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1081 passed on second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1081. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1081 passed on third and final reading.

Complete text of Ordinance No. 1081 will be found in Ordinance Book No. 8 at page 296.

APPROVAL OF CONSENT AGENDA

8. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Approval of bids received September 5, 1978 for service station components to be used by the City of Asheville.

HIGHLIGHTS: Only one bid was received.

Recommendation of award to bidder, Feemster Pump and Tank Company in the amount of $21,639.94.

Funding: Operations Complex Capital Project, Account Code 66-15-925.0073

B. Approval of bids received October 3, 1978 for bulk sodium chloride (rock salt) for snow and ice control for City of Asheville Street Division.

HIGHLIGHTS: Only one bid was received.

Recommendation of award to bidder, International Salt Company in the amount of $28.36/ton, totaling $28,360.00 for 1,000 tons estimated quantity.

Funding: General Fund and Powell Bill according to end use.

J. E. Johnson, Director of Inspections, said all legal requirements have been fulfilled in respect to the demolition of said structures. He said the property has been inspected and the owners have not complied with the order to repair or demolish said structures.

There being no comments from members of Council or the public, Mayor Trantham closed the public hearing at 5:04 p. m.

The City Manager read the ordinance.

Councilman Morris moved for the adoption of Ordinance No. 1079. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 5-0, Ordinance No. 1079 passed on first reading.

ORDINANCE NO. 1080 - AN ORDINANCE AMENDING SECTION 11 OF THE REVENUE ORDINANCE (ORDINANCE NO. 1027) OF THE CITY OF ASHEVILLE, ENABLING THE COURTS AS WELL AS THE CITY MANAGER TO REVOKE OR SUSPEND PRIVILEGE LICENSE

6. Consideration was given to an ordinance amending Section 11 of the Revenue Ordinance (Ordinance No. 1027) of the City of Asheville, enabling the courts as well as the City Manager to revoke or suspend privilege licenses.

The City Manager read the ordinance and explained that this amendment would enable the courts or the judge the authority to revoke or suspend privilege licenses.

Councilwoman Price moved for the adoption of Ordinance No. 1080. This motion was seconded by Councilman Rainey.

On a roll call vote of 5-0, Ordinance No. 1080 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1080. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1080 passed on second readings.

Due to several recent events whereby business establishments such as coffee shops and sandwich shops have been using their business licenses as a front for a gambling place it was requested that this ordinance be reviewed to determine whether a court could revoke the licenses of someone if they were convicted of gambling charges within their business establishment.

ORDINANCE NO. 1081 - AN ORDINANCE AMENDING THE OPERATING AND CAPITAL BUDGETS FOR THE CITY OF ASHEVILLE FOR FISCAL 1978-79

7. Consideration was given to an ordinance amending the operating and capital budgets for the City of Asheville for fiscal 1978-79.

The City Manager read the ordinance and explained that this ordinance will ratify motions made during the past quarter to the regular operating and capital budgets.

RALPH BISHOP - LOTTERY SALES

Mr. Ralph Bishop again appeared before Council regarding lottery sales within the City of Asheville.

Councilman Rainey told the Council that the plea bargaining in a recent court action involving several Asheville men charged with gambling violations has caused a morale problem in the Police Department. He said perhaps Council should express their concerns about how this was handled to other law enforcement agencies.

MARVIN CHAMBERS - PRINCE HALL GRAND LODGE

Mr. Marvin Chambers expressed appreciation to Council for their warm hospitality shown to the some 508 delegates of the Prince Hall Grand Lodge who were in Asheville on October 4, 1978.

Adjournment.

MAYOR

CITY CLERK

C. Scheduling of a public hearing relative to a recommendation from the Planning and Zoning Commission revising Article 9 of the Zoning Ordinance, pertaining to Sign Regulations for November 2, 1978.

D. Resolution No. 78-189 - Resolution authorizing the establishment of the Asheville-Buncombe Insurance Advisory Committee.

Resolution Book No. 11 page 8.

E. Resolution No. 78-190 - Resolution authorizing Director of Finance to sell surplus property.

HIGHLIGHTS: In the process of preparing to move to new facilities, the Library had identified certain books, used furniture, and equipment which are no longer of value to Library and which they desire to dispose of. Therefore, they are requesting authority to dispose of same.

Resolution Book No. 11 page 9.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously approved.

CLAIMS - MR. DAVID R. WATSON

9. The City Manager presented the following claim received from Mr. W. R. Swearngan, Facility Services Superintendent.

Following individual has claim against City of Asheville for damages:

David R. Watson 163 Macon Avenue Asheville, N. C.	Hit trash cans in road $168.50 damage to car

PROCLAMATION - NATIONAL FIRE PREVENTION WEEK IN ASHEVILLE - OCTOBER 8 - 14, 1978

Mayor Trantham proclaimed the week of October 8 - 14, 1978 as National Fire Prevention Week in Asheville.

PROCLAMATION - INTERNATIONAL ALPHA DELTA KAPPA WEEK - OCTOBER 8 - 14, 1978

Mayor Trantham proclaimed the week of October 8 - 14, 1978 as International Alpha Delta Kappa Week in Asheville.

RESOLUTION NO. 78-187 - RESOLUTION REQUESTING THE CIVIL AERONAUTICS BOARD TO DENY THE APPLICATION OF DELTA AIR LINES, INC. FOR DELETION OF SERVICE AT ASHEVILLE

The City Manager reported the foregoing resolution which was adopted during the joint City-County meeting held on October 3, 1978.

4. That the developer provide buffering as required in Section 30-3-14 (2) of the Zoning Ordinance along the westernmost property line abutting residentially zoned property where natural vegetation is inadequate or may be removed.

The project will consist of additions to three (3) existing buildings as well as the construction of seven (7) new buildings. The total square footage under roof will be approximately 67,550 square feet upon completion of construction and will be divided into "mini-warehouse" spaces for rental to the general public. The project site is located on Sweeten Creek Road within the city's extraterritorial zoning jurisdiction and is approximately 3.8 acres in size. Existing zoning is the CS Commercial Service classification.

Mr. Emrick said he had discussed the plans for future extension of the sanitary sewer services to the Rock Hill Road area with the County Engineer and Mr. Rowe, Attorney for the developer. He said the County had indicated that there are no immediate plans to expand the sewer services in the Rock Hill Road area. He suggested that Council approve the plan subject to the recommendations of the Planning and Zoning Commission. He said the City could then issue a Zoning Permit with the conditions attached which could be transferred to the County Building Inspection Department to issue the building permit with the conditions stipulated on the permit.

Mr. Gary Rowe, attorney for Mr. George Morosani, owner, said the owner did not want the County to have the impression that the developer must not build until they have obtained some easement agreement with them. He said, however, the developer would try to negotiate with the County for an easement in the future. He requested that Council delete recommendation #3 stipulated by the Planning and Zoning Commission.

After discussion, Mayor Trantham closed the public hearing at 3:20 p. m.

Councilwoman Price moved to approve the group development for the Sweeten Creek Mini-Warehouse Facilities with the conditions stipulated by the Planning and Zoning Commission with the exception of Recommendation #3. (Recommendation #3 to be deleted from the stipulations). This motion was seconded by Councilman Morris and carried unanimously.

ORDINANCE NO. 1079 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 966 WEST CHAPEL ROAD, 17 HARRISON STREET, AND 185 PARK AVENUE

3. Consideration was given to the second reading of Ordinance No. 1079, an ordinance directing the Housing Officer to demolish those houses known as 966 West Chapel Road, 17 Harrison Street, and 185 Park Avenue.

Mayor Trantham said the ordinance was previously read on first reading and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1079 passed on second reading.

Thursday -October 12, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey, F. Jack Cole, Otis B. Michael, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilwoman Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 5, 1978 meeting.

Upon motion of Councilman Cole, seconded by Councilman Rainey, the minutes of the October 5, 1978 meeting were approved as submitted.

PUBLIC HEARING - GROUP DEVELOPMENT - SWEETEN CREEK MINI-WAREHOUSE FACILITIES

2. A public hearing was held relative to a group development for the Sweeten Creek Mini-Warehouse Facilities.

Mayor Trantham opened the public hearing at 3:05 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

It was noted that this public hearing originally began on September 7, 1978 but was continued until the developer could negotiate a specific agreement with the County relative to an easement through the property for the future extension of a sanitary sewer to the Rock Hill Road area.

Mr. Emrick, Planning Director, said that Asheville Planning and Zoning Commission has recommended approval of the site plan for the proposed Sweeten Creek Mini-Warehouse Facilities to be located on Sweeten Creek Road subject to the developer complying with the following:

1. That the developer comply with all applicable requirements of the City of Asheville Erosion Control Ordinance. Buildings should be elevated and/or waterproofed in order to minimize potential flood damage from Sweeten Creek Road. Also, access drive, whether bridge or culvert, across Sweeten Creek be designed to allow unobstructed flow of water during times of flooding;

2. That the proposed additions to Buildings "A" and "D" be constructed in a manner which will not interfere with any future maintenance required on the existing sewer line;

3. That the developer work with the Buncombe County Public Safety Department to establish an easement through the property for the future extension of sanitary sewer services to the Rock Hill Road area.

The City Manager read the resolution and explained that this resolution would authorize the Mayor to sign on behalf of the City any change orders for the project known as West Asheville Sanitary Sewer Improvements. He said this is a Community Development project and funds are available for the change orders.

Upon motion of Councilman Rainey, seconded by Councilman Cole, Resolution No. 78-191 was unanimously adopted.

Complete text of Resolution No. 78-191 will be found in Resolution Book No. 11 at page 10.

RESOLUTION NO. _____ - RESOLUTION AUTHORIZING CONDEMNATION OF PROPERTY IN THE BROOKLYN ROAD PROJECT AREA

7. Consideration was given to a resolution authorizing condemnation of property in the Brooklyn Road Project Area.

The City Manager read the resolution. He said in accordance with a contract for acquisition and relocation services, the Housing Authority has negotiated with the owner of the following property:

Parcel	Owner	Address
3	Kuzviwanza	Vacant Lot - Brooklyn Road

Although, the owner of the above parcel has indicated a willingness to agree to the acquisition of a portion of her property, she is unable to give a marketable title. Therefore, it will be necessary to acquire this property through eminent domain in order to obtain good title.

After discussion, Councilman Michael moved to table the resolution until October 19, 1978 in order for Council to see a written letter from the owner stating that she has no objection to the condemnation. This motion was seconded by Councilman Rainey and carried unanimously.

CLAIM - JOYCE (KAY) WILSON ROUPE

8. The City Manager presented a claim received from Attorney James Gary Rowe on behalf of Joyce (Kay) Wilson Roupe.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

RESOLUTION NO. 78-192 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA BOARD OF TRANSPORTATION RELATIVE TO PROJECTS 8.1901412 AND 9.8130256

9. Consideration was given to a resolution authorizing the Mayor to enter into a municipal agreement with the North Carolina Board of Transportation relative to projects 8.1901412 and 9.8130256.

ORDINANCE NO. 1080 - AN ORDINANCE AMENDING SECTION 11 OF THE REVENUE ORDINANCE (ORDINANCE NO. 1027) OF THE CITY OF ASHEVILLE, ENABLING THE COURTS AS WELL AS THE CITY MANAGER TO REVOKE OR SUSPEND PRIVILEGE LICENSES

4. Consideration was given to the third reading of Ordinance No. 1080, an ordinance amending Section 11 of the Revenue Ordinance (Ordinance No. 1027) of the City of Asheville, enabling the courts as well as the City Manager to revoke or suspend privilege licenses.

Mayor Trantham said the ordinance was previously read on first and second readings and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1080 passed on third and final reading.

Complete text of Ordinance No. 1080 will be found in Ordinance Book No. 8 at page 295.

AFFIRMATIVE ACTION QUARTERLY REPORT

5. Mr. Sam Graves, of the Personnel Division, presented members of Council with the Affirmative Action Quarterly Report for the period of July 1, 1978 to September 30, 1978.

Mr. Graves made brief comments relative to the contents of the report.

Councilman Michael said the report was a better analysis as far as Affirmative Action status than the last report. He suggested that Section 3, Work Force Composition, include beside each department or division the number of new persons hired or terminated within a given quarter. He said he felt this would show if one department is doing better in Affirmative Action than another. He also suggested that the City delete "experience" wherever possible and give on-the-job training where promotions are concerned whereby blacks and minority can be given a better opportunity for promotions.

Councilman Rainey said he felt this report was a more "understandable" report than the last. He said the report did show improvement, however he felt there was a need for improvement in Affirmative Action as far as females are concerned, both black and white. He said according to the report the majority of the female work force was in the low salary ranges.

RESOLUTION NO. 78-191 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE, NORTH CAROLINA, CHANGE ORDERS ON THE PROJECT KNOWN AS WEST ASHEVILLE SANITARY SEWER IMPROVEMENTS

6. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville, North Carolina change orders on the project known as West Asheville Sanitary Sewer Improvements.

COUNCILMAN RAINEY - REQUEST ON STATUS OF CLAIM OF EDITH MILLER AND MRS. SIMMONS

Councilman Rainey requested a status report on the claims of Mrs. Edith Miller and Mrs. Simmons.

The City Manager advised that both of the claims are in the process of investigation and recommendations.

Adjournment.

MAYOR

CITY CLERK

The City Manager read the resolution.

The Assistant City Manager explained that this agreement would, in brief, give access to College Street off Poplar Street and straighten the ramp going to the Expressway at Montford Avenue and Cherry Street.

Upon motion of Councilman Michael, seconded by Councilwoman Price, Resolution No. 78-192 was unanimously adopted.

Complete text of Resolution No. 78-192 will be found in Resolution Book No. 11 at page 11.

PROCLAMATIONS - OCTOBER 31, 1978 - UNICEF DAY - OCTOBER 24, 1978 - UNITED NATIONS DAY

Mayor Trantham proclaimed October 31, 1978 as UNICEF Day and October 24, 1978 as United Nations Day in the City of Asheville.

PETITION - RESIDENTS OF LINDEN AVENUE - DEMOLITION OF 44 LINDEN AVENUE - REQUEST FOR DEMOLITION OF 11 ROBINDALE

The City Manager presented a petition received from residents of Linden Avenue requesting that the Inspections Division condemn and demolish 44 Linden Avenue

Mr. Pat Hickey of 30 Linden Avenue, read the petition. He strongly supported the request of the petitioners.

Mr. Bob Norman of Linden Avenue also supported the request of the petitioners to have the dwelling at 44 Linden Avenue condemned and demolished.

Mrs. Blandene S. Pettit of 16 Robindale also supported the request to have 44 Linden Avenue condemned and demolished. She also requested that the Inspection Division begin process to have 11 Robindale inspected.

J. E. Johnson, Director of Inspections, said both 44 Linden Avenue and 11 Robindale have been previously inspected. He said his division would begin due process of law in following through with the residents request. He said, however, that the process is time consuming and would take several months due to the procedures outlined in the N. C. General Statutes.

Council discussed the possibility of talking to the legislative delegation in order to have more stringent enforcement of housing standards as well as language in the statutes that would not require the Inspection Division to go through such a long process before a dwelling could be demolished.

Councilman Michael also suggested that Council discuss with the legislative delegation a process whereby tenants of a dwelling could purchase a house and receive a low-interest grant to rehabilitate the house. He said he felt a process of this nature would cut down on the number of older dwellings being demolished.

Mrs. Pettit also commented on the dog control in the Robindale area.

Councilman Rainey requested that the City Manager obtain a report on the dog control status and report back to Council on the matter.

RESOLUTION NO. 78-195 - RESOLUTION AUTHORIZING CONDEMNATION OF PROPERTY IN THE BROOKLYN ROAD PROJECT AREA

4. Reconsideration was given to a resolution authorizing condemnation of property in the Brooklyn Road Project Area.

Mayor Trantham said this resolution was presented to Council at last week's meeting but was tabled for additional information.

The City Manager advised that this resolution was for the condemnation of Parcel 3 in the Brooklyn Road Project Area and is owned by Mrs. Kuzviwanza on Brooklyn Road.

Councilman Michael said he had talked with the Executive Director of the Housing Authority and is satisfied with the details involved in the resolution.

Upon motion of Councilman Michael, seconded by Councilwoman Price, Resolution No. 78-195 was unanimously adopted.

Complete text of Resolution No. 78-195 will be found in Resolution Book No. 11 at page 14.

EXTENSION OF HISTORIC INVENTORY AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE NORTH CAROLINA DEPARTMENT OF ARCHIVES AND HISTORY

5. Consideration was given to a motion authorizing the Mayor to extend the historic inventory agreement between the City of Asheville and the North Carolina Department of Archives and History.

It was noted that the principal reason for the extension is that the nomination of the historic district in the Central Business District has not been finalized and the N. C. Department of Archives and History has not been able to transfer completed documentation for the publication. This would extend the agreement until January 1, 1979.

Councilwoman Price moved to authorize the Mayor to extend the Historic Inventory Agreement between the City of Asheville and the North Carolina Department of Archives and History until January 1, 1979. This motion was seconded by Vice-Mayor Horton and carried unanimously.

At this time Councilman Rainey presented a petition signed by 181 citizens which requested that the City of Asheville include in the historic inventory the Fire Station located on Haywood Road and Argyle Lane as an historial landmark. The petition said the station was built in the early 1900's and it was their hope that this action will decrease the likelihood of another vacant building in the neighborhood of Haywood Road being allowed to deteriorate because of neglect on the part of the City of Asheville.

Thursday - October 19, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey, Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman F. Jack Cole and Councilman Ralph D. Morris, Jr.

INVOCATION

The invocation was given by Mayor Roy M. Trantham.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 12, 1978 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, the minutes of the October 12, 1978 meeting were approved as submitted.

RESOLUTION NO. 78-193 - RESOLUTION ENDORSING THE ASTON PARK HOSPITAL EXTENDED CARE FACILITY PROPOSAL

2. Consideration was given to a resolution endorsing the Aston Park Hospital Extended Care Facility proposal.

The City Manager read the resolution.

Mayor Trantham recognized several Board members of the Aston Park Hospital.

Vice-Mayor Horton said it was his hope that this would be a beginning for a new facility for the community. He said he appreciated the perseverance and patience of the Aston Park officials in getting the project started.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Price, Resolution No. 78-193 was unanimously adopted.

Complete text of Resolution No. 78-193 will be found in Resolution Book No. 11 at page 12.

ORDINANCE NO. 1079 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 966 WEST CHAPEL ROAD, 17 HARRISON STREET, AND 185 PARK AVENUE

3. Consideration was given to the third reading of Ordinance No. 1079, an ordinance directing the Housing Officer to demolish those houses known as 966 West Chapel Road, 17 Harrison Street, and 185 Park Avenue.

Mayor Trantham said this ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 1079 passed on third reading.

Complete text of Ordinance No. 1079 will be found in Ordinance Book No. 8 at page 292.

Mr. Johnson said the sign meets all zoning requirements. He also reviewed the location of the proposed sign.

Councilwoman Price moved to delay action on the sign permit until Council could consider revising the present sign ordinance. This motion was seconded by Councilman Rainey and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

9. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Approval of bids received September 29, 1978 to reroof the Police Department side of the Municipal Building.

HIGHLIGHTS: Three (3) bids have been received.

Recommendation of low bid of Asheville Roof Inc., in the amount of $12,097.00.

Funding: Revenue Sharing Trust Fund, Police Department Capital Outlay Property Improvement, Account Code No. 50-35-460.0072

B. Approval of bids received October 9, 1978 for eighteen (18) police vehicles for Asheville Police Department.

HIGHLIGHTS: Three (3) bids have been received.

Recommendation of lowest overall bidder, Apple Tree Chevrolet in the amount of ~~$112,065.40.~~ (Changed to $110,025.10 per Geo. Phipps).

Funding: Revenue Sharing Trust Fund Police Department Capital Outlay Equipment Budget, Account Code 50-35-460.0074

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, the consent agenda was unanimously approved.

PETITION - RESIDENTS OF WEST ASHEVILLE COMMUNITY - RE: 422 AND 424 HAYWOOD ROAD

10. Councilman Rainey presented a petition received from residents of the West Asheville community, protesting conditions existing at 422 Haywood Road and 424 Haywood Road, and petition the City Council to take action against landlord of said property. The buildings are not only an eyesore and conducive to vagrancy, but also in such decay as to make them a public safety hazard to traffic and pedestrians (mostly children on their way to Aycock School) alike. The buildings are a blight on the community and a depressant on both business and social conditions in the area. The petition contained 371 signatures.

RESOLUTION NO. 78-194 - RESOLUTION AUTHORIZING CONTINUOUS 25 YEAR USE OF THE NATURE CENTER FACILITY BY THE COUNTY OF BUNCOMBE

6. Consideration was given to a resolution authorizing continuous 25 year use of the Nature Center Facility by the County of Buncombe.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, Resolution No. 78-194 was unanimously adopted.

Complete text of Resolution No. 78-194 will be found in Resolution Book No. 11 at page 13.

SIGN PERMIT APPROVAL - NEAGLE OUTDOOR ADVERTISING COMPANY - BILLBOARD SIGN ON RIVERSIDE DRIVE

7. J. E. Johnson, Director of Inspections, presented a sign permit application for Neagle Outdoor Advertising Company for a sign permit for a 14' x 48' billboard sign to be located on Riverside Drive, just beyond the Pearson Bridge. This permit requires Council approval pursuant to Section 30-9-3 (B-7) of the Zoning Ordinance, in that the sign is within 600' of a limited access highway.

Mr. Johnson said the sign meets all zoning requirements and would present no visibility problems. He also reviewed the location of the proposed sign.

Councilman Rainey said it was his understanding that in the near future Council would be considering revising the sign ordinance which would include revising the size of permitted signs. He said he felt a 14' x 48' sign is too large for the City of Asheville.

Verl Emrick, Planning Director, said the public hearing scheduled for November 2, 1978 revising the sign ordinance did not include the revision of the size of a permitted sign. However, Council could schedule a public hearing for such a revision.

Councilman Michael commented that he agreed with Councilman Rainey but felt that Council could only consider the location of the proposed sign since the sign meets all zoning requirements and if it was in another location the sign could be erected without Council's approval. He said he did feel that Asheville had enough commercial signs and recommended that when a sign company erects a new commercial sign that they take one of the older ones down.

After discussion, Councilwoman Price moved to delay action on the sign permit until Council could consider revising the present sign ordinance. This motion was seconded by Councilman Michael and carried unanimously.

SIGN PERMIT APPROVAL - NEAGLE OUTDOOR ADVERTISING COMPANY - BILLBOARD SIGN ON TUNNEL ROAD

8. J. E. Johnson, Director of Inspections, presented a sign permit application for Neagle Outdoor Advertising Company for a sign permit for a 12' x 25' billboard sign to be located on Tunnel Road at the intersection of Chunns Cove Road. This permit requires Council approval pursuant to Section 30-9-3 (B-7) of the Zoning Ordinance, in that the sign is within 600' of a limited access highway.

Thursday - October 26, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey, F. Jack Cole, Otis B. Michael, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Vice-Mayor Bill B. Horton.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 19, 1978 meeting.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, the minutes of the October 19, 1978 meeting were approved as submitted.

RESOLUTION NO. 78-197 - RESOLUTION OF INTENT TO CLOSE PORTIONS OF SCOTT STREET AND SOUTH FRENCH BROAD AVENUE AND ALL OF SEVEN (7) UN-NAMED ALLEYS, AND CALLING A PUBLIC HEARING ON THE QUESTION

2. Consideration was given to a resolution of intent to close portions of Scott Street and South French Broad Avenue and all of seven (7) un-named alleys, and calling a public hearing on the question for December 7, 1978.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, Resolution No. 78-179 was unanimously adopted.

Councilman Michael requested that before the public hearing the Housing Authority obtain written statements from the property owners in the area to receive their opinions relative to the closing of the streets

Complete text of Resolution No. 78-197 will be found in Resolution Book No. 11 at page 16 .

RECOGNITION OF ROY BUTLER

3. The City Manager recognized Roy Butler, of the Water Maintenance Department, who is retiring from the City after over 20 years of service to the City.

BUDGET AMENDMENT - ASHEVILLE RIVERFRONT REVITALIZATION PROGRAM

4. The City Manager presented a budget amendment to amend the City of Asheville General Fund budget for Fiscal Year 1978-79 as follows:

The City Manager said a report would be given to Council on the matter of 422 and 424 Haywood Road.

COMMENTS BY VICE-MAYOR HORTON - RE: ESCORT SERVICES

Vice-Mayor Horton commended the Asheville Police Department and the Sheriff's Department for their recent efforts in the crack down on traffic in narcotics.

He also said the City has received the first conviction of an escort service carrying on prostitution. He said the City is not in a position at this time to take any action on the recent stipulation put into the Revenue Ordinance regarding the revocation of licenses upon such a conviction until the appeal on the matter is heard. He said the City could take action, under the Revenue Ordinance, if a favorable appeal is received. He requested that the City Manager and the Corporation Counsel check the licenses of each escort service to see if they are complying with the requirement that each escort service file the current employees names and health certificates with the Tax Collector.

REQUEST - MAYOR TRANTHAM - BUILDING ON BILTMORE AVENUE

Mayor Trantham said he had received a request from residents of Kenilworth Road to have the building at the corner of Caledonia Road and Biltmore Avenue demolished. He said the building is a hazard to traffic.

J. E. Johnson, Director of Inspections, said his division cannot condemn the building on the grounds of safety. He said he had personally inspected the building and it is safe. He said perhaps the Council could condemn and demolish the building on the grounds of the building being hazardous due to traffic.

RECOGNITION OF INTERNATIONAL REGIONAL ECONOMIC DEVELOPMENT PLANNERS

Mr. Tom Covington, Grants Coordinator for Buncombe County, introduced delegates of the International Regional Economic Development Planners, sponsored by the North Carolina International Trade Center, Institute of International Education and the Buncombe County Commissioners.

PROCLAMATION - DAY-IN-COURT FOR LEGAL SECRETARIES - OCTOBER 19, 1978

Mayor Trantham proclaimed October 19, 1978 as "Day-in-Court for Legal Secretaries."

PROCLAMATION - FORTIETH ANNIVERSARY CELEBRATION OF INTERNATIONAL TOASTMISTRESS CLUBS

Mayor Trantham proclaimed October 23, 1978 as the beginning date of the year long Fortieth Anniversary Celebration of International Toastmistress Clubs.

PROCLAMATION - HILLCREST DAY - OCTOBER 21, 1978

Mayor Trantham proclaimed October 21, 1978 as "Hillcrest Day." This is to honor the Hillcrest Enrichment Program and the Hillcrest Dragon Football Team.

Adjournment

Ray M. Trantham
MAYOR

Doreen F. Malcolm
CITY CLERK

Ray Kisiah, Director of Parks and Recreation, by the use of a map, reviewed the location and details of the proposed park.

Upon inquiry of Councilwoman Price, Mr. Kisiah said the elimination of the lights on the ballfield would not affect the grant for the funding of the project.

Councilman Michael noted that the grant would not cover the entire cost of the project, as there would also be a $15,000 annual operating cost. He said in the past two or three years more and more parks have been put in the City and there should be a stopping point. He said Council should be conservative. He said there is a need to put in more housing for revenue producing projects.

Councilman Michael said the proposed park would be built for a small percentage of city residents living in North Asheville. He said the park would mainly be built for county residents in North Buncombe.

Mr. Kisiah, in response to Councilman Cole, again said he would be against the expansion of Weaver Park to accommodate a Babe Ruth Ballfield.

Councilman Rainey spoke in favor of a park being built on the Swain property. He said this property has always been set aside for a park. He said Council has a moral obligation to build a park on the Swain property by the motion adopted by Council on May 4, 1978. He said Council should reaffirm its decision to accept the grant and build the park.

Councilman Cole said he felt a better location could be found for the park. He said the Swain property is not suitable for a park and to build a park on this property would be detrimental to residents owning homes in the area. He said the homeowners should be protected.

Councilwoman Price moved that if Council approves the park project, the plan be amended by removing the lighting from the ballfield; that the lights for the tennis courts be the type that would only be directed toward the tennis courts; that as many trees as possible be retained along Beaverdam Road and Kimberly Avenue; that at least 15' of existing trees be retained along Kimberly Avenue; that in the area of first base where trees within the 15' area may be damaged during the construction of the park that at least 10' of existing trees be retained and that any trees damaged or removed be replanted with new trees along the 15' boundary. This motion was seconded by Councilman Rainey.

Mr. Kisiah said if the motion carries he will write the state and request that the funds for lighting be reallocated for additional park improvements.

Upon the request of Councilman Rainey, Councilwoman Price amended her motion to include the posting of no parking on Kimberly Avenue except during the Sunday church hour.

Jim Moody, of the North Asheville area, said if the amendment carries he would suggest that Council poll the residents of the area in three (3) years to determine if there is any objection to lighting being placed on the ballfield.

APPROPRIATION:

10-25-444-0-005 Asheville Riverfront Revitalization Program

REVENUE:

10-349 Federal Government Grant- Tennessee Valley Authority

This amendment is to include the Asheville Riverfront Revitalization Program grant as approved by City Council Resolution No. 78-154 in the 1978-79 General Fund Budget. This grant is 100% funded by the T.V.A.

Vice-Mayor moved to amend the City of Asheville General Fund budget for Fiscal Year 1978-79 to include the Asheville Riverfront Revitalization Program. This motion was seconded by Councilwoman Price and carried unanimously.

RESOLUTION NO. 78-198 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A QUIT CLAIM DEED IN FAVOR OF BOILING SPRINGS BAPTIST CHURCH

5. Consideration was given to a resolution authorizing the Mayor to execute a quit claim deed in favor of Boiling Springs Baptist Church.

The City Manager read the resolution. It was noted that in June, 1964 the City issued a deed to Boiling Springs Baptist Church for property at the intersection of Fanning Bridge Road and Interstate 26. This deed contained a reservation that the property be used within six years for church purposes. This quit claim deed releases said reverter clause.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 78-198 was unanimously adopted.

Complete text of Resolution No. 78-198 will be found in Resolution Book No. 11 at page 20.

RESOLUTION NO. 78-199 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT FOR THE DEVELOPMENT OF A NORTH ASHEVILLE PARK ON THE PROPERTY FORMERLY KNOWN AS THE "SWAIN PROPERTY"

6. Consideration was given to a resolution authorizing the Mayor to sign an agreement with the North Carolina Department of Natural Resources and Community Development for the development of a North Asheville Park on the property formerly known as the "Swain Property."

The City Manager read the resolution. He said this matter was considered during the October 5, 1978 meeting but was tabled until the City Attorney and the Planning Director could come up with some recommendations or alternatives for Council to consider in resolving the legal ramifications involved in the project site. He said the City Attorney and the Planning Director would be presenting several alternatives but at this time Council should decide whether or not to have a park on the "Swain property."

Councilman Morris again noted that because he owns property near the proposed site he felt there might be a conflict of interest and he would abstain from voting.

Mr. Bennett said if Council allows the park on the property in question that they will be accommodating themselves through the Zoning Ordinance which the Planning and Zoning Commission will not permit by a private developer.

The following individuals spoke in opposition to the proposed park project:

Elizabeth Harpe - 441 Kimberly Avenue
Sidney Martin - 5 Hampstead Road
Charles Frost - 1 Country Club Lane

Upon the request of Councilwoman Price, the City Manager read the definition of a "public facility" from the Zoning Ordinance.

Corporation Counsel Moore said in his opinion a park does not fall in the category of a "public facility."

Mr. Verl Emrick, Planning Director, when asked for his opinion, said he felt a public park would be considered a "public facility."

J. E. Johnson, Director of Inspections, said he also considered a public park a "public facility."

Upon inquiry of Councilman Rainey, Mr. Emrick said in his opinion there was no distinct legal difference between a playground and a park.

Vice-Mayor Horton moved for the adoption of Resolution No. 78-199. This motion was seconded by Councilman Rainey, the voice vote being 3-2, with Vice-Mayor Horton, Councilwoman Price, and Councilman Rainey voting "aye" and Councilmen Michael and Cole voting "no."

Corporation Counsel Moore called Council's attention to N.C.G.S. 160A-69 which stated that the Mayor shall have the right to vote only when there are equal number of votes in the affirmative and in the negative.

Vice-Mayor Horton said Council has always by precedent turned to the Mayor to either not vote which would defeat a motion or to vote and pass a motion.

Councilwoman Price questioned whether Councilman Morris' abstaining vote assumed a negative or an affirmative.

At the request of Mayor Trantham, Councilwoman Price moved that Council recess for 15 minutes. This motion was seconded by Councilman Rainey and carried unanimously.

Council reconvened at 5:25 p. m.

Before proceeding with the meeting, Mayor Trantham asked Mr. Moore, Corporation Counsel, for his opinion as to whether or not he should vote on the issue. Mr. Moore advised that it was his opinion that under the circumstances the Mayor should vote.

Mayor Trantham then said that in accordance with the advice of the Corporation Counsel he would vote and that his vote was in the affirmative.

Mayor Trantham then called for a vote on Councilwoman Price's motion to amend the plan, the vote being 3-2 with Councilman Rainey, Vice-Mayor Horton and Councilwoman Price voting "aye" and Councilmen Cole and Michael voting "no."

At this time the City Attorney advised Council that four (4) votes or a majority vote was required in order to carry a motion, at which time Mayor Trantham voted "aye" making the vote 4-2 in favor of Councilwoman Price's motion to amend the plan.

Vice-Mayor Horton speaking in favor of the park project said two Councils have obligated themselves for a park in North Asheville and Council would be remiss in their moral obligation if they do not follow through with the park project. He said a study was done to find a better location and in no instance, considering all factors, did the staff find anything more suitable than the "Swain property." He said the park is not immediately adjacent to any residential area and he did not feel it would affect the property owners.

Mr. Bob Farzanegan, Chairman of the Parks and Recreation Advisory Board, spoke in favor of the proposed park. He said the Board unanimously agreed that a park is needed in North Asheville and the Swain property is the only logical place for a park. He said Council should also act favorably for the park.

Mrs. Nancy Cory, 2 Pine Tree Road, and a member of the Parks and Recreation Advisory Board, also spoke in favor of the park.

Jim Moody, 128 Spooks Branch Road, who appeared before Council many times requesting a park in North Asheville, requested that Council consider the time factor involved in receiving the grant for the park. He said the North Asheville recreation program involves over 600 children from all over the City. He said if the park project is not approved the recreation program in North Asheville will be in dire danger.

The following individuals spoke in favor of the proposed park project:

Mrs. Joann Roberson- Quail Hollow - Beaverdam
Delyn Shepherd - 338 Kimberly Avenue
Bill Coonan - 7 Colonial Place
Danny Rice - Beaverdam
Leo Manley - 21 Warwick Place
Walter Boland - 50 Greenleaf Circle
Lee Buchanan -

Harold Bennett, attorney who said he represented fifty (50) property owners in North Asheville, spoke in opposition to the proposed park. He reiterated his arguments made to Council on October 5, 1978 in that if Council approves the park project for the proposed location that they will be violating their own zoning ordinance. He said the property is zoned R-1 Single Family Residential which does not carry a "park" as a permitted use. He said it was his understanding that the Corporation Counsel and the Planning Director have advised Council that they would either have to rezone the property in question or amend the Zoning Ordinance to permit parks in the R-1 District in order to build a park on the proposed site.

Thursday - November 2, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilmen Gene E. Rainey, F. Jack Cole, Otis B. Michael and Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilwoman Norma T. Price

INVOCATION

The invocation was given by Councilman Otis B. Michael.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 26, 1978 meeting.

Upon motion of Councilman Cole, seconded by Vice-Mayor Horton, the minutes of the October 26, 1978 meeting were approved as submitted.

PUBLIC HEARING - AMENDING THE SIGN REGULATION SECTION OF THE ZONING ORDINANCE #322

2. A public hearing was held relative to amending the Sign Regulation Section of the Asheville Zoning Ordinance #322.

Mayor Trantham opened the public hearing at 3:10 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said during the past two months, the Asheville Planning and Zoning Commission has discussed several wording amendments to Article 9. Sign Regulations of the Zoning Ordinance which were presented by the planning staff and Mr. George Gontero of Naegele- Lamar Dean Outdoor Advertising Companies. These amendments basically address problems of administering the Ordinance by clarifying points subject to a variety of interpretations and tightening the provisions in other instances. He said Council held a work session on the amendments on October 31, 1978.

The proposed wording amendments are as follows:

1. Sec. 30-9-1 (7), Sign Contractor's License

(a) Present Wording: "No person, firm, or corporation shall engage in the business of installing, erecting, moving, or maintaining signs in the City of Asheville unless said person, firm, or corporation has been issued a sign contractor's license which license is in effect at the time of said work."

(b) Planning and Zoning's Proposed Change: Add the following: "This section's requirements shall be interpreted to apply to those persons, firms or corporations whose livelihood (either in part or wholly) is derived from installing, erecting, moving, or maintaining signs within the jurisdiction of this ordinance."

This approved Resolution No. 78-199 by a 4-2 margin, with Mayor Trantham, Vice-Mayor Horton, Councilwoman Price, and Councilman Rainey voting "aye" and Councilmen Michael and Cole voting "no."

Complete text of Resolution No. 78-199 will be found in Resolution Book No. 11 at page 21.

CLAIMS - MIDDLEBROOK, BEGLEY, HENNING, REID

The City Manager presented the following claims against the City:

Louise B. Middlebrook 349 Cumberland Avenue Asheville, N. C.	Fell in water leak excavation - $6,000.00 plus medical
Kyle M. Begley Rt. 9 Box 209 Asheville, N. C.	Damage to automobile $250.00 from spraying
Ralph J. Henning c/o Venus Car Wash 1315 Tunnel Road Asheville, N. C.	Water off at car wash approximately $1,200.00
Larry E. Reid Glen Bridge Road Arden, N. C.	Water line claim $2,635.00

PROCLAMATION - CHILDREN'S BOOK WEEK

Mayor Trantham proclaimed the week of November 12 - 18, 1978 as Children's Book Week.

PROCLAMATION - LIBRARY DAY

Mayor Trantham proclaimed November 18, 1978 as Library Day.

PROCLAMATION - VETERANS DAY

Mayor Trantham proclaimed November 11, 1978 as Veterans Day.

RALPH BISHOP - LOTTERY SALES

Ralph Bishop again appeared before Council relative to the lottery sales in Asheville.

Councilman Rainey suggested that Council schedule a meeting with the Chief of Police relative to the plans of the Police Department regarding the matter brought out by Mr. Bishop.

Adjournment.

Ralph M. Trantham
MAYOR

Marian J. Wolcott
CITY CLERK

(c) Council's Proposed Change: "Off-premise advertising signs of three hundred (300) square feet per display face and those less than three hundred (300) square feet per display face may be located in all commercial and industrial zones except in the Office-Institutional District."

(d) Rationale for Change: With the N. C. Department of Transportation proposing changes in the speed limits (up to 55 mph), it is the planning staff's opinion that in several areas where changes are proposed or where the road is designed for 55 mph, the larger sign would not be appropriate. Therefore, in an attempt to offer some compromise, the changes listed are recommended.

It was the consensus of Council not to allow advertising signs in excess of three hundred (300) square feet in the City Limits.

B. 2. Maximum Sign Area

(a) Present Wording:

"(b) The maximum area allowed on a single sign structure in a Commercial Highway Zone shall not exceed 2,800 square feet or four (4) separate display surfaces."

"(c) The maximum area allowed on a single sign structure in all other Commercial and Industrial Zones shall not exceed 1,200 square feet or four (4) separate display surfaces."

(b) Planning and Zoning's Proposed Change:

"(b) The maximum area allowed on a single sign structure listed in Section 30-9-3 (D) (1a) shall not exceed 1,400 square feet on two (2) separate display faces or 1,200 square feet on four (4) separate display faces provided the spacing requirements (Sec. 30-9-3 (D) (3)) of this Ordinance can be met."

"(c) The maximum area allowed on a single sign structure in all other Commercial and Industrial Zones shall not exceed 1,200 square feet or four (4) separate display faces provided the spacing requirements (Sec. 30-9-3 (D) (3)) of this Ordinance can be met."

(c) Council's Proposed Change:

"(a) The maximum area for any off-premise advertising sign shall be three hundred (300) square feet per display face, exclusive of any border, trim, base, apron, or other structural members."

"(b) The maximum area allowed on a single sign structure in the commercial and industrial zones shall not exceed six hundred (600) square feet or two (2) separate display faces, provided the spacing requirements (Sec. 30-9-3 (D) (3)) of this Ordinance can be met."

(d) Rationale for Change:

In this instance the change would prevent the placement of additional signage on a previously erected structure unless the spacing requirements could be met.

(c) Council's Proposed Change: Add the following: "This section's requirements shall be interpreted to apply to those persons, firms, or corporations who would derive any income from installing, erecting, moving, or maintaining signs within the jurisdiction of this Ordinance."

(d) Rationale for Change: During the year several individual businessmen have asked for permits to hang their own signs, but could not do so until a written statement was given on the interpretation of the sentence. Therefore, in order to facilitate easier administration, it is felt that the specificity should be added to the paragraph. This would allow the Inspections Division the authority to issue a permit for an on-premise advertising sign to the owner of the business, without first obtaining a sign contractor's license. The sign would have to meet all other requirements such as construction code requirements.

2. Section 30-9-3 (B) Required Setbacks, Free-Standing Signs

(a) Present Wording of First Paragraph: "Free-standing signs in any zoning district shall be set back the following distances and no point on any sign shall extend beyond the required setback line. For any structure having more than one (1) sign face the total area of the largest display face on the structure shall determine the setback for the structure."

(b) Planning and Zoning's Proposed Change: Add the following to the first sentence" "..... no point on any sign including any cantilevered section(s) shall extend beyond the required setback line.

(c) Rationale for Change: In this change the attempt is to make the intent of the ordinance clearer to those who erect new signs or modify older ones. The specific problem being dealt with is that of defining a specific setback of the sign. Now, when a sign's supporting standard is in place, the message portion can extend into the right-of-way due to cantilevered (overhang) design of the sign. The proposed change will not permit any part of the message board to extend beyond the specified setback line for the sign itself. Therefore, if an overhang sign is used, in most instances the pole or supporting standard will have to be placed further back to compensate for the design.

3. Section 30-9-3 (D) Off-Premise Advertising Signs.

A. 1. Location of Signs

(a) Present Wording of First Paragraph: "(a) Off-premise advertising signs greater than three hundred (300) square feet per face shall be allowed only in Commercial Highway Zoning Districtions or on major thoroughfares where the legal speed limit is 55 miles per hour."

(b) Planning and Zoning's Proposed Change: "Off-premise advertising signs greater than three hundred (300) square feet per display face shall be allowed only in the Commercial Highway and Commercial Service zones along the following thoroughfares: (1) U. S. 70 - Tunnel Road; (2) U. S. 74 (South Tunnel Road) from U. S. 70 to N. C. 81; (3) U. S. 25 - Hendersonville Highway from I-40 to Gerber Road (S. R. 3195); (4) U. S. 19-23 Patton Avenue from Smoky Park Bridge to I-40 interchange; and (5) N. C. 191 Connector from I-40 - I-26 interchange to Patton Avenue."

The second problem, that of how to calculate the square footage for determining the "minimum sign distance," will be clarified for administration purposes.

It was the consensus of Council to space the signs five hundred (500) feet apart.

4. Section 30-9-3 (E) Schedule of Sign Requirements

(a) Proposed Change:

Delete the wording of the table dealing with signage for "Home Occupations."

(b) Rationale for Change:

This change will eliminate a duplication with Section 30-3-16 which specifies the requirements for home occupations.

Mayor Trantham noted that this ordinance would have no effect on existing signs or current non-conforming signs.

Councilman Rainey said in his opinion signs that exceed six hundred (600) square feet should be placed on Interstate highways and not in the City Limits. He said a three hundred (300) square foot limit should be sufficient.

Mike Summey, Summey Outdoor Advertising, said the original request to amend the Sign Regulations included only clarification amendments. He said the proposed amendments have got to the point of being complicated. He urged Council not to place restrictions on the small sign dealers. He said the sign companies are the least offenders of the sign ordinance. He said that outdoor advertising was a primary means of reaching the traveling public.

A discussion was held relative to the required spacing between the signs.

Mr. George Gontero, President of Naegele Outdoor Advertising, said he favored a five hundred (500) ft. spacing between signs. He said his company erects signs that are 672 square feet and he would like to be able to put the signs in the Commercial and Industrial Districts.

Mr. Pete Hall, salesman for Naegle Outdoor Advertising, said his company had put up many 672 square foot signs, free of charge, for various community organizations. He said Council should not legislate his company out of business. He said the large signs, used with restraint, are needed in the City and would not be offensive.

Mr. Jack Alderfer, of WRAQ Radio Station, spoke in support of the sign companies. He said he would rather see a structure sign than all the "rolling signs' now placed in the City. He said there would be an economic impact on legislating signs.

Councilman Rainey commented that he would like to eliminate the "rolling signs" as off-premise signs and use them only as on-premise advertising signs.

Councilman Michael said he felt Council should get away from legislating private enterprise.

C. 3. Spacing between Off-Premise Advertising Signs

(a) Present Wording:

"In all districts where free-standing, off-premise advertising signs are permitted, no sign structure shall be placed closer to the next adjacent structure in either direction on the same side of the street than the "minimum sign distance." The minimum sign distance between any two (2) structures shall be one-half of the sum of the area of each of the signs contained on said structure in square feet. The minimum sign distance between any two (2) structures shall be measured along a straight line between the closest point of any two (2) structures."

(b) Planning and Zoning's Proposed Change:

"In all districts where free-standing, off-premise advertising signs are permitted, no off-premise advertising sign shall be placed closer to the next off-premise advertising sign in any direction on the same side of the street closer than the "minimum sign distance" ."

"The minimum sign distance between any two (2) sign structures shall be one-half of the total area of the display faces contained on the existing or new sign structure in square feet of five hundred (500) feet whichever is greater. The total square footage of the display faces shall be calculated in accordance with Sec. 30-9-1 (E) of this Article. Further, in cases where the sign structure abuts a limited access highway, the minimum sign distance between off-premise advertising sign structures shall be 1,500 feet."

"The minimum sign distance between any two (2) structures shall be measured along a straight line between the closest point of any two (2) structures."

(c) Council's Proposed Change:

"In all districts where free-standing, off-premise advertising signs are permitted, no off-premise advetising sign shall be placed closer to the next off-premise advertising sign in any direction on the same side of the street closer than the "minimum sign distance"."

"The minimum sign distance between any two (2) sign structures shall be five hundred (500) feet. Further, in cases where the sign structure abuts a limited access highway, the minimum sign distance between off-premise advertising sign structures shall be 1,500 feet."

"The minimum sign distance between any two (2) structures shall be measured along a straight line between the closest point of any two (2) structures."

(d) Rationale for Change:

This proposal would solve two specific problems. First, as written, the ordinance's spacing requirements would not control the placement of an advertising sign on a perpendicular line from the edge of the road. If the spacing requirements are imposed, the locations available would be limited.

Councilman Morris agreed with Councilman Michael stating that Council cannot, by law, outlaw a specific business. He said in his opinion the Zoning Ordinance is not a good place to fight the battle.

Vice-Mayor Horton moved for the adoption of Resolution No. 78-200. This motion was seconded by Councilman Rainey.

Mayor Trantham said Council had recently received three (3) petitions, one from the Lexington Avenue area, one from the Chestnut Street area, and one from residents of North Asheville, in regard to several present business establishments.

Mrs. George McGuire, 144 E. Chestnut Street, complained about the bar at the intersection of Liberty and Chestnut Street, known as the "Liberty Corner." She said the customers of the bar were noisy, destroyed property, littered and used drugs. She said the bar is presently closed due to a change in ownership. She asked Council to do what they could in keeping it closed.

Louise Speed complained about Doc's Rock Shop in North Asheville. She said bars should not be close to residential areas.

Ralph Bishop said the "Liberty Corner" is in violation of state law in that it is too close to a church.

Mrs. Blackwell, Blackwell's Lounge, asked if her permit to relocate to 54 Broadway would be affected by the adoption of the resolution.

J. E. Johnson, Director of Inspections, said Mrs. Blackwell would not be affected by this resolution.

Chris Peterson criticized Council for considering restricting nightclubs when he felt they should be giving their consideration to matters of what he felt were more important.

Mayor Trantham then called for a voice vote of Vice-Mayor Horton's motion for adoption of Resolution No. 78-200.

Resolution No. 78-200 was unanimously adopted.

Complete text of Resolution No. 78-200 will be found in Resolution Book No. 11 at page 22.

BIDS - DISPATCH AND RADIO ALERTING SYSTEM FOR ASHEVILLE FIRE DEPARTMENT

4. Consideration was given to a bid received October 30, 1978 for dispatch and radio alerting system for the Asheville Fire Department.

The City Manager presented the only bid received from Motorola Communication and Electronics, Inc. in the amount of $34,976.44. It was recommended that this bid be accepted.

Councilman Cole moved to approve the bid received from Motorola Communication and Electronics, Inc. in the amount of $34,976.44. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Mayor Trantham closed the public hearing at 4:50 p. m.

Councilman Morris said he did not think Council was in a position to take action on an ordinance amending the sign ordinance. He suggested that Council hold another work session with the sign company representatives and the Planning Division.

Councilman Morris moved to defer action on the ordinance until such time as a satisfactory agreement could be reached by the sign companies and the Council. This motion was seconded by Councilman Michael and carried unanimously.

Mayor Trantham called for a Council recess.

Council reconvened at 5:08 p. m.

RESOLUTION NO. 78-200 - RESOLUTION FOR CONSIDERATION OF IMPOSING A LIMITED MORATORIUM ON PLACEMENT OF COCKTAIL LOUNGES, NIGHTCLUBS, OR PUBLIC OR PRIVATE CLUBS WITHIN THE CITY OF ASHEVILLE

3. Consideration was given to a resolution for consideration of imposing a limited moratorium on placement of cocktail lounges, nightclubs, or public or private clubs within the City of Asheville.

The City Manager read the resolution.

Councilman Michael voiced his objection to the resolution, stating that the resolution did not address itself to the present problems. He said the main problem in this area is people standing outside of nightclubs drinking beer, putting litter on the streets, using profanity, etc. He said he felt Council should concentrate on the owners of the establishments which are causing problems and creating a public nuisance. He said this resolution would prevent someone from opening a nice lounge or prevent someone from moving from one location to another. He said the moratorium would exclude the "good neighbors" as well as the bad. He suggested that the bars have uniformed police officers inside the business to control the customers.

Councilman Rainey said the purpose of this resolution is to allow the Planning Department an opportunity to develop amendments to the Zoning Ordinance that would regulate the placement of such businesses.

Vice-Mayor Horton spoke in favor of the resolution stating that this time period would give the Planning Department an opportunity to come up with some justifible amendments. He said the moratorium is valid and the resolution should be adopted.

Verl Emrick, Planning Director, said the zoning ordinance could not be written to place a value judgment on the type of enterprise. He said it cannot by definition exclude specific types of uses from existence but it does give Council the right to regulate their placement. He said the proposed amendments will probably address the distance a club can be placed to another nightclub or a church.

Councilman Rainey said if a particular business in a year's time has "x" number of nuisance complaints then the Council should have the power not to renew the privilege license next year.

Claim sent to Ohio Casualty Insurance:

Mrs. Mrytle Stephenson — **Fell at Civic Center**
Box 133
Black Mountain, N. C.

PROCLAMATION - YOUTH APPRECIATION WEEK - SECOND WEEK OF NOVEMBER

Mayor Trantham proclaimed the second week of November, 1978 as "Youth Appreciation Week."

MR. AND MRS. SIMMONS - 574 SAND HILL ROAD

Mr. William A. Parker, Attorney representing Mr. and Mrs. Simmons of 574 Sand Hill Road said Mr. and Mrs. Simmons had previously complained of their neighbor operating a business in his home on Sand Hill Road, known as the Asheville Coffee Service, Inc. He said large trucks come in the area delivering coffee to the business.

The City Manager advised that this matter had been discussed before and the Inspections Division had inspected the neighbor's premise and found it to be in compliance with the Zoning Ordinance as a home occupation. He told Mr. Parker that they could pursue the matter through the Asheville Zoning Board of Adjustments.

Councilman Rainey said he felt this business was in violation of the Zoning Ordinance and moved that the City Manager be instructed to determine the total square footage of the residence on Sand Hill Road where the Asheville Coffee Service business is located and to determine the amount of square footage being used for the business. He further moved that the City Manager determine whether or not the owner of the business is selling coffee from his residence. This motion was seconded by Vice-Mayor Horton.

On a voice vote of 3-2, Councilman Rainey's motion was defeated with Councilmen Cole, Morris, and Michael voting "no" and Councilman Rainey and Vice-Mayor Horton voting "aye."

RALPH BISHOP - FREEDOM OF SPEECH AND LOTTERY SALES IN ASHEVILLE

Mr. Ralph Bishop again spoke to Council relative to his freedom of speech to speak at a Council meeting and about the wide-open lottery sales in the City of Asheville. He criticized the City Manager for not doing something about the wide-open lottery sales.

The City Manager asked Mr. Bishop to furnish evidence relative to his allegations.

Adjournment.

Ray M. Trantham — MAYOR

Frances S. Holcomb — CITY CLERK

RESOLUTION NO. 78-201 - RESOLUTION AUTHORIZING THE FILING OF A LEAA SUBGRANT APPLICATION FOR ASHEVILLE/BUNCOMBE CJIS, PHASE II

5. Consideration was given to a resolution authorizing the filing of a LEAA subgrant application for Asheville/Buncombe CJIS, Phase II.

The City Manager read the resolution and explained that the purpose of this project is to improve the efficiency and safety of the field officers by providing better information. The development and implementation of an on-line wants/warrants computer system and the procurement of supporting computer equipment.

Upon motion of Councilman Morris, seconded by Councilman Cole, Resolution No. 78-201 was unanimously adopted.

Complete text of Resolution No. 78-201 will be found in Resolution Book No. 11 at page 23.

PUBLIC HEARING SCHEDULED - REZONING PROPERTY AT SOUTH BEAR CREEK ROAD AND N.C.191 CONNECTOR - PROPERTY OWNED BY LOUIS C. WALLER AND BRIAN WILCOX; AND FIRST CITIZENS BANK AND TRUST COMPANY

6. The City Manager presented a letter from the Asheville Planning and Zoning Commission recommending approval of a request for rezoning property at South Bear Creek Road and N. C. 191 Connector from R-3 Residential District to CH Commercial Highway District.

Councilman Morris moved to schedule a public hearing on the matter for November 30, 1978. This motion was seconded by Councilman Cole and carried unanimously.

NORTH CAROLINA LEAGUE OF MUNICIPALITIES RESOLUTION OF COMMENDATION

7. The City Manager read a resolution adopted by the North Carolina League of Municipalities commending the City of Asheville for their hospitality, assistance and cooperation, and for the numerous courtesies rendered in hosting the 69th Annual Convention in the City of Asheville.

CLAIMS - JUDY B. COOK, TROY S. TOBE, AUGUSTA J. CARRELL, MRS. MRYTLE STEPHENSON

8. The City Manager presented claims received from W. R. Swearngan, Facility Services Superintendent. The claims are as follows:

Judy B. Cook — Hit curb, damage to car $173.46
Rt. 8, Box 1098
Asheville, N. C. 28806

Claims sent to St. Paul Fire & Marine Insurance:

Troy S. Tobe — Hit by Sanitation Truck
58-A Klondyke Avenue
Asheville, N. C. 28801

Augusta J. Carrell — Hit by Water Department Truck
Asheville, N. C.

ORDINANCE NO. 1082 - AN ORDINANCE AMENDING ORDINANCE NO. 1002 KNOWN AS "AN ORDINANCE ESTABLISHING THE ASHEVILLE UNIFORMED POLICEMEN'S RETIREMENT PLAN AND TRUST" AND ORDINANCE NO. 1077, WHICH AMENDED ORDINANCE NO. 1002

2. Consideration was given to an ordinance amending Ordinance No. 1002, known as "AN ORDINANCE ESTABLISHING THE ASHEVILLE UNIFORMED POLICEMEN'S RETIREMENT PLAN AND TRUST" and Ordinance No. 1077, which amended Ordinance No. 1002.

The City Manager read the ordinance.

Mike Smith, Director of Central Services, said this amendment would allow the police officers until January 1, 1979 to elect to come under this plan.

Councilman Morris moved for the adoption of Ordinance No. 1082. This motion was seconded by Councilwoman Price.

On a roll call vote of 5-0, Ordinance No. 1082 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1082. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1082 passed on second reading.

Councilwoman Price again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1082. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1082 passed on its third and final reading.

Complete text of Ordinance No. 1082 will be found in Ordinance Book No. 8 at page 297.

ORDINANCE NO. 1083 - AN ORDINANCE AMENDING ORDINANCE NO. 1083 - AN ORDINANCE AMENDING ORDINANCE NO. 1003, KNOWN AS "AN ORDINANCE ESTABLISHING THE ASHEVILLE UNIFORMED FIREMEN'S RETIREMENT PLAN AND TRUST" AND ORDINANCE NO. 1078, WHICH AMENDED ORDINANCE NO. 1003.

3. Consideration was given to an ordinance amending Ordinance No. 1003 known as "AN ORDINANCE ESTABLISHING THE ASHEVILLE UNIFORMED FIREMEN'S RETIREMENT PLAN AND TRUST" and Ordinance No. 1078, which amended Ordinance No. 1003.

The City Manager read the ordinance.

Mike Smith, Director of Central Services, said this amendment would allow the firemen until January 1, 1979 to elect to come under this plan.

Councilwoman Price moved for the adoption of Ordinance No. 1083. This motion was seconded by Councilman Cole.

On a roll call vote of 5-0, Ordinance No. 1083 passed on first reading.

Councilman Michael moved to suspend the rules and proceed to the second reading of Ordinance No. 1083. This motion was seconded by Councilman Morris and carried unanimously.

Thursday - November 9, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Councilwoman Norma T. Price, Councilmen F. Jack Cole, Otis B. Michael and Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Bill B. Horton and Councilman Gene E. Rainey

INVOCATION

The invocation was given by Councilman Ralph D. Morris, Jr.

APPROVAL OF THE MINUTES

I. Approval of the minutes of the November 2, 1978 meeting.

The City Manager requested that the following paragraph be included in the minutes concerning the adoption of Resolution No. 78-200 after the paragraph whereby Mr. Johnson stated that the Blackwell Lounge would not be affected by the resolution:

"Mr. Johnson also said he had received an application for a building permit for a bar on Lexington Avenue, at approximately 1:30 today, November 2, 1978. He said this bar would not be affected by the resolution since they applied for the permit before the adoption of the resolution."

Councilman Michael requested that his statement relative to Council legislating private enterprise be clarified in that his statement was strictly relating to sign regulations.

Councilman Michael also requested that his statement suggesting that bars have uniformed police officers inside the business to control the customers should be clarified in that his intention was to suggest that police officers visit these establishments at certain intervals. He said his statement should not be construed as to have police officers permanently stationed at these establishments.

Councilman Michael moved to amend the minutes to include the additional information and to clarify his statements. This motion was seconded by Councilman Cole and carried unanimously.

Councilman Michael then moved to approve the minutes of the November 2, 1978 meeting, as amended. This motion was seconded by Councilman Morris and carried unanimously.

B. **Resolution No. 78-204** - Resolution authorizing the Mayor to sign a sub-grant award contract with the North Carolina Division of Crime Control for the federal grant "Update Asheville I. D."

HIGHLIGHTS: This sub-grant for state and federal funding is to support a program to increase the capabilities of the Asheville Police Department and the Buncombe County Sheriff's Department in the areas of criminal evidence collection and processing. Funds will provide for the purchase of a mobile crime laboratory for the police department and the purchase of other equipment, primarily color photography equipment for the Asheville/Buncombe County Identification Section.

Total Project:	$38,000
Federal Contribution 90%	34,200
State Contribution 5%	1,900
Local Contribution 5%	1,900
Asheville	1,475
Buncombe	425

Resolution Book No. 11 Page 28

C. Scheduling of a public hearing relative to rezoning property on Oteen Park Place from R-3 Residential District to CH Commercial Highway District for December 7, 1978.

HIGHLIGHTS: The Planning and Zoning Commission, at its November 1, 1978 meeting, recommended that Council rezone Ward 8, Sheet 42, Lot 55 from R-3 Residential District to CH Commercial Highway District, property owned by Sea-Nic Enterprises.

D. Approval of budget amendment amending the City of Asheville Capital Projects Fund budget as follows:

HIGHLIGHTS: This is to bring appropriated activities into compliance with the executed grant agreement. The additional cash match is available in the General Revenue Trust Fund.

PROJECT	APPROPRIATION	BUDGET INCREASE DECREASE	NEW APPROPRIATION
Appropriation:			
Land Use Study	60,000	4,645	64,645
Revenue:			
N. C. Dept. of Trans.	3,000	232	3,232
F.A.A.	54,000	4,180	58,180
Local Cash Match	3,000	233	3,233
	60,000	4,645	64,645

On a roll call vote of 5-0, Ordinance No. 1083 passed on second reading.

Councilman Michael again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1083. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1083 passed on third reading.

Complete text of Ordinance No. 1083 will be found in Ordinance Book No. 8 at page 298.

RESOLUTION NO. 78-202 - RESOLUTION AUTHORIZING LIMITED FREE PARKING WITH A CITY AUTO STICKER AT THE DOWNTOWN PARKING GARAGE

4. Consideration was given to a resolution authorizing limited free parking with a city auto sticker at the Downtown Parking Garage.

The City Manager read the resolution and explained that this would change the hours of the current city sticker free parking in the parking garage which is 10:00 a. m. to 5:00 p. m. He said the new policy would be to permit free parking not to exceed two hours.

Councilman Michael said he had received several complaints about parking violations. He said the two hour parking is not being enforced particularly on Haywood and Battery Park.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 78-202 was unanimously adopted.

Complete text of Resolution No. 78-202 will be found in Resolution Book No. 11 at page 25.

APPROVAL OF THE CONSENT AGENDA

5. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 78-203 - Resolution adjusting rental rate structure for the Asheville Civic Center facilities.

HIGHLIGHTS: The Asheville Area Civic Center Commission has recommended that definitions of events be clarified and the rental rates adjusted.

Resolution Book No. 11, Page 26.

BLACKWELL'S LOUNGE - 54 BROADWAY

Mrs. Albena Blackwell, 3 Erskine Street, said she is attempting to move her club from Depot Street to Broadway. She said she appeared at the Council meeting last week and was informed that her transfer of business locations would not be affected by the moratorium on nightclubs in the City since she had received a building permit prior to the adoption of the resolution. She said it was her understanding that the City Council had received a petition from the local businesses in the area objecting to her opening the club on Broadway. She said she had repaired the building on Broadway and met all the requirements of the building code. She said the ABC Board had informed her that her application for a beer license had been rejected because the location was not suitable and due to local objection.

Corporation Counsel Moore said the City had no control over the issuing of ABC permits.

Councilman Michael reviewed the incidents leading up to the rejection of the ABC permit. He said the City had received a petition from several Asheville merchants objecting to the issuing of a permit to establish a private club on Broadway. He said the City Manager, by letter dated October 6, 1978, forwarded the petition to the Chairman of the State Board of Alcoholic Control and further stated that if the Board received a request for a State Permit for the club on Broadway the City Council would like to comment further. He said he felt the ABC Board construed the letter from the City Manager to mean that City Council objected to the opening of the club. He suggested that Council send a letter to the ABC Board stating that Council has no objection to the opening of Blackwell's Lounge and that Blackwell's Lounge has no police record.

Corporation Counsel Moore said since Council has no jurisdiction in issuing state beer permits that the letter should only state that Council has taken no action on the matter and that the opening of Blackwell's Lounge doe not apply to the current moratorium on nightclubs.

Councilman Michael contended that the City should not have gotten involved in the matter and the merchants objecting to the club should have forwarded the petition to the ABC Board.

Jesse Ray, Jr. agreed with Councilman Michael stating that the City government and city officials could have an impression on a decision of the ABC Board. He said he felt Council did have an influence on the rejection of Mrs. Blackwell's permit.

Mr. Ray said Mrs. Blackwell's lounge is a professional operated business catering to members only and is not the type of club that would allow disturbances. He said the City should help to inspire and encourage such businesses in the City. He said a letter should be sent to the ABC Board separating the facts in that it was not the majority of the City who opposed the opening of the club.

Phyliss Sherill, a resident of Asheville and a member of Blackwell's Lounge, said Council should not allow 23 to 25 people to stop a business from coming into Asheville. She said Blackwell's Lounge is a private club with approximately 125 members who are young professional black people. She said they have no problems with fighting or disturbances.

Resolution No. 78-205

E. Resolution authorizing, adopting, approving, accepting, and ratifying the execution of Amendment No. 1 to Grant Agreement for Project No. 6-37-0005-04 between the United States of America and the City of Asheville, North Carolina.

HIGHLIGHTS: This amendment will revise the work description in the grant agreement to read as follows:

"Site preparation for 1500' runway and taxiway extension to include site preparation for the glide slope and localizer and relocation of the localizer; security fencing."

This adds to the work description the security fencing, which was omitted in the executed grant agreement.

Resolution Book No. 11 Page 29.

RESOLUTION NO. _____ - RESOLUTION REQUESTING THE ATLANTA AIRPORT AUTHORITY TO LEAVE LANDING FEE AT $2.50 FOR GENERAL AVIATION AIRCRAFT

6. Consideration was given to a resolution requesting the Atlanta Airport Authority to leave landing fee at $2.50 for general aviation aircraft.

The City Manager read the resolution.

Councilman Michael said he had asked the City Manager to prepare the resolution for Council's consideration. He said he had been requested by the Western North Carolina Pilot's Association and local businessmen to have the resolution considered by City Council. He said the Atlanta Airport Authority is considering increasing the landing fee for general aviation aircraft from $2.50 to $25.00. He said this is being proposed in order to prohibit general aviation aircraft from landing in Atlanta. He said this would hurt the local businesses.

Councilman Morris said he felt it would be more ethical for the Mayor to write a letter explaining the position of the local businesses and request that they take into consideration the businessmen's appeals. He said he felt a resolution might be considered too harsh of a request.

Councilman Michael said he felt a resolution would be more effective.

After discussion, Councilman Morris moved to table the resolution until November 16, 1978. This motion was seconded by Councilman Cole, which motion carried with Councilman Michael abstaining due to a conflict of interest.

PROCLAMATION - VIETNAM VETERANS WEEK - NOVEMBER 12-18, 1978

Mayor Trantham proclaimed the week of November 12 - 18, 1978 as "Vietnam Veteran's Week."

SEYMOUR AIR FORCE BASE FLYOVER - NOVEMBER 11, 1978 - OBSERVATION OF VETERAN'S DAY

As a matter of information the City Manager said the Seymour Air Force Base has been given permission to do a flyover in observance of Veteran's Day on November 11, 1978.

After discussion, it was the consensus of Council that the City Manager would write a letter to the ABC Board stating that the Council has taken no action regarding Blackwell's Lounge and that forwarding the petition did not indicate objection by Council.

Councilman Michael said he would personally, as a Councilmember, write the ABC Board and ask for clarification of the local opposition referred to in the letter of rejection sent to Mrs. Blackwell.

RALPH BISHOP - FREEDOM OF SPEECH-LOTTERY SALES

Ralph Bishop, again spoke to Council about his freedom of speech in the Council meetings and the lottery sales in Asheville.

Adjournment.

Ralph M. Matthews — Frances L. Mecray

MAYOR — CITY CLERK

Mr. Young said a Mr. Wally Creasman was applying to the State ABC Board for a beer license at 108 N. Lexington Avenue.

Councilman Rainey said Council needs to address such problems in imposing a long-range moratorium on bars downtown in order to allow other types of businesses to locate downtown.

George Brigman, Brigman Paint Company on Lexington Avenue also opposed the establishment of another bar on Lexington Avenue. He said he would like to see the street cleaned up. He said the bars on Lexington Avenue had caused many problems in past years.

The City Manager said, after checking with the Police Department, it would take about three (3) days to receive a complete report from the Police Department on the character of the individual and the business establishment proposed for 108 N. Lexington Avenue.

The City Manager said the Inspections Division had received an application for a building permit for a bar at 108 N. Lexington Avenue at 1:30 p. m. on November 2, 1978. He said this bar would not be affected by the resolution imposing the moratorium since Council adopted the resolution, after 3:00 p. m., on November 2, 1978.

After discussion, Councilwoman Price moved that if the police record shows negative findings a letter of concern be forwarded to the State ABC Board along with the petition received from the merchants on Lexington Avenue and a copy of the resolution adopted by Council relative to a moratorium on bars in the City Limits. She further moved that if the police record shows no negative findings that the record be forwarded to the State ABC Board without a letter of concern from Council, but the petition and the resolution be included with the report. She further moved that the City Manager, after receiving the record from the Police Department, poll the Council members by telephone to determine if the evidence warrants a letter of concern from the Council and to receive concurrence in forwarding the letter of concern along with the petition. This motion was seconded by Vice-Mayor Horton.

Councilmen Michael and Morris voiced concern about Council passing such a motion and basing an opinion on an individual's police record without first reviewing the record. They also expressed concern that the individual has not had an opportunity of redress before Council passing such a motion.

Councilman Morris said it would be difficult for one individual to determine if a police record is positive or negative since more than likely any establishment that dispenses beer has had at one time or another a request for police assistance at their place of business.

On a voice vote, Councilwoman Price's motion was unanimously adopted.

CONTINUATION OF PUBLIC HEARING - REZONING PROPERTY ON CARIBOU ROAD - PROPERTY OWNED BY DR. JAMES H. MADDOX AND HANDI-SKILLS, INC.

3. A public hearing was continued relative to rezoning property on Caribou Road from R-3 Residential District to OI Office Institutional District, property owned by Dr. James H. Maddox and Handi-Skills, Inc.

Thursday - November 16, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey, F. Jack Cole, Otis B. Michael, and Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Gene E. Rainey.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the November 9, 1978 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Michael, the minutes of the November 9, 1978 meeting were approved as submitted.

DISCUSSION - BEER LICENSE FOR 108 N. LEXINGTON AVENUE

2. Vice-Mayor Horton said several weeks ago Council received a petition from businessmen on Lexington Avenue opposing the establishment of another bar on Lexington Avenue, particularly at 108 N. Lexington Avenue. He said subsequently Council passed a resolution placing a moratorium on bars in the City Limits for ninety (90) days. He said it was brought to his attention that a building permit has been issued to 108 N. Lexington Avenue for the establishment of a bar and the owner has applied to the ABC Board for a beer license. He suggested that Council send a copy of the petition opposing the bar and a copy of the resolution passed by Council relative to the moratorium. He said the ABC Board could use this information in their deliberations for the license.

Councilman Cole said he felt a report from the Police Chief on the character of the establishment would be in order.

Councilman Michael said he would like to verify that the business establishment is an undesirable business before the petition is sent to the ABC Board from Council. He said the petitioners themselves could forward the petition to the ABC Board.

Sam Young, Young's Poultry and Egg Company, said Lexington Avenue is in a "cleaning up process" and the businesses on Lexington would like to keep it clean. He opposed the opening of the bar at 108 N. Lexington Avenue. He said there is a church within 47' of the proposed business establishment.

Corporation Counsel Moore said he felt this was an ABC Board matter and not a Council matter.

Vice-Mayor Horton suggested that Council instruct the City Manager to get a statement and/or a police record report from the Police Department to send to the ABC Board along with the petition and a copy of the resolution imposing the moratorium.

Should either of the "uses permitted" alternatives be chosen the specific definition of a "certified sheltered workshop" would have to be added to the definitions specified in the ordinance.

Finally, should Council decide to allow the entity as a "Conditional Use", staff would suggest the following standards for review. These standards should be inserted in Section 30-7-1 of the Ordinance.

1. Certification by the N. C. Department of Human Resources, Division of Vocational Rehabilitation Services.

2. Site should, at a minimum, provide:

   (a) Adequate off-street parking and loading;

   (b) Adequate buffering when abutting residences;

   (c) Compliance with the City's Erosion Control Ordinance;

   (d) Non-illuminated signage not to exceed seventy-five (75) square feet and mounted on the building or on an appropriate ground sign not to exceed three (3) feet in height;

   (e) Security lighting shall be arranged so as not to be directed toward any abutting residential areas;

   (f) Provisions for proper containerization of waste generated by the workshop;

   (g) Be located on a site not less than six (6) acres; and

   (h) Such other requirements as may be reasonably specified by the Board in order to insure that the character of the neighborhood is not adversely impaired.

Procedure

If Council wishes to accept either part of Alternative #2, the procedure to accomplish that end is as follows:

1. Move that the petition to rezone be denied.

2. Move that a second ordinance be adopted which would accomplish the preferred approach outlined above.

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Mrs. Shriner, Director of Handi-Skills, Inc. said they had preliminary approval from SBA contingent upon Council approving the rezoning request to rezone the property Office Institutional. She said the SBA has indicated a probable approval if Council would accept Alternative #2 suggested by the Planning Director. However, she said the rezoning to Office Institutional District would be a better safeguard.

Verl Emrick, Planning Director, said this matter was previously discussed by Council on August 24, 1978 but was tabled until the legal ramifications of the zoning could be resolved. In reviewing the background of the rezoning request he said the Planning and Zoning Commission, at its July 12, 1978 meeting recommended to Council that the property be rezoned from R-3 Residential District to OI Office Institutional District. He said the Commission knew the rezoning would create a spot zone, however, the nature of Handi-Skills would make it a unique entity and would provide a public service that is not currently being provided by any other entity for the community at large. He said at the previous meeting the Corporation Counsel had voiced concern about the "spot zoning." He said Council had also expressed concern with the funding of the project by a Small Business Administration loan that was pending. He said the SMA loan application is still pending.

Mr. Emrick then read the following memorandum addressed to the City Manager which sets forth three (3) alternatives that Council could consider at this time.

MEMORANDUM

TO: Ken Michalove, City Manager

FROM: Verl R. Emrick, Jr., Planning Director

SUBJECT: Alternatives Available - Maddox Rezoning
(Handi-Skills - Caribou Road)

DATE: November 15, 1978

After numerous conversations and meetings with the parties involved and exploring the various alternatives available to Council relative to this rezoning, the following can be reported:

1. Alternative #1: Accept Planning and Zoning Commission's recommendation and rezone the property to OI Office-Institutional District.

   If this alternative is chosen Council must be satisfied that the rezoning, even though it creates a spot zone, can be justified on the following assertion:

   > The rezoning is in the public interest based upon providing a service (or a needed expansion of a service in this case) not currently available to the larger community area.

2. Alternative #2: Amend the provision specified in the R-3 Residential District in such a way as to accommodate the Handi Skills operation, certified sheltered workshop by definition in one or two ways.

   (a) Amend the "Permitted Uses" subsection to provide for "certified sheltered workshops" as an allowable use.

   or

   (b) Amend the "Conditional Uses" subsection to permit "certified sheltered workshops" as a conditional use in the district. This amendment would require that the Board of Adjustment review and approve the site prior to issuance of the appropriate permits for construction.

Upon motion of Councilman Michael, seconded by Councilman Cole, Resolution No. 78-206 was unanimously adopted.

Complete text of Resolution No. 78-206 will be found in Resolution Book No. 11 at page 30 .

MEETING OF NOVEMBER 23, 1978 CANCELLED

6. Councilman Cole moved to cancel the regular scheduled Council meeting for November 23, 1978 since it is Thanksgiving Day. This motion was seconded by Councilwoman Price and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

7. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member or the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Consideration of a budget amendment to amend the City of Asheville General Fund Fiscal 1978-79 Operating Budget as follows:

Revenues:			
Account Code:	10-394.0470	Insurance Recovery	$2,699
Appropriation:			
Account Code:	10-40-470.0074	C. O. Equipment	$2,699

HIGHLIGHTS: To replace microwave oven in Fire Department

B. Consideration of a budget amendment to amend the City of Asheville General Fund Fiscal 1978-79 Operating Budget as follows:

Account Code:	10-599.01.0097	Contingency	($3,100)
Account Code:	10-460.35.0033	Department Supplies	$3,100

HIGHLIGHTS: To provide funding to reimburse businesses who bought Crime Prevention Signs.

C. Resolution No. 78-207 - Resolution authorizing application for State Water Bond Funds.

HIGHLIGHTS: Fiscal Year 1979 Water System Improvement Projects consist of eight (8) separate improvements to the City/County water system. These eight improvements or sub-projects call for the combined installation of the following equipment: 1) Two pumps; 2) 1,600 feet of 8-inch pipe; 3) 12,600 feet of 6-inch pipe; and one encasement and several check valves.

Resolution Book No. 11 at page 31 .

Mr. Richard Ford spoke in favor of rezoning the property Office Institutional District. He requested that Council act favorable for the Handi-Skills project. He said the project would help the community at large. He said if the property cannot be rezoned Office Institutional then he would also favor Alternative #2 as suggested by the Planning Director.

After discussion, Mayor Trantham closed the public hearing at 4:30 p. m.

Councilman Morris moved to deny the rezoning request to rezone property on Caribou Road from R-3 Residential District to OI Office Institutional District, property owned by Dr. James H. Maddox and Handi-Skills, Inc. This motion was seconded by Councilwoman Price and carried unanimously.

Councilwoman Price then moved to schedule a public hearing for December 14, 1978 to consider amending the Zoning Ordinance to include as a permitted use "certified sheltered workshops" in a R-3 Residential District as suggested in Alternative #2 by the Planning Director. This motion was seconded by Councilman Rainey, which motion carried unanimously.

Councilman Rainey suggested that Alternative #2 be amended to include a provision that building setbacks for a "certified sheltered workshop" be fifty (50) feet from the property line on all sides.

PRESENTATION OF THE 208 MANAGEMENT PLAN

4. Mr. Bill Stokes presented the 208 Water Management Plan recommendations. He said this plan would be for the entire four-county Region B area. He introduced Mr. Charles Dent, Robin Daniels, Sharon Montgomery, and Mr. Bob Purcell, who were in attendance at the meeting and who had worked in the development of the plan. He presented for Council's consideration a resolution indicating its understanding and support of the 208 Areawide Water Quality Management Plan and its willingness to proceed with implementation of the responsibilities identified in the plan.

Sharon Montgomery gave a slide presentation to the members of Council detailing the recommendations of the plan.

The City Manager said the 208 Management Plan is very much related to what the joint Water Committee is doing and they will be considering the resolution at the November 30, 1978 meeting of the Water Committee.

RESOLUTION NO. 78-206 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE CHANGE ORDER NO. 3 WITH SOUTHWORTH CONSTRUCTION COMPANY, INC. FOR THE PROJECT KNOWN AS RENOVATION OF VALLEY STREET MAINTENANCE FACILITY

5. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville Change Order No. 3 with Southworth Construction Company, Inc. for the project known as Renovation of Valley Street Maintenance Facility.

The City Manager read the resolution. He said this would add recommended electrical changes to the contract currently in progress with Southworth Construction Company, Inc. and called Renovation of Valley Street Maintenance Facility.

Claims sent to St. Paul Fire & Marine Insurance:

Mrs. Maggie Plemmons Route 3 Leicester,North Carolina	Damage to top - City vehicle backing
Karla Kay Ashton 5 Plateau Road Asheville, North Carolina	Damage to Jeep - City vehicle backing

RESOLUTION NO. 78-209 - RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT ON BEHALF OF THE CITY OF ASHEVILLE A PROPOSAL BY THE FIRM KNOWN AS SOIL AND MATERIAL ENGINEERING INCORPORATED, FROM RALEIGH, NORTH CAROLINA

Consideration was given to a resolution authorizing the Mayor to accept on behalf of the City of Asheville a proposal by the firm known as Soil and Material Engineering Incorporated, from Raleigh, North Carolina.

The City Manager read the resolution and said this would be for professional services in conducting an investigation of the seepage emerging on the down-hill slope at the Burnett Dam located in Buncombe County.

Councilman Michael said after the City has the survey done the details will be given to the State and if the City does not make the necessary adjustments the State could condemn the dam.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, Resolution No. 78-209 was unanimously adopted.

Complete text of Resolution No. 78-209 will be found in Resolution Book No. 11 at page 34.

RESOLUTION NO. 78-210 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH PERRY ALEXANDER CONSTRUCTION COMPANY, FOR THE PROJECT KNOWN AS ECHO HILLS 6-INCH WATER LINE

Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Perry Alexander Construction Company, for the project known as Echo Hills 6-inch water line.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 78-210 was unanimously adopted.

Complete text of Resolution No. 78-210 will be found in Resolution Book No. 11 at page 35.

PROCLAMATION - ACCOUNTANTS DAY - NOVEMBER 21, 1978

Mayor Trantham proclaimed November 21, 1978 as "Accountants Day."

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously approved.

RESOLUTION NO. 78-208 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH ASHEVILLE ROOFING, INC. FOR THE PROJECT ENTITLED "RE-ROOF LIBRARY AND FIRE STATION BUILDING, 970 HAYWOOD ROAD, WEST ASHEVILLE

BUDGET AMENDMENT - REVENUE SHARING TRUST FUND - FUNDING THE PROJECT TO RE-ROOF THE WEST ASHEVILLE FIRE STATION

8. The City Manager said bids were received on November 14, 1978 to re-roof the Library and Fire Station Building at 970 Haywood Road, West Asheville. He read the resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Asheville Roofing, Inc., the low bidder, for the project entitled "re-roof library and fire station building." He also presented a budget amendment to cover funding for the project.

Councilwoman Price moved to approve the budget amendment and Resolution No. 78-208. This motion was seconded by Councilman Cole and carried unanimously.

Complete text of Resolution No. 78-208 will be found in Resolution Book No. 11 at page 33.

PETITION - RESIDENTS OF HAYWOOD ROAD - RE: ASSEMBLY OF GOD CHURCH

The City Manager presented a petition received from residents of Haywood Road relative to the noise made by the Assembly of God Church. He said the City staff would investigate the complaint.

CLAIMS - HODGENS FLOOR COVERING COMPANY, ISAAC GRADMAN, MARY BARNES, MRS. MAGGIE PLEMMONS, KARLA KAY ASHTON

The City Manager presented the following claims, received from Mr. W. R. Swearngan, Facility Services Superintendent:

Following individuals have claims against City of Asheville for damage:

Hodgens Floor Covering Company 21 Broadway Asheville, North Carolina	Water damages in basement no dollar amount determined
Isaac Gradman Company P. O. Box 4174 Asheville, North Carolina	Holes in street - 151 West Haywood Street
Mary Barnes Route 3 Candler, North Carolina	Damage to pick-up truck $56.52

Thursday - November 30, 1978 - 3:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey, F. Jack Cole, and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Ralph D. Morris, Jr.

INVOCATION

The invocation was given by Councilman F. Jack Cole.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the November 16, 1978 meeting.

Vice-Mayor Horton noted that he was excused from the meeting of November 16, 1978 during the discussion of rezoning property on Caribou Road.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, the minutes of the November 16, 1978 meeting were approved as amended.

PUBLIC HEARING - REZONING PROPERTY ON SOUTH BEAR CREEK ROAD AND N.C. 191 CONNECTOR

ORDINANCE NO. 1084 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. A public hearing was held relative to rezoning property on South Bear Creek Road and N. C. 191 Connector from R-3 Residential District to CH Commercial Highway District, property owned by Louis C. Waller, Brian Wilcox, and Howard Lewis, Trust Officer, First Citizens Banks of Charlotte, North Carolina.

Mayor Trantham opened the public hearing at 3:08 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, at its November 1, 1978 meeting, reviewed the rezoning request and recommended approval by the City Council. The Commission also recommended to accept the Planning Staff's report which stated that it should be noted that while staff agrees that the property is better suited for commercial zoning there are some major problems which must be overcome before the property can be utilized in the manner intended.

First there is the problem of access to the site. At present the surrounding road system (Sand Hill Road, South Bear Creek and Shelburne Road) are narrow and winding and could not accommodate the volumes of traffic which would be generated by the proposed facility.

PROCLAMATION - BIBLE WEEK - NOVEMBER 19-26, 1978

Mayor Trantham proclaimed the week of November 19-26, 1978 as "Bible Week."

RALPH BISHOP - LOTTERY SALES

Mr. Ralph Bishop again spoke to Council about the lottery sales in Asheville.

Adjournment.

MAYOR

CITY CLERK

Mr. Julian Brookshire, S. Bear Creek Road, spoke in favor of the rezoning. He said he felt a shopping mall would be an asset to the community and would increase property values in the area.

Edmond Mathis of 18 Zephyr Drive also said he had no opposition to the mall but would like the problems to be resolved first.

M. J. Hakan, architect for the project, said the new Erosion and Soil Control law would require the developer to retain the mall's drainage water on their property. He said the law will not allow them to put more water down stream than there is already.

Seby Jones, developer of the project, said they would not develop the property without some adequate way of getting in and out of the mall. He said it would simply be bad business not to have adequate roads and a method of preventing flooding. He said they understood the problems and they would meet all regulations, local, state and federal. He said they could not move forward with the project until the property is rezoned. He said if the property is rezoned this would set the stage for the project.

Councilwoman Price said she would not like to rezone the 92 acres to Commercial then something happen to the proposed project leaving the property open for piece meal development without the problems being solved.

Mr. Emrick said should the rezoning be approved and the shopping center not be developed he would immediately ask that the rezoning be rescinding due to problems.

Mayor Trantham closed the public hearing at 4:15 p. m.

Councilwoman Price moved to postpone action on the rezoning request for three (3) weeks and that the matter be taken to the Transportation Coordinating and Transportation Advisory Committees for study and recommendation, coming up with a traffic plan around the mall with projected costs and time schedules for a new road system. This motion was seconded by Councilman Rainey. On a voice vote, the motion failed on a vote of 3-2, with Councilwoman Price and Councilman Rainey voting "aye" and Vice-Mayor Horton, Councilman Michael, and Councilman Cole voting "no."

Councilman Cole said the proposed mall was a real opportunity for expansion and development of the area.

Councilman Michael said he felt the developers needed a "vote of confidence" and suggested that Council approve the rezoning on first reading but withhold final approval until a report is made by the transportation committee in three weeks.

Verl Emrick read the ordinance rezoning the property as petitioned.

Councilman Cole moved for the adoption of Ordinance No. 1084. Councilman Michael seconded the motion requesting that Councilman Cole include in his motion that third and final reading of the ordinance be withheld until a report is received from the transportation committees on the traffic problems. Councilman Cole accepted Councilman Michael's condition to the motion.

The second problem and perhaps most significant, portions of the property are subject to flooding by Hominy Creek. However, even though the flood maps available identify the area as floodable the City has no flood control measures (other than to deny the zoning) which can be enforced or which could offer specific standards for floodproofing, etc.

Mr. Emrick noted that the developers are presently working on solving these two problems. However, the Department of Transportation has indicated that they would be more willing to work on the access problem if the property was rezoned allowing the proposed facility. He said the developers had acquired the services of a consulting engineer to help with the access problem but they do not have enough information from the consultant to comment on the access feasibilities.

Mr. Emrick said the proposed facility would consist of a mall containing some one million square feet of retail space.

By the use of a map, Mr. Emrick reviewed the location of the property and the TVA flood maps showing the area as floodable.

He also reviewed various traffic counts of the area showing high volumes of traffic on residential streets surrounding the proposed facility. He said if the property is rezoned and the facility developed Council would be required to approve the final group development plan at which time the existing problems would have to be resolved. He said even though the property is rezoned the County could not issue a building permit for the facility until City Council approves the final group development plan.

Richard Wood, attorney representing the developers, reviewed the proposed use of the property as being a large shopping mall. He said there is a need for another shopping mall in the Asheville area and said the Interstate 26 and 40 Interchange is an ideal location. He said the traffic and flooding problems will be resolved by the time the Council considers the development plan, which will be several months away. He said the property needs to be rezoned and cited the close proximity to the existing city limits as a valid reason for Council to rezone the property. He said to his knowledge this is the only tract of land large enough for the facility, in the I-26-I-40 interchange area, whereby the City Council would have any control over this type of facility. He said there were a number of residents at the Planning and Zoning Commission hearing, however no one opposed a shopping mall in the area. He said their only concerns were that of traffic and flooding.

Mr. Ted Snipes, of 123 Shelburne Road said he had no opposition to the shopping mall but he would like for the flooding problem to be solved before the development plan is approved.

Mr. Joe Hutchison of South Bear Creek Road said he had no opposition to the shopping mall if the flooding is corrected. He said the TVA officials had said the straightening and widening of Hominy Creek would correct the flooding problem.

Mr. Joe Hoffman, of 30 Zephyr Drive also said he had no opposition to the shopping mall except to have a guarantee that the traffic problem would be taken care of in the residential areas.

RESOLUTION NO. 78-212 - RESOLUTION EXPRESSING THE DESIRE FOR THE ASHEVILLE CITY COUNCIL TO PROVIDE ADDITIONAL FRINGE BENEFITS TO CITY EMPLOYEES WHO PARTICIPATE IN THE NORTH CAROLINA LOCAL GOVERNMENT EMPLOYEES RETIREMENT SYSTEM

5. Consideration was given to a resolution expressing the desire for the Asheville City Council to provide additional fringe benefits to City employees who participate in the North Carolina Local Government Employees Retirement System.

Mr. Mike Smith, Central Services Director, read the resolution.

Upon motion of Councilman Rainey, seconded by Councilwoman Price, Resolution No. 78-212 was unanimously adopted.

Complete text of Resolution No. 78-212 will be found in Resolution Book No. 11 at page 38.

RESOLUTION NO. 78-213 - RESOLUTION ENLISTING IN THE NORTH CAROLINA LOCAL GOVERNMENT EMPLOYEES RETIREMENT SYSTEM (Asheville Firemen's Pension and Disability Fund)

6. Consideration was given to a resolution enlisting in the North Carolina Local Government Employees Retirement System for the Asheville Firemen's Pension and Disability Fund.

Mr. Mike Smith, Central Services Director, read the resolution.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 78-213 was unanimously adopted.

Complete text of Resolution No. 78-213 will be found in Resolution Book No. 11 at page 40.

RESOLUTION NO. 78-214 - RESOLUTION ENLISTING IN THE NORTH CAROLINA LOCAL GOVERNMENT EMPLOYEES RETIREMENT SYSTEM (Asheville Uniformed Policemen's Retirement Plan and Trust)

7. Consideration was given to a resolution enlisting in the North Carolina Local Government Employees Retirement System for the Asheville Uniformed Policemen's Retirement Plan and Trust.

Mr. Mike Smith, Central Services Director, read the resolution.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 78-214 was unanimously adopted.

Complete text of Resolution No. 78-214 will be found in Resolution Book No. 11 at page 41.

Councilman Rainey said he felt there were too many unknowns in the project which should be removed before Council approves the rezoning.

On a roll call vote of 4-2, Ordinance No. 1084 passed on first reading with Mayor Trantham, Vice-Mayor Horton, Councilman Cole, and Councilman Michael voting "aye" and Councilwoman Price and Councilman Rainey voting "no."

ORDINANCE NO. _____ - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

3. Consideration was given to an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended relative to amending the Sign Regulations Section.

Verl Emrick, Planning Director, said the proposed ordinance had been discussed by Council on several occasions in the past two or three weeks. He read the revised ordinance which incorporated amendments recommended thus far; including amendments discussed during Council's work session on November 14, 1978.

Mike Summey, Summey Outdoor Advertising Company, requested for the benefit of taxpayers, an accounting of time and money spent on the regulation of signs in the past five (5) years and what has been accomplished by such regulations. He said there had been no significant changes made in that time period. He said the sign ordinance is so complex that one word could change the whole context of the ordinance.

After discussion, Councilman Michael moved to table the ordinance until Council had an opportunity to have another work session on the details of the ordinance. This motion was seconded by Councilman Cole, which motion carried on a voice vote of 4-2, with Mayor Trantham, Vice-Mayor Horton, Councilman Michael and Councilman Cole voting "aye" and Councilwoman Price and Councilman Rainey voting "no."

RESOLUTION NO. 78-211 - RESOLUTION FOR THE CONTINUATION OF GROUP HEALTH AND HOSPITALIZATION INSURANCE FOR CITY EMPLOYEES WHO HAVE RETIRED PRIOR TO AGE 65 OR ELIGIBILITY FOR MEDICARE BENEFITS

4. Consideration was given to a resolution for the continuation of group health and hospitalization insurance for city employees who have retired prior to age 65 or eligibility for Medicare benefits.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Michael, Resolution No. 78-211 was unanimously adopted.

Complete text of Resolution No. 78-211 will be found in Resolution Book No. 11 at page 36.

B. **Resolution No. 78-217 - Resolution indicating the City of Asheville's interest and support of the 208 Areawide Water Quality Management Plan and its willingness to proceed with implementation of responsibilities identified in the plan.**

Resolution Book No. 11 Page 44.

C. Motion authorizing the City Manager to sign a contract with WNC Parking Lot Services, Inc for various services in the City of Asheville Civic Center Parking Garage relating to cleaning.

HIGHLIGHTS: This contract is an extension of an existing contract.

D. Motion scheduling a public hearing relative to rezoning property on Rock Hill Road/Stockwoods Area Residents from R-2, R-3, and CS to R-1 Single Family Residential for January 4, 1979.

E. Resolution No. 78-218 - Resolution authorizing the Mayor to enter enter into a memorandum of understanding with the Department of Housing and Urban Development for the New Horizons Program.

HIGHLIGHTS: A locally oriented voluntary compliance program for fair housing.

Resolution Book No. 11 Page 46.

F. Resolution No. 78-219 - Resolution authorizing Mayor to submit an amendment to Open Space Application OS1014NC to the Department of Housing and Urban Development.

HIGHLIGHTS: HUD has requested that an amendment be filed to the Open Space application if all phases of the projects are not to be completed. Due to rising costs changes have been made in the Park Improvement Program which necessitates an amendment. The total amount of the grant will not change, however individual amounts appropriated for parks will be amended.

Resolution Book No. 11 Page 47

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously approved.

BIDS - AVONDALE ROAD 6-INCH WATER LINE - PERRY ALEXANDER CONSTRUCTION CO.

RESOLUTION NO. 78-220 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH PERRY ALEXANDER CONSTRUCTION COMPANY FOR THE PROJECT KNOWN AS AVONDALE ROAD

11. The City Manager presented bids received on November 16, 1978 for the Avondale Road 6-inch water line. It has been recommended that Council accept the low bidder, Perry Alexander Construction Company, in the total amount of $32,272.20.

RESOLUTION NO. 78-215 - RESOLUTION ENLISTING IN THE NORTH CAROLINA LOCAL GOVERNMENT EMPLOYEES RETIREMENT SYSTEM (Asheville Uniformed Firemen's Retirement Plan and Trust)

8. Consideration was given to a resolution enlisting in the North Carolina Local Government Employees Retirement System for the Asheville Uniformed Firemen's Retirement Plan and Trust.

Mr. Mike Smith, Central Services Director, read the resolution.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 78-215 was unanimously adopted.

Complete text of Resolution No. 78-215 will be found in Resolution Book No. 11 at page 42.

APPROVAL OF SIGN PERMIT - TELCO CREDIT UNION - 7 ORCHARD STREET

9. Mr. J. E. Johnson submitted a sign permit application received from Telco Credit Union at 7 Orchard Street for a wall identification sign. He said this application would require the approval of City Council pursuant to the Zoning Ordinance in that the sign will be within 600' of a limited access highway.

Councilwoman Price moved for the approval of the sign permit application submitted by Telco Credit Union at 7 Orchard Street. This motion was seconded by Councilman Michael and carried unanimously.

APPROVAL OF CONSENT AGENDA

10. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 78-216 - Resolution authorizing the Mayor to sign a contract with Moore-Woodard Associates for Bus Shelter Design.

HIGHLIGHTS: This resolution would authorize the Mayor to sign a contract, on behalf of the City of Asheville, with Moore-Woodard Associates for design of the bus shelter complex at Pritchard Park.

SUMMARY OF GUIDELINES FOR MIXED BEVERAGE PERMITS - MR. KEN ANDERSON

Mr. Ken Anderson said he felt that several members of Council have been confused as to the definition of a "social establishment" as defined in the guidelines for Mixed Beverage Permits. He presented each member of Council a summary of the guidelines, particularly referring to a "social establishment."

RALPH BISHOP - LOTTERY SALES

Mr. Ralph Bishop again spoke to Council relative to lottery sales, referring to several people who had opened a new business in Asheville.

Adjournment.

MAYOR

CITY CLERK

Councilman Michael moved to accept the recommendation and award the bid for the Avondale Road 6-inch water line to the low bidder, Perry Alexander Construction Company in the amount of $32,272.20. This motion was seconded by Councilman Cole and carried unanimously.

The City Manager then read the resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Perry Alexander Construction Company for the project known as Avondale Road.

Upon motion of Councilman Michael, seconded by Councilwoman Price, Resolution No. 78-220 was unanimously adopted.

Complete text of Resolution No. 78-220 will be found in Resolution Book No. 11 at page 48.

BIDS - JOHNSON SCHOOL ROAD 6-INCH WATER LINE

RESOLUTION NO. 78-221 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH TAYLOR AND MURPHY CONSTRUCTION COMPANY, INC., FOR THE PROJECT KNOWN AS JOHNSON SCHOOL ROAD 6-INCH WATER LINE

12. The City Manager presented bids received on November 9, 1978 for the Johnson School Road 6-inch water line. It has been recommended that Council accept the low bidder, Taylor and Murphy Construction Company, in the amount of $22,866.70.

Councilman Michael moved to accept the recommendation and award the bid for the Johnson School Road 6-inch water line to the low bidder, Taylor and Murphy Construction Company, in the amount of $22,866.70. This motion was seconded by Councilman Rainey and carried unanimously.

The City Manager then read the resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Taylor and Murphy Construction Company, Inc., for the project known as Johnson School Road 6-inch water line.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 78-221 was unanimously adopted.

Complete text of Resolution No. 78-221 will be found in Resolution Book No. 11 at page 49.

CLAIM - BANK OF ASHEVILLE - COMMERCE STREET PROPERTY

13. The City Manager presented a claim received from the Bank of Asheville for damages to a building on Commerce Street.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

voting "aye" and Councilmen Cole, Michael, Morris, and Mayor Trantham voting "no."

Councilmen Morris and Michael agreed that Council should address the zoning only rather than getting involved with State Department's responsibilities. Councilman Michael said Council should not take any action that would hold up progress.

On a roll call vote of 5-2, Ordinance No. 1084 passed on second reading with Councilwoman Price and Councilman Rainey voting "no."

Vice-Mayor Horton then moved to table the third reading of Ordinance No. 1084 until such time as Council passes as successful motion to bring it back to Council for consideration of the third reading. This motion was seconded by Councilwoman Price and carried unanimously.

ORDINANCE NO. 1085- AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Relative to Sign Regulation Section)

3. Consideration was given to an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended relative to Sign Regulation Section.

Verl Emrick read the following memorandum which included all amendments to be made to the Sign Ordinance, including suggestions as of December 5, 1978:

MEMORANDUM

TO: Ken Michalove, City Manager

FROM: Verl R. Emrick, Planning Director

SUBJECT: Proposed Amendment to Sign Ordinance as suggested December 5, 1978

DATE: December 6, 1978

PART A.

Last Thursday I presented a revised ordinance which detailed several changes suggested in Council's work session of November 14, 1978. These changes are attached to this memo as Amendment # 1.

Now, as I understand it the wording in the following sections of the revised ordinance (Attachment # 1) have been agreed upon and no further changes are necessary;

Section 1. Contractor's License;
Section 2. Required Setbacks, Free Standing Signs;
Section 3. Deleting "Home Occupation" requirements from the table of size specifications; and
Section 4. Part 3, spacing requirements and Part 4, use of mobile signs as off premise advertising signs.

Thursday - December 7, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding, Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey, F. Jack Cole, Ralph D. Morris, Jr, and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilwoman Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the November 30, 1978 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the November 30, 1978 meeting were approved as submitted.

ORDINANCE NO. 1084 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Rezoning property on South Bear Creek Road and N. C. 191 Connector)

2. Consideration was given to the second reading of Ordinance No. 1084, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, rezoning property on South Bear Creek Road and N. C. 191 Connector from R-3 Residential District to CH Commercial Highway District.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific reason to do so.

Richard Wood, attorney representing the developer, said since the first reading of the ordinance a meeting has been scheduled by the Transportation Advisory Committee for December 21, 1978 to study the traffic problem to be created by the proposed facility. He said the staff of the Department of Transportation is also making a computer study of the traffic impact of the area. He said Wilbur Smith and Associates, consultant for the developer, is also working with the staff of the Department of Transportation on several approaches for access in and out of the proposed shopping mall. He said it was his hope that a report on the traffic problem could be made in time for Council to consider the third reading of the ordinance on December 21, 1978.

Councilman Rainey said he had an inquiry from Marjorie Lockwood requesting that an evaluation of the site be made relative to pollution and erosion. He then moved that before the third reading of the ordinance, that the developers obtain a report from Roy Davis, State Water Quality Coordinator and from the Soil Conservation Services to determine the pollution and erosion that will be created by the construction of the proposed shopping mall. This motion was seconded by Councilwoman Price. On a roll call vote of 4-3, Councilman Rainey's motion was defeated with Councilman Rainey, Councilwoman Price, and Vice-Mayor Horton

3. Make no change in existing wording:

(a) Off-premise advertising signs greater than three hundred (300) square feet per face shall be allowed only in Commercial Highway Zoning Districts or on major thoroughfares where the legal speed limit is 55 miles per hour.

(b) Those off-premise advertising signs three hundred (300) square feet and less per face shall be allowed in all other Commercial and Industrial Zones.

II. Maximum Sign Area:

Again there are three alternatives available.

1. Recommendation from Planning & Zoning:

(a) The maximum area for any one off-premise advertising sign shall be seven hundred (700) square feet per face in Commercial Highway Zones, exclusive of any border, trim, base, apron, or other structural members. Those off-premise advertising signs located in all other Commercial and Industrial Zones shall not exceed three hundred (300) square feet in area per face.

(b) The maximum area allowed on a single sign structure listed in Section 30-9-3 (D) (1a) shall not exceed 1,400 square feet on two (2) separate display faces or 1,200 square feet on four (4) separate display faces provided the spacing requirements [Sec. 30-9-3 (d) (3)] of this Ordinance can be met.

(c) The maximum area allowed on a single sign structure in all other Commercial and Industrial Zones shall not exceed 1,200 square feet or four (4) separate display faces provided the spacing requirements [Sec. 30-9-3 (D) (3)] of this Ordinance can be met.

2. Recommendation by Dr. Rainey (embodies all changes necessary to accomplish deletion of the 672 sq. ft. board):

(1) Location of Signs.

Off-premise advertising signs of three hundred (300) square feet per display face and those less than three hundred (300) square feet per display face may be located in all commercial and industrial zones except in the Office-Institutional District.

The areas in which there is still disagreement are contained in Section 4, Part 1, areas where 672 sq. ft. signs may be located; Part 2, maximum amount of display area allowed on a single sign structure and the maximum size of a single sign (i.e. 672 sq. ft. or 300 sq. ft.).

PART B.

This part will detail several alternatives discussed by Council, et al in its work session on December 5, 1978.

I. Location of Signs:

The three alternatives available are;

1. Recommendation of Planning & Zoning:

(a) Off-premise advertising signs greater than three hundred (300) square feet per display face shall be allowed only in the Commercial Highway and Commercial Service zones along the following thorough-fares: (1) U.S. 70 - Tunnel Road; (2) U. S. 74 (South Tunnel Road) from U.S. 70 to N.C. 81; (3) U.S. 25 - Hendersonville Highway from I-40 to Gerber Road.(S. B. 3195); (4) U.S. 19-23 Patton Avenue from Smoky Park Bridge to I-40 interchange; and (5) N.C. 191 Connector from I-40 - I26 interchange to Patton Avenue.

(b) Those off-premise advertising signs three hundred (300) square feet and less per face shall be allowed in all other Commercial and Industrial Zones.

NOTE: This is contained in the revised ordinance as Attachment # 1 to this memo.

2. Recommendation by Naegele Outdoor Advertising:

All Ourdoor Adversiting Signs must conform to the regulations contained in this Article. Such conforming signs shall be allowed in the following districts:

(1) All industrial districts, and

(2) All commercial districts, except the district designated as Commercial Regional District.

"(b) The maximum display area allowed on a single sign structure shall not exceed 1400 square feet providing the spacing requirements of this ordinance can be met."

"(c) No off premises advertising sign structure shall have more than two display faces per side or four total display faces. Those structures having display faces greater than 300 square feet may have only one display face of this size per side."

"(d) All measurements above shall be made exclusive of any border, trim, base, apron or other structural member."

Vice-Mayor Horton moved that Council accept the language recommended by Mike Summey for Subsection 4(2) Maximum Sign Area. This motion was seconded by Councilman Cole.

Councilman Michael suggested that Council limit the number of large signs that will be permitted in the City Limits. However, Mr. Emrick said Council would have major legal problems with such limitations.

Councilman Rainey then offered a substitute motion that Council accept the following language for Subsection 4(2) Maximum Sign Area. "(2) Maximum Sign Area. (a) The maximum area for any off-premise advertising sign shall be three hundred (300) square feet per display face, exclusive of any border, trim, base, apron, or other structural members; (b) The maximum area allowed on a single sign structure in the commercial and industrial zones shall not exceed six hundred (600) square feet or four (4) separate display faces, provided the spacing requirements of this Ordinance can be met." This motion was seconded by Councilwoman Price.

Vice-Mayor Horton objected to the "substitute motion" saying that he did not think this is correct procedure under Roberts Rules of Order. However, Corporation Counsel Moore said a substitute motion would be in order.

Mayor Trantham then called for a roll call vote of Councilman Rainey's substitute motion. On a roll call vote of 4-2, Councilman Rainey's motion was defeated with Mayor Trantham, Vice-Mayor Horton, Councilmen Cole and Morris voting "no" and Councilwoman Price, Councilmen Rainey and Michael voting "aye."

Vice-Mayor Horton amended his motion to substitute 672 square feet in lieu of 700 square feet and 1344 square feet in lieu of 1400 square feet. This amendment was accepted by Councilman Cole.

Mayor Trantham then called for a roll call vote on Vice-Mayor Horton's motion. On a roll call vote of 5-2, Vice-Mayor Horton's motion passed with Mayor Trantham, Vice-Mayor Horton, Councilwoman Price, Councilmen Cole and Morris voting "aye" and Councilmen Rainey and Michael voting "no."

(2) - Maximum Sign Area.

(a) The maximum area for any off-premise advertising sign shall be three hundred (300) square feet per display face, exclusive of any border, trim, base, apron, or other structural members.

(b) The maximum area allowed on a single sign structure in the commercial and industrial zones shall not exceed six hundred (600) square feet or four (4) separate display faces, provided the spacing requirements [Sec. 30-9-3 (d) (3)] of this Ordinance can be met.

3. Council's discussion on December 5, 1978:

The maximum display area allowed on a single sign structure in those areas specified in subsection 1(a) above shall be as follows:

(1) The maximum total area shall not exceed 1,344 square feet for any single structure.

(2) Said area may be displayed as:

(a) a total of 672 sq. ft. displayed on no more than 2 display faces, provided that no more than 1 display face can be seen from anyone direction.

(b) a total of 1,200 sq. ft. displayed on 4 separate display faces provided that no more than 2 display faces can be viewed in any one direction.

I believe that this covers all items discussed yesterday.

If you have any questions please advise.

VRE/bw

Planning Director

Councilwoman Price moved that Council accept Section 1, subsections 1, 2, 3, 4(3), 4(4) of the proposed ordinance. This motion was seconded by Councilman Rainey and carried unanimously.

Council then discussed Section 1, Subsection 4(2), Maximum Sign Area of the proposed ordinance, at which time Mike Summey, Summey Outdoor Advertising Company suggested the following language for Section 30-0-3 (D) (B) Maximum Sign Area:"(a) The maximum area for any one off premises advertising sign shall be 700 square feet per display face."

PUBLIC HEARING - REZONING PROPERTY ON OTEEN PARK PLACE - G. N. KOON

ORDINANCE NO. 1086 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE"AS AMENDED

5. A public hearing was held relative to rezoning property on Oteen Park Place from R-3 Residential District to CH Commercial Highway District, property owned by Mr. G. N. Koon.

Mayor Trantham opened the public hearing at 5:03 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, at its November 1, 1978 meeting, voted to recommend approval of the rezoning request for the following reasons:

1) The property is contiguous with existing Commercial Highway zoning on the north and east;

2) The small size of the lot prohibits its use for residential development;

3) This extension of the Commercial Highway boundary would not substantially increase the impact of commercial activities over what presently exists; and

4) The owner/developer is required by Ordinance to adequately buffer the site for the protection of adjoining residential areas.

Mr. Emrick said the area requested to be rezoned is a 25' lot that adjoins Commercial property, next to a regional shopping center.

Mr. G. N. Koon, President of Sea Nic Enterprises, requested Council's approval of the rezoning request.

Mayor Trantham closed the public hearing at 5:08 p. m.

Verl Emrick, Planning Director, read the ordinance rezoning the property as petitioned.

Councilman Michael moved for the adoption of Ordinance No. 1086. This motion was seconded by Councilman Cole.

On a roll call vote of 7-0, Ordinance No. 1086 passed on first reading.

Councilwoman Price then moved that Council accept the recommendation of the Planning and Zoning Commission for the language for Subsection 4(1), Location of Signs for the proposed ordinance. This motion was seconded by Councilman Rainey, which motion carried on a voice vote of 6-1, with Councilman Michael voting "no."

Verl Emrick, Planning Director, read the proposed ordinance as amended by Council.

Councilwoman Price moved for the adoption of Ordinance No. 1085 as read by the Planning Director. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 6-1, Ordinance No. 1085 passed on first reading with Councilman Michael voting "no."

Councilwoman Price then moved to place a moratorium on the issuance of sign permits for signs greater than 300 square feet until such time as Ordinance No. 1085 becomes effective. This motion was seconded by Councilman Morris and carried unanimously.

PUBLIC HEARING - CLOSING OF PORTIONS OF SCOTT STREET AND SOUTH FRENCH BROAD AVENUE AND ALL OF SEVEN (7) UN-NAMED ALLEYS

RESOLUTION NO. _____ - RESOLUTION CLOSING PORTIONS OF SCOTT STREET AND SOUTH FRENCH BROAD AVENUE AND ALL OF SEVEN (7) UN-NAMED ALLEYS

4. A public hearing was held relative to the closing of Scott Street and South French Broad Avenue and all of seven (7) un-named alleys.

Mayor Trantham opened the public hearing at 4:38 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication. He also presented an affidavit from Charles A. Vess, Jr., of the Asheville Housing Authority, stating that he had posted copies of the notice to close said streets and alleys in two (2) places along that portion of streets and alleys proposed to be closed.

Ed Vess, of the Asheville Housing Authority, by the use of a map, reviewed the location of the streets and alleys proposed to be closed. He said he had received three (3) objections to the closing of Scott Street.

Councilman Michael said he did not feel that the closing of Scott Street would help the traffic flow in the area as indicated by Mr. Vess. He said he had talked with the residents and they expressed that they wished to have Scott Street remain open. He said Scott Street could be used as a service or supplementary road.

Willie Moultry of 36 Walton Street opposed the closing of Scott Street. She suggested that Council visit the area before taking action to close the street.

Mayor Trantham closed the public hearing at 5:00 p. m.

Councilwoman Price moved to table the resolution and refer the matter to the Community Development/Housing Authority Liaision Committee. This motion was seconded by Councilman Michael and carried unanimously.

C. Bids received December 1, 1978 for six (6) salt/sand spreaders, self contained, Hopper type for Snow and Ice Control for the Street Division.

HIGHLIGHTS: Four (4) bids were received.

Recommendation of acceptance of lowest bid submitted by North Carolina Equipment Company in the amount of $20,824.00

Funding: Revenue Sharing Trust Fund
Street Division Capital Outlay Equipment
Account Code 50-15-427.0074, sufficient funds available for above expenditure.

Resolution No. 78-223

D. Resolution authorizing the Mayor to execute a right of way encroachment agreement with the North Carolina Department of Transportation for 6-inch and 2-inch water lines in the Fox Run Subdivision in Buncombe County, North Carolina.

HIGHLIGHTS: Residents in the Fox Run subdivision have petitioned the State to take over their roads. The State has agreed to do this and they are requesting right-of-way encroachments from all the utility owners serving Fox Run.

Resolution Book No. 11 Page 51

E. Motion scheduling a public hearing relative to amending the Zoning Ordinance to include Parks and Playgrounds in the R-1, R-2, and R-4 Districts and to include Public Facilities in the OI Office Institutional District for January 4, 1979.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, the consent agenda was unanimously approved.

LETTERS PRESENTED TO COUNCIL BY COUNCILMAN RAINEY - RE: CONFLICT OF INTEREST BY CITY EMPLOYEE

7. Councilman Rainey presented Council with copies of letters written in March 1978 between the then city building inspector Gary Lance and the State Attorney General's office. Mr. Lance had written to ask whether there was a conflict of interest in the activities of a city-paid soil erosion employee who is also an advertising architect. The Attorney General's office had responded that there may be and suggested that the City Attorney be consulted about the possible conflict. Councilman Rainey asked the City Manager to determine if there is a conflict of interest in the fact that a city-paid soil erosion control officer is also an architect. He said if there is a conflict of interest, the employee should be dismissed or stop practicing architecture.

APPROVAL OF CONSENT AGENDA

6. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

Resolution No. 78-222

A. Resolution authorizing the City Manager to enter into agreements with a psychological testing consultant and the Blue Ridge Community Mental Health Center to establish a system of psychological screening as a part of the employment procedure for police patrolman.

HIGHLIGHTS: This resolution would authorize the renewal of an existing agreement.

Resolution Book No. 11 Page 50

B. Approval of bids received December 4, 1978 for two (2) cars, five (5) pick-up trucks, and one (1) four-wheel drive utility type truck for various departments of the City.

HIGHLIGHTS: Three (3) bids were received

Recommendation of acceptance of low bidder on a per item basis:

Apple Tree Chevrolet, Inc.

Item 1 - Two (2) cars -	$10,107.82
Item 3 - One (1) truck -	4,915.87
Item 4 - One (1) truck -	5,393.10
Item 5 - One (1) truck -	5,093.10
Item 6 - One (1) truck -	6,666.33

Matthews Motors, Inc.

Item 2 - Two (2) trucks -	8,889.62

Sufficient funds are available for above expenditures.

Sharon H. Vonsaggon 1221 Watson Avenue Winston-Salem, N. C.	Damage to automobile - (City Vehicle not at fault)
Thomas Lawrence Belcher 115 South Beaumont Street Asheville, N. C.	Struck by City Vehicle
John G. Kleibor 59 Howard Street Asheville, N. C.	Damage to automobile - City Vehicle backing
Roy Brown 301 Haywood Street Asheville, N. C.	Damage to automobile
Judy Diane Jamerson 12 Oakmont Terrace Asheville, N. C.	Damage to automobile
Paul Pless, Jr. 114 Arco Road Asheville, N. C.	Damage to sign - Dreamland Convenient Store
Tina Marie Matayabas 109 East Chestnut Asheville, N. C.	Damage to automobile

Following individual has a claim against City of Asheville for damage:

Mrs. Emmie Parramdre 65 Furman Avenue Asheville, N. C.	Damage to rock wall - Sanitation Truck (wall being repaired)

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

AUDITS - ASHEVILLE FIREMEN'S PENSION AND DISABILITY FUND
ASHEVILLE POLICEMEN'S PENSION AND DISABILITY FUND
ASHEVILLE UNIFORMED POLICEMEN'S RETIREMENT PLAN AND TRUST
ASHEVILLE UNIFORMED FIREMEN'S RETIREMENT PLAN AND TRUST
GENERAL EMPLOYEES' RETIREMENT PLAN AND TRUST

The City Manager presented audits for the year ending June 30, 1978 for the following: Asheville Firemen's Pension and Disability Fund
Asheville Policemen's Pension and Disability Fund
Asheville Uniformed Policemen's Retirement Plan and Trust
Asheville Uniformed Firemen's Retirement Plan and Trust
General Employees' Retirement Plan and Trust

Councilman Morris said he resented such matters being brought before Council because matters of this nature are suppose to be handled administratively through an established procedure.

Councilman Rainey responded that he had tried to handle other matters by the established procedure but failed and felt the open Council meeting would be the best place to bring such matters. He said he would prefer situations that are improper and corrupt in government to be brought openly and responded to openly.

ASHEVILLE REVITALIZATION COMMISSION - OPENING FOR AN ARCHITECT

Councilman Michael said it was his understanding that there is an opening in the Revitalization Commission office for an architect. He said an assessment of the Commission is needed in order to determine the need for such an opening.

CLAIMS

Following individuals have claims against City of Asheville for damage:

Mrs. W. H. Evans 12 Belleair Road Asheville, N. C.	Sewer backup. Settled claim for $37.00
Mrs. Julia Whitaker 46 Grindstaff Drive Asheville, N. C.	Hitting hole in street. Settled claim for $12.50

Claim sent to Puritan Insurance Company:

Ms. Helen B. Mason 45 East 9th Street New York, New York	Sprained ankle-Airport

Claims sent to St. Paul Fire & Marine Insurance:

Sam Carl Pegg Route 4, 74 Pegg Road Weaverville, N. C.	Damage to Truck - City Vehicle backing
Berry Mikael Olson 244 Forest Hill Drive Asheville, N. C.	Damage to automobile - City Vehicle backing
Vicente G. O. Canlas 277 Kimberly Avenue Asheville, N. C.	Damage to automobile - City Vehicle ran into rear
Lon Wyatt McAnally 61 North Liberty Street Asheville, N. C.	Damage to automobile

Thursday - December 14, 1978 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey, F. Jack Cole, and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Ralph D. Morris, Jr.

INVOCATION

The invocation was given by Mayor Roy M. Trantham.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the December 7, 1978 meeting.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, the minutes of the December 7, 1978 meeting were approved as submitted.

ORDINANCE NO. 1085 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Relative to Sign Regulation Section)

2. Consideration was given to the second reading of Ordinance No. 1085, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended relative to sign regulation section.

Verl Emrick, Planning Director, requested that in the essence of time due to the placement of a moratorium on sign permits, Council proceed with the second and third reading of Ordinance No. 1085.

Don Dawson, representing Neagle Outdoor Advertising Company, requested that Council postpone the third reading of the ordinance.

The City Manager said he had also received a telephone call from Mike Summey requesting that Council postpone the third reading of the ordinance.

On a roll call vote of 6-0, Ordinance No. 1085 passed on second reading.

Councilwoman Price moved that a moratorium be placed on the issuance of all sign permits effected by Ordinance No. 1085 until the ordinance becomes effective. This motion was seconded by Councilman Rainey and carried unanimously.

RESOLUTION NO. 78-224 - RESOLUTION ADOPTING THE ASHEVILLE REVITALIZATION PLAN DEVELOPED BY THE ASHEVILLE REVITALIZATION COMMISSION

3. Consideration was given to a resolution adopting the Asheville Revitalization Plan developed by the Asheville Revitalization Commission.

The City Manager read the resolution.

HERMAN MEDLER - REZONING PROPERTY FOR SHOPPING MALL ON SOUTH BEAR CREEK ROAD

Mr. Herman Medler of West Asheville spoke in opposition to the rezoning of property on South Bear Creek Road for a shopping mall. He said residential zoning would be more logical and the shopping mall would decrease property values.

RALPH BISHOP - FREEDOM OF SPEECH AND LOTTERY SALES

Mr. Ralph Bishop spoke to Council relative to his right to speak at a Council meeting and about the wide-open lottery sales in Asheville.

Adjournment.

MAYOR

CITY CLERK

Mayor Trantham opened the public hearing at 3:28 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said this particular change to include "certified sheltered workshops" in the R-3 Medium Density Residential District would be a compromise or a solution to the request of Handi-Skills, Inc. for permission to build a workshop on Sweeten Creek Road. He said "certified sheltered workshops" permitted use would carry with it a number of conditions as previously discussed by Council.

Mayor Trantham closed the public hearing at 3:30 p. m.

Verl Emrick read the ordinance.

Councilman Rainey moved for the adoption of Ordinance No. 1087. This motion was seconded by Councilwoman Price.

On a roll call vote of 6-0, Ordinance No. 1087 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1087. This motion was seconded by Councilman Rainey and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1087 passed on second reading.

APPROVAL OF CONSENT AGENDA

7. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 78-226 - Resolution authorizing the City Manager to enter into an agreement with the Buncombe County Rescue Squad.

HIGHLIGHTS: The City of Asheville, having no organized rescue squad, hereby designates the Buncombe County Rescue Squad as a provider of emergency and routine rescue operations which cannot be carried out effectively by the resources of the City of Asheville Fire Department and Police Department.

Resolution Book No. 11 Page 54

B. Scheduling of a public hearing relative to the submission of an Operating Assistance Grant Application for January 25, 1979.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the consent agenda was unanimously approved.

Vice-Mayor Horton moved for the adoption of Resolution No. 78-224, striking the words "so that Asheville may reestablish its image of a Livable City" from the last paragraph of the resolution. This motion was seconded by Councilwoman Price and carried unanimously.

Complete text of Resolution No. 78-224 will be found in Resolution Book No. 11 at page 52.

RESOLUTION NO. 78-225 - RESOLUTION CHANGING THE RATES FOR ANNUAL PLAYING PERMITS AT MUNICIPAL GOLF COURSE

4. Consideration was given to a resolution changing the rates for annual playing permits at Municipal Golf Course.

The City Manager read the resolution.

Ray Kisiah, Director of Parks and Recreation, said the Parks and Recreation Advisory Board has recommended that the present book of tickets be replaced with an annual permit. He explained the difference in the present system and the proposed system.

Upon motion of Councilwoman Price, seconded by Councilman Michael, Resolution No. 78-225 was unanimously adopted.

Complete text of Resolution No. 78-225 will be found in Resolution Book No. 11 at page 53.

ORDINANCE NO. 1086 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Oteen Park Place)

5. Consideration was given to the second reading of Ordinance No. 1086, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property on Oteen Park Place from R-3 Residential District to CH Commercial Highway District, property owned by G. N. Koon.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1086 passed on second reading.

PUBLIC HEARING - AMENDING ZONING ORDINANCE - R-3 MEDIUM DENSITY RESIDENTIAL TO INCLUDE "CERTIFIED SHELTERED WORKSHOPS"

ORDINANCE NO. 1087 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

6. A public hearing was held relative to amending the Zoning Ordinance to include "Certified Sheltered Workshops" in the R-3 Medium Density Residential District.

REPORT FROM SELECTIVE ENFORCEMENT SQUAD -POLICE DEPARTMENT

The City Manager requested that the following report be included in the minutes:

MEMO TO: KEN MICHALOVE, CITY MANAGER

FROM: MELVIN L. TUCKER, CHIEF OF POLICE MLT

DATE: DECEMBER 6, 1978

SUBJECT: SELECTIVE ENFORCEMENT SQUAD

The Selective Enforcement Squad of the Asheville Police Department was formed on March 1, 1978 to suppress and eliminate vice activities within the City of Asheville. Under the direction of a commanding officer, four officers investigate and take appropriate action against known or suspected cases of gambling, prostitution, illegal sales and/or use of alcoholic beverages, and related incidents.

For the past eight months officers of the Selective Enforcement Squad have had a total of 8628 man hours on duty and 394 hours in specialized schools such as: Vice School, Drug Investigations, Sex Crime Investigations, Convert Investigations, Management and Applied Management Training, and Cardio Pulmonary Resusitation Instruction. The officers have worked on special assignments with the Inter Agency Narcotics Squad, the Internal Revenue Service, Squad D (special 6 pm - 2 am patrol squad), and the Secret Service on the Presidential and Vice Presidential visits. The officers have been frequently utilized for surveillances in areas where frequent B & E's occur.

By utilizing stakeouts, surveillances, reliable informants, computers, decoys, and information from other police officers and private citizens, officers of the Selective Enforcement Squad have made 209 arrests in the past eight months. These arrests are as follows:

Gambling - 65
Prostitution - 43 (male & female)
Crime Against Nature - 4
Indecent Exposure - 2
Public Drunk - 16
Liquor Law Violations - 50
Drug Violations - 19 (5 were felony arrests)
Carrying Concealed Weapon - 4
Driving Under the Influence - 6

Of the 209 arrests made, 99% were found guilty in court. A total of $10,936.49 cash was confiscated and turned over to the school board fund; $15,812.00 was collected by the court for fines imposed; $62,500.00 was collected by federal court for fines imposed.

Attached is a break down in cases tried in court to this date and the individual sentences and/or fines imposed.

DISCUSSION - CLOSING OF SCOTT STREET

Councilman Michael noted that since last week when Council discussed the possible closing of Scott Street he had taken pictures, which he presented to Council, that showed Scott Street and South French Broad as already being closed. He said the Housing Authority should present their request before closing these streets. He said one person has no access to their house. He said it was unjust to people in the area to tear up the streets. He said the streets are impassable.

Dave Jones, Executive Director of the Asheville Housing Authority, said Scott Street is not legally closed. He said it is temporarily closed for improvements to the street. He said Scott Street is passable to Hibernia. He said they close these streets for improvements just like any other utility company. He said the Housing Authority is implementing the plan which Council adopted in 1966 which included the closing of these streets.

Councilwoman Price reminded Council that this matter has been referred to the Community Development/Housing Authority Liaison Committee.

PARTICIPATION OF NORTH CAROLINA LEAGUE OF MUNICIPALITIES IN JULIUS R. CAUBLE CASE

Councilwoman Price moved that in respect to the civil action instituted by Julius R. Cauble against the City of Asheville (Superior Court File #77CvS 703), the City of Asheville by and through its Council requests that the North Carolina League of Municipalities appear and participate in the appeal of this civil action to the appellant court or courts and to file an amicus curiae brief. This motion was seconded by Vice-Mayor Horton and carried unanimously.

CLAIMS - CHARLES BAIRD - ERNESTINE WATKINS HENTZ- MRS. BILLIE WILSON - WILLIAM A. RAYFIELD

The City Manager presented the following claims received from Mr. W. R. Swearngan, Facility Services Superintendent.

Following individuals have claims against City of Asheville for damage:

Charles Baird	Sanitation Department Dumpster hit automobile
Ernestine Watkins Hentz	Fell in parking lot of Hill Street Middle School - City not responsible
Mrs. Billie Wilson 45 Ridgelawn Road Asheville, N. C.	Sewer backup - Settled claim for $1,445.16

Claim sent to St. Paul Fire & Marine Insurance:

William A. Rayfield 420 Haywood Street Asheville, N. C.	Damage to automobile - City vehicle backing.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

Thursday, December 21, 1978 - 3:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Ralph D. Morris, Jr., Gene E. Rainey, F. Jack Cole, and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Vice-Mayor Bill B. Horton.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the December 14, 1978 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the December 14, 1978 meeting were approved as submitted.

RECOGNITION OF MR. WILLIAM K. PEEBLES

2. The City Manager recognized Mr. William K. Peebles, of the Water Maintenance Department, who is retiring from the City after over 20 years of service to the City.

APPROVAL OF THE CONSENT AGENDA

3. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 78-227 - Resolution authorizing the Mayor to execute agreement with A & H Flying Service, Inc. with respect to off-premise servicing of aircraft and rental of transit ramp area at the Asheville Airport.

Resolution Book No. 11 - page 55.

B. Resolution No. 78-228 - Resolution authorizing the Director of Parks and Recreation to enter into an agreement with the Department of Agriculture and the Department of Interior through the Recreation Division of the Department of Natural Resources and Community Development of the State of North Carolina for a Youth Employment, Conservation and Environmental Education Program for the Summer of 1979.

HIGHLIGHTS: An application for federal funds in the amount of $31,490.98, to be matched by $7,272.74 in local in-kind services, has been prepared for submission to the North Carolina Department of Natural Resources and Community

During 1977 there were a total of 80 vice related arrests. These arrests were made by officers of the entire Asheville Police Department prior to the formation of the Selective Enforcement Squad. These arrests are as follows:

Gambling - 57
Prostitution - 14
Liquor Law Violations - 9

In considering the arrests made in 1977 by the entire department and the arrests made by the Selective Enforcement Squad since it's enactment, the manning level of five is adequate at the present time. Should vice activity in the Asheville City limits increase in the future it might become necessary for more officers to be assigned to the squad.

plc

Attachment

Adjournment.

MAYOR

CITY CLERK

Mr. Summey pointed out that these signs are designed for high speed, interstate traffic.

Councilman Morris felt that the language changes that Mr. Summey presented should first be studied by the Planning and Zoning Commission.

Mr. Summey stated that all they are asking is to go on these highways in the zones where they are permitted to go.

By use of a map, Mr. Summey pointed out the areas in which they are requesting the sign to be placed.

Vice-Mayor Horton suggested that the proposed changes be brought back to Council when they have a specific problem to address. He pointed out that Mr. Summey had some valid points but Council would need some time to think about them and perhaps the next time when Council action would be needed would be the time to bring back his proposal.

Councilwoman Price felt that since residential and commercial sections are so close, she would prefer to see the requests for large signs done on an individual basis.

Mr. George Gontero, President of Naegele Outdoor Advertising, stated that they are only asking to be in all commercial and industrial zones, with the exception of Commercial Regional. He stated that he was not in full agreement with this ordinance if it passes on the third reading.

On a roll call vote of 7-0, Ordinance No. 1085 passed on its third and final reading.

Complete text of Ordinance No. 1085 will be found in Ordinance Book No. 8 at page 300.

ORDINANCE NO. 1086 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

5. Consideration was given to the third and final reading of Ordinance No. 1086, An Ordinance Amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended, relative to rezoning property on Oteen Park Place from R-3 Residential District to CH Commercial Highway District, property owned by G. N. Koon.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1086 passed on its third and final reading.

Complete text of Ordinance No. 1086 will be found in Ordinance Book No. 8 at page 303.

ORDINANCE NO. 1087 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

6. Consideration was given to the third and final reading of Ordinance No. 1087, An Ordinance Amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended, relative to amending the Zoning Ordinance to include "Certified Sheltered Workshops" in the R-3 Medium Density Residential District.

Development and local matching funds will be appropriated as part of the City of Asheville fiscal 1980 budget ordinance for the 1979 summer YCC Program.

Resolution Book No. 11 - page 56.

C. Resolution No. 78-229 - Resolution authorizing the Mayor to execute amendments to airport lease agreements with Piedmont Airlines and Delta Air Lines with respect to rental of terminal building space.

Resolution Book No. 11 - page 58.

D. Resolution No. 78-230 - Resolution authorizing the Mayor to execute an agreement with A. M. Pullen and Company for audits of Local Public Works Grants under Title I of the Public Works Employment Acts of 1976 and 1977.

Resolution Book No. 11 - page 59.

E. Resolution No. 78-231 - Resolution authorizing amended application for State Water Bond Funds.

Resolution Book No. 11 - page 60.

F. Resolution No. 78-232 - Resolution declaring December 22, 23, 26 and 27, 1978 as free parking days for downtown Asheville.

Resolution Book No. 11 - page 62.

Upon motion of Councilman Morris, seconded by Councilman Cole, the consent agenda was unanimously approved.

ORDINANCE NO. 1085 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Relative to Sign Regulation Section)

4. Consideration was given to the third and final reading of Ordinance No. 1085, An Ordinance Amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended, relative to the Sign Regulation Section.

Mayor Trantham said that the ordinance was previously read on the first reading and would not be re-read in its entirety unless there was a specific request to do so.

Mr. Mike Summey, Summey Outdoor Advertising Company, offered the following change to Section 3C-O-3(D) 1. (Change is underlined)

1. Location of Signs

(a) Off-premise advertising signs greater than three hundred (300) square feet per display face shall be allowed only in the Commerical Highway and Commercial Service zones and Industrial zones along the following thoroughfares: (1) U.S. 70 - Tunnel Road; (2) U.S. 74 (South Tunnel Road) from U.S. 70 to N.C. 81; (3) U.S. 25 - Hendersonville Highway from I-40 to Gerber Road (S.R. 3195); (4) U.S. 19-23 Patton Avenue from Smoky Park Bridge to I-40 interchange; and (5) N.C. 191 Connector from I-40 - I-26 interchange to Patton Avenue; and (6) All limited access in the interstate highways covered under the jurisdiction of the ordinance.

Mr. Bill DeBruhl, Utilities Operations Coordinator, explained that the biggest percentage of hydrants in the City are Ludlow and the City is trying to phase these hydrants out due to no parts being available. He recommended the low bid and is confident that there will be no problem with getting parts and having the men repair the Waterous hydrants.

Vice-Mayor Horton questioned the legal position to deny the Council the right to consider standardization and going with a certain make and getting a bid on a certain make of equipment. He stated that if the City constantly goes with the low bidder, they would have no control over standardization.

Councilman Michael felt that Council has no choice but to accept the low bid even though they do not know anything about fire hydrants.

Councilwoman Price moved to accept the recommendation of the Purchasing Agent and Utilities Operations Coordinator and award the bid to Southern Meter & Supply Company in the amount of $29,376.09. This motion was seconded by Councilman Morris and on a roll call vote requested by Vice-Mayor Horton, carried on a 4-3 vote, with Mayor Trantham, Councilwoman Price and Councilmen Cole and Morris voting "aye," and Vice-Mayor Horton and Councilmen Rainey and Michael voting "no."

ORDINANCE NO. 1088 - AN ORDINANCE TO CONTROL GENERAL AVIATION PARKING ON THE TERMINAL RAMP

9. Consideration was given to an ordinance to control general aviation parking on the terminal ramp.

The City Manager read the ordinance and explained that the following conditions will help the air terminal business:

1) Parking of aircraft to pick up or drop off passengers on the terminal ramp shall be limited to 10 minutes parked only in spaces designed and in accordance with signs.

2) It is the responsibility of the pilot or owner to park the aircraft with blocks at the wheels, and parking brakes applied and also to determine that the aircraft cock-pit or cabin door is left unlocked.

3) No aircraft may park unattended during adverse weather conditions since no tie down facilities exist in this area. If the aircraft is found parked unattended under these conditions or parked over 30 minutes, the airport manager shall have the aircraft moved at the owners expense and without liability for damage which may result in the course of such action.

Councilman Michael moved for the adoption of Ordinance No. 1088. This motion was seconded by Vice-Mayor Horton.

At this time, Councilman Morris left the Chambers for approximately 3 minutes.

On a roll call vote of 6-0, Ordinance No. 1088 passed on first reading.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call of 7-0, Ordinance No. 1087 passed on its third and final reading.

Complete text of Ordinance No. 1087 will be found in Ordinance Book No. 8 at page 304.

DISPOSAL PARCEL - EAST RIVERSIDE RENEWAL PROJECT - PARCEL NUMBER 41

7. Consideration was given to the following bid for a disposal parcel in the East Riverside Renewal Project:

Parcel	Reuse	Price	Bid	Redeveloper
41	Residential	$2,700.00	$2,700.00	Robert Ellison, et ux

The City Manager read a letter from Mr. C. E. Vess, Jr., Coordinator of Field Services for the Asheville Housing Authority, which stated that the above-mentioned bid for disposal parcel 41 in the East Riverside Renewal Project has been received.

Councilwoman Price moved for the approval of the bid for the disposal parcel as recommended by the Asheville Housing Authority. This motion was seconded by Vice-Mayor Horton and carried unanimously.

BIDS - ONE HUNDRED DRY TOP TRAFFIC MODEL FIRE HYDRANTS

8. Consideration was given to bids received Monday, November 20, 1978, for one hundred (100) dry top traffic model fire hydrants.

The City Manager read a memorandum from the Purchasing Agent which stated that six bids were received and it was recommended that the bid be awarded to Southern Meter & Supply Company in the total net amount of $29,376.09.

Mr. Jesse Jayne, representative of the Municipal & Utility Supply Company spoke against the Waterous hydrants from Southern Meter & Supply Company stating that this type of hydrant is untested in the mountain areas. He recommended the bid be awarded to Municipal & Utility Supply Company of Asheville for Mueller hydrants since the City is presently using some Mueller hydrants and has parts available for repair. He felt that since his company is a local company it would be in the best interest of the City to accept his bid. Mr. Jayne also stated that to his knowledge, no Water Department employee has ever seen a Waterous hydrant torn down and therefore they could not repair it in the field.

Mr. Melvin Flowers, Southern Meter & Supply Company, said that their Waterous hydrants meet all the City's specifications. He said that they do have parts available and they have met with the City's engineers regarding these hydrants. Mr. Flowers stated that his company would do anything necessary to meet with the Water Department personnel and demonstrate the Waterous hydrant. He felt that any person who works with hydrants would have no problem repairing a Waterous hydrant.

Councilman Rainey suggested that we stay with the two major hydrants that the City is presently using in the field because he feels that the City will be in better shape in the long run.

a bonafied bid offer from Six Associates, Inc. offering the City $90,000 for the Pack Memorail Library Building. He said that we also received a check in accordance with the State Statutes. He said that we will begin advertising on December 22, 1978, for 10 consecutive days as required. Mr. Michalove stated that the following two conditions would also be included in the resolution:

1) The City shall close firewalls on the south and east sides of the building and the firewalls shall be completely restored to their original condition at an expense to the City not to exceed $2,600.00.

2) The City further requires that the exterior architectural design of the building shall be preserved for its historic value for at least twenty (20) years from the date of the sale.

Mr. John Rogers, Vice-President for Architecture at Six Associates, Inc, said that his company is very enthusiastic about the revitalization of the downtown area. He said the above conditions are satisfactory to his company.

Upon request of Councilwoman Price, Mr. Michalove explained the bid process.

Upon motion of Councilman Rainey, seconded by Councilwoman Price, Resolution No. 78-233 was unanimously adopted.

Complete text of Resolution No. 78-233 will be found in Resolution Book No. 11 at page 63.

APPOINTMENTS TO THE ASHEVILLE-BUNCOMBE INSURANCE ADVISORY COMMITTEE

The City Manager explained that on October 5, 1978, the City Council passed Resolution No. 78-189 establishing the Asheville-Buncombe Insurance Advisory Committee. Since that time, the County Commissioners have appointed Mr. W. D. McLean, Jr., Mr. John Keefer, Mr. C. R. Longcoy, Jr. and Mr. Webb Ellis. It was decided that the City's representatives would be Mr. James W. Stickney, III, Miss Helen A. Powers, Mr. Robert B. Gelder and Mr. Robert S. Webb, Jr.

Councilman Morris moved to appointment the above-mentioned people as City representatives to the Asheville-Buncombe Insurance Advisory Committee. This motion was seconded by Councilman Cole and carried unanimously.

BUDGET AMENDMENT - EMERGENCY REPAIRS TO RUNWAY PAVING

The City Manager presented the following budget amendment to amend the City of Asheville General and Aviation Fund Operating Budgets for Fiscal 1978-79 as follows:

General Funds:		Increase (Decrease)
10-01-599-0-000-0097	Contingency	($2,500)
10-00-398.0421	Revenue Transfer	$2,500
Aviation Fund:		
12-00-397.0000	Contribution from Other Funds	($2,500)
12-421-0-000.0018	Maintenance & Repair - Other	$2,500

This is to appropriate funds for emergency repairs to runway paving.

Councilman Michael moved to suspend the rules and proceed with the second reading of Ordinance No. 1088. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1088 passed on second reading.

Councilman Michael moved to suspend the rules and proceed with the third and final reading of Ordinance No. 1088. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1088 passed on third and final reading.

Complete text of Ordinance No. 1088 will be found in Ordinance Book No. 8 at page 306.

BUDGET AMENDMENT - ARMORY RENOVATION

10. The City Manager presented the following budget amendment to amend the City of Asheville Motor Transport Fund Budget for Fiscal Year 1978-79 as follows:

Appropriations	Increase (Decrease)
11-15-424-0-000-0073	$12,000
11-15-424-0-000-0074	($12,000)

This is to transfer funds from Capital Outlay - Equipment to Capital Outlay - Other Improvements to provide funding for Armory Renovation.

The City Manager explained that there are sufficient funds in this department to permit interfund transfer for improvements we need to make at the former Armory facility.

Mr. Michalove stated that he wrote a letter to Mr. Jesse Ray, Jr., Chairman of the Mountainside Apartment East End/Valley Street Community Association, indicating that we would work closely with the community in the use of this facility. He also said that we would make certain improvements as listed in the letter.

Councilman Michael expressed appreciation to Mr. Michalove for the way he explained the use of the facility to the community. He did state that the citizens in that community requested that a buffer of pines be put up along the fence to eliminate the noise pollution.

Councilman Michael moved for the approval of the budget amendment as presented by the City Manager. This motion was seconded by Vice-Mayor Horton and carried on a 6-1 vote, with Councilman Rainey voting "no."

RESOLUTION NO. 78-233 - RESOLUTION AUTHORIZING THE CITY CLERK TO ADVERTISE THE SALE OF CITY OF ASHEVILLE PROPERTY, KNOWN AS THE PACK MEMORIAL LIBRARY BUILDING ON PACK SQUARE

11. Consideration was given to a resolution authorizing the City Clerk to advertise the sale of City of Asheville property, known as the Pack Memorial Library Building on Pack Square.

The City Manager read the resolution. He stated that we have received

the Housing and Community Development Act of 1974 & 1977, the funds are given to the Council on an annual basis and following HUD guidelines, it's to the Council's discretion on how they use it. Under the Housing Act of 1949, as amended, a plan is developed in accordance with federal guidelines and state law, and to amend this plan, we not only have to comply with state law but also with federal regulations.

Councilman Michael understood that once the City had adopted this plan, they could make any changes or amendments at any time. He asked the City Attorney for a clarification as to whether or not HUD has the authority to approve or disapprove any changes in the map of the East Riverside area, East End area or R-13. The City Attorney was asked to investigate this point and report back to Council.

Vice-Mayor Horton suggested the City Attorney obtain some simple steps, if any, on how they could sell this small tract of land, if it was decided to do so.

Mr. Jones said that the steps for changing the plan were as follows: 1) hold a public hearing with the project area residents; 2) it then comes before the Housing Authority Board (and if approved); 3) it then comes before the City Council (and if approved); 4) it goes to HUD for their approval.

The City Manager suggested that Council determine by vote if they wish to sell the 100 x 100 sq. ft. piece of property to Reverend Grant.

Councilman Morris said he needed to find out how much money is involved to go through the process of amending the plan and also if the property is to revert back to the City in the fall of 1979, whether or not that particular piece of land will have a restriction on it where we can't sell it.

Councilman Michael felt the Council should request the Housing Authority to sell that parcel of land to Reverend Grant and then have the Housing Authority staff get the cost figures and report back to Council.

Councilman Rainey offered the following motion: "It is the expressed desire of the City Council that a parcel of ground measuring not over 100 x 100 sq. ft. (this would permit a smaller parcel, if agreeable, to be sold not over 100 x 100 sq. ft.) located next to Reverend Grant's property be sold to Reverend Grant if a feasible method can be found to do so." He said that the process of rededication may take longer than expected and if Council made their stand now, they wouldn't have to go through it again and within this period of time, the details could be worked out. This motion was seconded by Vice-Mayor Horton.

Councilman Michael was excused from the meeting at 5:40 p.m.

Councilman Morris felt that they should not vote on this until some cost figures are obtained.

Councilman Rainey stressed the fact that this Council should take an official stand on this issue.

Councilman Rainey offered to substitute the wording "It is the intent of the City Council that a parcel of land . . .", instead of "It is the expressed desire of the City Council that a parcel of land . . ."

Mr. Jones suggested that whatever Council recommends, as far as any further action on his part, that it come from the full Council directed to the Asheville Housing Authority Board.

Councilwoman Price moved for the approval of the budget amendment as presented by the City Manager. This motion was seconded by Councilman Cole and carried unanimously.

CLAIM - LINDA ANDERSON GLENN

The City Manager presented the following claim received from Mr. W. R. Swearngan, Facility Services Superintendent.

Claim sent to St. Paul Fire & Marine Insurance:

Linda Anderson Glenn 4118 South Thirty-Six Street Arlington, Virginia	Ran automobile into rear of Cushman. City vehicle not at fault.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

REVEREND WESLEY GRANT - PURCHASE OF PARCEL OF LAND

Councilman Rainey prefaced Reverend Grant's remarks with a history of Reverend Grant's situation. He felt that there has been a communication problem. He pointed out that Reverend Grant is only asking for a 100 x 100 sq. ft. piece of land out of Lot 143 which is next to his property, not the total Lot 143, measuring approximately 3½ acres. Rev. Grant wants this land as a buffer between his home and the people in the park. Councilman Rainey felt that the Asheville Housing Authority misunderstood Reverend Grant's request. He felt that the Housing Authority thought Reverend Grant was going to buy the 3½ acres thus depriving the City of Asheville a large portion of land that is supposed to go into the park. Councilman Rainey feels that the City or park losing a 100 x 100 sq. ft. lot would not create a hardship in that area. Councilman Rainey pointed out that he has tried to obtain some indication of the cost that might be involved but hasn't received anything to date. Councilman Rainey hoped that the full Council would pass a motion that would appeal to the Asheville Housing Authority to reverse their stand.

Councilman Morris' recollection of the problem was that it was the amount of expense involved with having to amend the project and change the plan. He recalled that Council would have had to go through several agencies, lawyers, documents and much more red tape and that it would cost a very substantial amount of money, whereas if we waited until the project ended and the Housing Authority rededicated it to the City, there would be less red tape involved.

Mr. Jones, Executive Director of the Asheville Housing Authority, explained that the Housing Authority was well aware that Reverend Grant's request was for a 100 x 100 sq. ft. piece of property on Lot 143. Mr. Jones said that it is no longer a 100 x 100 sq. ft. parcel of land like it was, but it has all become part of Parcel 143, which is 3½ acres. In response to Councilman Rainey, Mr. Jones said that the only cost figures he was aware of were for major revisions in the plan. Mr. Jones said that until the land is rededicated to the City (around fall of 1979), the Housing Authority could not do anything with that parcel of land without officially changing the plan.

Mr. Holt, Deputy Executive Director of the Asheville Housing Authority, explained the difference between the Housing and Community Development Act of 1974 & 1977 and the Housing Act of 1949, as amended. He told Council that the East Riverside Redevelopment Plan is under the Housing Act of 1949, as amended. He said that under

Thursday - January 4, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Ralph D. Morris, Jr., Gene E. Rainey, F. Jack Cole, and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Otis B. Michael.

APPROVAL OF MINUTES

1. Approval of the minutes of the December 21, 1978 meeting.

Councilman Rainey presented the City Clerk with several grammatical errors.

Upon motion of Councilman Rainey, seconded by Councilwoman Price, the minutes of the December 21, 1978 meeting were approved as amended.

PUBLIC HEARING - AMENDING ZONING ORDINANCE - NEIGHBORHOOD PARKS AND PLAYGROUNDS

ORDINANCE NO. 1089 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. A public hearing was held relative to amending the Zoning Ordinance to include "Neighborhood playgrounds or neighborhood parks which are publicly owned and operated" in the R-1 Single Family Residential District, R-2 Low Density Residential District, and R-4 High Density Residential District and to include "Public facilities" in the Office Institutional District.

Mayor Trantham opened the public hearing at 3:02 p. m.

The City Manager presented the notice to the public setting the time and date for the hearing and the affidavit of publication.

Verl Emrick, Planning Director, explained the proposed amendments. He said these two amendments are the results of a study done by William C. Moore, Corporation Counsel, J. E. Johnson, Director of Inspections and himself in conjunction with an opinion received from the Attorney General relative to the development of the North Asheville park. He said these amendments would clarify the language of the ordinance.

Councilman Cole questioned the proposed amendment in that it is directed solely for the purpose of the development of the North Asheville park. He said he would be against the amendments.

Councilman Morris suggested that Council instruct Mayor Trantham to write a letter to the Housing Authority Board asking what method could be used to transfer this piece of property to Reverend Grant and how much it would cost to accomplish it.

Councilwoman Price requested to know what that land is designated for, why it was designated in such a way and how will it affect the total community to change it. She felt that these questions should be addressed before making any statement of intent.

Vice-Mayor Horton suggested the following statement be added to the motion: "Further, Council requests that the City Manager investigate and provide information as to the most feasible method of accomplishing this transaction, with Council deferring official action until this information is available for consideration."

Councilman Rainey was then persuaded to amend his original motion as follows: "The City Council has an interest in Reverend Grant purchasing a parcel of land measuring not over 100 x 100 sq. ft. located in disposal parcel 143. Further, Council requests that the City Manager investigate and provide information as to the most feasible method of accomplishing this transaction, with Council deferring official action until this information is available for consideration." This motion was seconded by Vice-Mayor Horton and carried unanimously.

Councilman Morris explained that Council is asking the City Manager to have the Parks and Recreation Department look at the site and see if the sale of 100 x 100 sq. ft. might destroy any possible use in the future.

Adjournment.

Ray H. Trantham
MAYOR

William F. Merritt
CITY CLERK

Verl Emrick, Planning Director, said the Planning and Zoning Commission reviewed this request on November 1, 1978 and recommended a smaller area than petitioned for the R-1 zoning. The Commission also recommended that Lots 172-3/4, 173-1/4, 265, 173, 174, 172-1/4, Ward 13, Sheet 23, and Lots 1 and 34-1/2, Ward 13, Sheet 32, be rezoned from R-3 Residential District to CS Commercial Service District. He said this recommendation was made for the following reasons:

1. Rezoning of this area to R-1 will include a major portion of property included in the petitioners' original request;

2. Existing land uses within this area are more compatible with and conform more readily to uses and standards for the R-1 District;

3. Minimum lot areas and widths within this area are, for the most part, consistent with R-1 standards. Few nonconforming lots would be created by the zoning change; and

4. Rezoning in this manner would separate the R-1 District from the Industrial District to the north which contains uses which could prove to be a detriment to future development of the property for R-1 purposes.

By the use of a map, Mr. Emrick reviewed the location of the property in question as being located in the Rock Hill Road, West Chapel Road, and Sweeten Creek Road area of south Asheville.

Mr. Emrick said it is his understanding that the residents of Stockwoods are in agreement with Planning and Zoning's recommendation.

Mr. Roger Grant, a real estate agent representing Mr. Russ Johnson who owns property in the area to be rezoned, objected to the rezoning on the grounds that it would exclude the construction of condominiums which he proposes to construct in the area. He requested that Lots 22-1/2, 22-3/4, and 22-1/2, Sheet 32, Ward 13 be excluded from the proposed ordinance.

Mr. C. E. Parker, 19 Stockwood, advised that the Stockwood Association owns 60 ft. right-of-way and a sewer line up to the Russ Johnson line.

Mr. Howard Hazelrigg, Stockwood Road, spoke in support of the rezoning.

Mayor Trantham closed the public hearing at 4:30 p. m.

Verl Emrick read the ordinance.

Councilman Rainey moved for the adoption of Ordinance No. 1090. This motion was seconded by Councilwoman Price.

Councilwoman Price moved to delete Ward 13, Sheet 32, Lots 22-1/2, 22-3/4 and 22-1/2 from the ordinance. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1090 passed on first reading.

Councilman Morris said he did not feel the North Asheville Park would be a neighborhood park in that it is intended for the Babe Ruth Leagues.

Councilman Rainey favored the amendments and said 80% of those using the park would be from North Asheville.

The following individuals spoke in opposition to the proposed ordinance:

Mr. Tom Spardling, 400 Country Club Road
Mr. Robert York, Beaverdam Road
Mr. Michael Clark, 927 Country Club Road
Mr. Bill Harpe, 445 Kimberly Avenue
Mr. Sidney Martin, 5 Hampstead Road

Mr. Bob Orr, of Bennett, Kelly and Cagle law firm, representing property owners in North Asheville opposed the amendments stating that he felt it would be a bad policy to change the zoning ordinance in order to accommodate the park. He said the scope of the change effects all areas of the City and gives blanket authority to put a neighborhood park anywhere in the City. He said this would jeopardize all residential areas. He asked Council to reject the proposed amendment.

Mayor Trantham closed the public hearing at 3:38 p. m.

Verl Emrick read the ordinance.

Councilman Rainey moved for the adoption of Ordinance No. 1089. This motion was seconded by Vice-Mayor Horton.

Councilman Morris speaking in opposition to the proposed amendments said if the ordinance is adopted Council would be in essence saying that the Council does not have to abide by the Zoning Ordinance but everyone else does. He said he would not favor it but it would be safer to rezone the property to R-3 Residential to accommodate for the park rather than to have a blanket ordinance which would effect all of the City.

Councilman Rainey and Vice-Mayor Horton contended that the ordinance was not basically addressed to North Asheville Park since that issue has been resolved, but merely to clarify the language of the ordinance.

On a roll call vote of 4-3, Ordinance No. 1089 passed on first reading, with Mayor Trantham, Vice-Mayor Horton, Councilman Rainey, and Councilwoman Price voting "aye" and Councilmen Morris, Michael and Cole voting "no."

PUBLIC HEARING - REZONING PROPERTY ON ROCK HILL ROAD - STOCKWOODS AREA RESIDENTS

ORDINANCE NO. 1090 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED

3. A public hearing was held relative to rezoning property on Rock Hill Road (Stockwoods Area Residents) from R-2, R-3 and CS to R-1 Single Family Residential.

Mayor Trantham opened the public hearing at 3:57 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

B. Resolution No. 79-3 - Resolution authorizing the Director of Parks and Recreation to establish a Dramatic Arts Program in the Montford Community with the assistance of a grant from the North Carolina Arts Council.

HIGHLIGHTS: This grant is for $1,716 and will be used to develop a program of dramatic arts instruction and productions for children.

Resolution Book 11 Page 66

C. Resolution No. 79-4 - Resolution appointing Chairman to the City of Asheville Board of Alcoholic Control.

HIGHLIGHTS: Reappointing Mr. Osborne M. Hart as Chairman of the City of Asheville Board of Alcoholic Control for a term of three (3) years, term expiring November 13, 1981.

Resolution Book 11 Page 68

D. Motion revising the operating budget of the City of Asheville for Fiscal 1978 to reflect salary adjustments and reorganization effective January 1, 1979.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the consent agenda was unanimously approved.

COUNCILMAN RAINEY - REQUEST FOR INFORMATION - REV. GRANT'S REQUEST - CONFLICT OF INTEREST IN INSPECTION DIVISION

Upon inquiry of Councilman Rainey, the City Manager said he had not received any information from the Asheville Housing Authority on Rev. Grant's request but he would follow up on the matter.

The City Manager also said he would probably have a report relative to the conflict of interest in the Inspections Division available at the next Council meeting.

CLAIMS - CATHY JOHNSON- MATTHEW W. DICKEY- GARY LEWIS SHELEY- DON ALAN SMITH - ERNEST DANSBY - MARGARET WILSON SINGLETON

The City Manager presented the following claims received from Mr. W. R. Swearngan, Facility Services Superintendent.

Following individuals have claims against City of Asheville for damage:

Cathy Johnson Rt. 6 Melton Road Candler, N. C.	Pulled water meter. Claiming motel bill.
Matthew W. Dickey 6 North Kensington Road Asheville, N. C.	Muddy water - damage to hot water furnace

RESOLUTION NO. 79-1 - RESOLUTION AUTHORIZING THE CITY CLERK TO READVERTISE THE SALE OF CITY OF ASHEVILLE PROPERTY, KNOWN AS THE PACK MEMORIAL LIBRARY BUILDING ON PACK SQUARE

4. Consideration was given to a resolution authorizing the City Clerk to readvertise the sale of City of Asheville property, known as the Pack Memorial Library Building on Pack Square.

The City Manager read the resolution and explained that by Resolution No. 78-233 Council authorized the City Clerk to advertise the offer of Six Associates, Inc. to purchase the property in the amount of $90,000.00. On December 29, 1979 an increased bid was received from Adams, Hendon and Carson, P. A. in the amount of $94,550.00.

James Gary Rowe, attorney with Adams, Hendon and Carson, P. A. said he was bidding on the property for himself and his associates as individuals and not as a corporate law firm. He said the general use of the building would be for professional office space.

Councilman Rainey said if Mr. Rowe was awarded the bid he would like to have more specific information on the use of the building.

Councilman Michael said he would also like to know an approximate date of occupancy if Mr. Rowe was awarded the bid.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 79-1 was unanimously adopted.

Complete text of Resolution No. 79-1 will be found in Resolution Book No. 11 at page 64.

APPROVAL OF THE CONSENT AGENDA

5. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 79-2 - Resolution authorizing the Mayor to execute an agreement with the North Carolina Board of Transportation for the purpose of amending agreement number 11-28-77 on Street and Highway System Responsibilities.

HIGHLIGHTS: The City of Asheville wishes to amend said agreement to place Riverside Drive between Hall Street and Broadway Avenue on the State Street System, therefore, making said street a Board responsibility.

Resolution Book 11 page 65.

Claims sent to St. Paul Fire & Marine Insurance:

Gary Lewis Sheley 12-F Mountainside Apts. Asheville, N. C.	Damage to car - City vehicle backing
Don Alan Smith 411 Camp Branch Road Waynesville, N. C.	Hit Street Division's truck-Left scene of accident. City Vehicle not at fault
Ernest Dansby 37 Robinson Avenue Asheville, N. C.	Hit Water Department's truck in rear. City Vehicle not at fault.
Margaret Wilson Singleton 13-E Hillcrest Apts. Asheville, N. C.	Damage to car. City Vehicle backing.

MRS. ROY ROGERS - COMPLAINT RE: EAST RIVERSIDE RENEWAL PLAN - REV. GRANT'S REQUEST FOR PURCHASE OF PROPERTY

Mrs. Roy Rogers complained of the East Riverside Renewal Plan not being carried out as agreed. She also spoke in favor of selling Rev. Grant a parcel of land next to his property.

REV. LOUIS GRANT - RE: SELLING OF PARCEL OF LAND TO HIS FATHER

Rev. Louis Grant, son of Rev. Wesley Grant, spoke in favor of the City selling his father a parcel of land next to his property.

RALPH BISHOP - LOTTERY SALES IN CITY

Ralph Bishop again spoke to Council about the lottery sales in the City and the City Manager not following through on cleaning up the lottery sales.

Adjournment.

MAYOR

CITY CLERK

Mayor Trantham, who supported the amendment on first reading, said since the first reading of the ordinance he had reconsidered the issue and due to the amendments allowing the City to put a park anywhere in the City without a hearing or anything he would be against the proposed amendment.

Councilman Michael said he would be against the motion to table the ordinance just to keep it alive. He suggested that Council proceed with the second reading of the ordinance.

Councilman Cole said he would also be against the motion to table the ordinance because it is directed for the development of the North Asheville park which is is very much against. He said he would like to see the development of the park in North Asheville stopped.

Councilman Morris said he hoped the proposed law suit is started against the park in North Asheville before the City begins development and destroys the property.

Councilwoman Price's motion passed on a roll call vote of 4-3, with Mayor Trantham, Vice-Mayor Horton, Councilman Rainey and Councilwoman Price voting "aye" and Councilman Cole, Morris, and Michael voting "no."

The City Manager said development of the park would not begin until Council directs him to proceed. However, he said due to the time frame of the state grant involved with the park it would be his recommendation that Council notify the state that there are problems with the park and request an extension of time on the grant project period.

ORDINANCE NO. 1090 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED (Rezoning property on Rock Hill Road, Stockwood Area Residents)

3. Consideration was given to the second reading of Ordinance No. 1090, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended rezoning property on Rock Hill Road, Stockwood Area Residents, from R-2, R-3 and CS to R-1 Residential District.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1090 passed on second reading.

APPROVAL OF SIGN PERMIT - NAEGLE OUTDOOR ADVERTISING COMPANY - RIVERSIDE DRIVE

4. Consideration was given to the approval of a sign permit for a sign to be located on Riverside Drive, submitted by Naegle Outdoor Advertising Company.

It was explained that Council considered this request on October 19, 1978, however, action was tabled until the complete sign ordinance was revised. This sign, 14 x 48 is to located on Riverside Drive below Pearson Bridge. The sign will be within 600' of a limited access highway which requires the approval of the City Council pursuant to the Zoning Ordinance.

Thursday - January 11, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Ralph D. Morris, Jr., Gene E. Rainey, F. Jack Cole, and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Ralph D. Morris, Jr.

APPROVAL OF MINUTES

1. Approval of the minutes of the January 4, 1979 meeting.

Upon motion of Councilman Cole, seconded by Councilwoman Price the minutes of the January 4, 1979 meeting were approved as submitted.

ORDINANCE NO. 1089 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Neighborhood Playgrounds and Neighborhood parks)

2. Consideration was given the second reading of Ordinance No. 1089, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended including "Neighborhood Playgrounds or neighborhood parks which are publicly owned and operated" as permitted uses in the R-1, R-2, and R-4 Residential Districts and including "public facilities" as permitted uses in the Office Institutional District.

Mr. Tom Spradling of 400 Country Club Road spoke in opposition to the proposed amendments. He argued that the Planning and Zoning Commission did not review the requested amendments and the amendment should go through the proper channels of review. He requested that the ordinance be tabled and the amendments referred to the Planning and Zoning Commission for review and recommendation.

Mr. Robert S. Moore, 32 Lorraine Avenue, also spoke in opposition to the proposed amendment.

Mac Day, of 76 Kimberly Avenue, representing the Grove Park-Sunset Citizens Association said they opposed the amendment because it effects all residential areas of the City. He said a public hearing should be held on the amendments by the Planning and Zoning Commission.

Councilwoman Price moved to table Ordinance No. 1089 and refer the matter to the Planning and Zoning Commission for review and recommendation. This motion was seconded by Councilman Rainey.

RESOLUTION NO. 79-5 - RESOLUTION OF INTENT TO CLOSE A PORTION OF BLANTON STREET, AND CALLING A PUBLIC HEARING ON THE QUESTION

5. Consideration was given to a resolution of intent to close a portion of Blanton Street and calling a public hearing on the question for February 15, 1979.

The City Manager read the resolution.

Larry Holt of the Asheville Housing Authority, by the use of a map, showed the location of the portion of Blanton Street to be closed.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, Resolution No. 79-5 was unanimously adopted.

Complete text of Resolution No. 79-5 will be found in Resolution Book No. 11 at page 69.

APPROVAL OF CONSENT AGENDA

6. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 79-6 - Resolution authorizing the Mayor to sign a contract with the State of North Carolina, Department of Crime Control and Public Safety, Division of Crime Control, for the Asheville/Buncombe Criminal Justice Information System, Phase II.

HIGHLIGHTS: Council authorized the filing of the application via Resolution No. 78-201 and the total cost of the project is $166,666.00. The local match will be $8,333.00 of which $5,452.00 is already available and appropriated in the Federal Capital Projects Fund and the City and the County are to share equally in the funding of the local match. Provisions for said local match will be made in Fiscal Year 1979-80 operating budget.

Resolution Book No. 11 Page 71

B. Resolution No. 79-7 - Resolution authorizing the Mayor of the City of Asheville to enter into contractual agreement with Buncombe County, North Carolina to administer a program entitled "The City of Asheville Skills Development Program."

Resolution Book No. 11 Page 72

Verl Emrick, Planning Director, read the following memorandum:

MEMORANDUM

TO: Ken Michalove, City Manager

FROM: Verl R. Emrick, Jr., Planning Director

SUBJECT: Requested Sign Permit Approval on Riverside Drive for Naegle Outdoor Advertising Company

DATE: January 8, 1979

The sign requested by the Naegle Company, in my opinion, does not conform with either the provisions of the old ordinance (1977) or the provisions of Ordinance No. 1085 (Newly amended provisions, 1979) and, therefore, cannot be approved by City Council.

The provision which could not be complied with would be Section 30-9-3 (D) (1) - Location of Signs.

Since this sign is 672 square feet (1,344 square feet on both sides), it can be placed only in the CH Commercial Highway or CS Commercial Service zones along the following thoroughfares:

(1) Tunnel Road - U. S. 70;
(2) South Tunnel Road (U. S. 74) to N. C. 81;
(3) Hendersonville Highway to Gerber Road;
(4) Patton Avenue from Smokey Park Bridge to I-40; and
(5) N. C. 191 Connector from I-40/I-26 interchange to Patton Avenue.

In addition, I understand that the area in which the sign would be located is zoned improperly for this size sign (current zoning is HI Heavy Industrial).

Finally, as far as the alternatives available to the company, they could use the 300 square foot boards in this area provided Council approves the permit.

Should you have any questions, please advise.

Verl Emrick

Don Dawson, representative of Naegle Outdoor Advertising Company, said, in his opinion, the requested sign permit is not in violation of any ordinance. He said they are requesting that Council approve the sign location in that it is located within 600' of a limited access highway and that a variance be granted to place a 672 square foot sign at the proposed location.

Mr. Emrick explained that Council does not grant such variances and the matter should be presented to the Zoning Board of Adjustments.

After discussion, Vice-Mayor Horton moved to approve the location of Riverside Drive for the sign permit requested by Naegle Outdoor Advertising Company. This motion was seconded by Councilman Morris and carried unanimously.

It was explained to Mr. Dawson that his variance request should be taken to the Zoning Board of Adjustments.

CITY OF ASHEVILLE

ASHEVILLE, NORTH CAROLINA

OFFICE OF
CITY MANAGER

MEMORANDUM TO: Members of the Asheville City Council

FROM: Ken Michalove, City Manager

DATE: January 11, 1979

At the regular City Council Meeting on Thursday, December 7, 1978, Councilman Rainey "presented Council with copies of letters written in March 1978 between the then City Building Inspector Gary Lance and the State Attorney General's Office. Mr. Lance had written to ask whether there was a conflict of interest in the activities of a city-paid, soil erosion employee who is also an advertising architect. The Attorney General's Office had responded that there may be and suggested that the City Attorney be consulted about the possible conflict. Councilman Rainey asked the City Manager to determine if there is a conflict of interest in the fact that a city-paid, soil erosion control officer is also an architect. He said if there is a conflict of interest, the employee should be dismissed or stop practicing architecture." (See Footnote #1 below.)

To answer Dr. Rainey's question as specifically as asked - the employee is not in conflict of interest in the fact that he is also an architect or in the fact that he published the fact that he is an architect in the yellow pages of the Telephone Directory.

However, the facts of this matter are that Mr. J. E. Johnson, Director of Inspections, gave said employee permission to do architectural work off duty in that he saw no conflict of interest and said work was within the off-duty work rule limits authorized by the Civil Service Board. Furthermore, according to Mr. Johnson, he had no knowledge of Mr. Lance's letter to the Attorney General until December 11, 1978. Also, according to Mr. Johnson, Mr. Lance never asked him or the City Attorney to check into the matter.

1) Quote taken from Pages 178 and 179 of Minute Book, Asheville City Council Minutes.

C. Resolution No. 79-8 - Resolution authorizing the Mayor to sign a contract with the Land-of-Sky Regional Council for state and federal financial assistance in the provision of training for members of the Asheville Police Department.

Resolution Book No. 11 Page 73

D. Resolution No. 79-9 - Resolution supporting expanded radar services at the Asheville Airport.

Resolution Book No. 11 Page 74

E. Motion scheduling a public hearing to receive public comments on the proposed revisions of the applciation for the Community Development-Urban Development Action Grant for February 1, 1979.

F. Motion scheduling a public hearing to receive public comments on the Fifth Year Community Development application for February 15, 1979.

Upon motion of Councilwoman Price, seconded by Councilman Rainey the consent agenda was unanimously approved.

RESOLUTION NO. 79-10 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH DIEMLER AND DIEKEMPER, INC. FOR AN AIR SERVICE MARKET STUDY

7. Consideration was given to a resolution authorizing the Mayor to sign an agreement with Diemler and Diekemper, Inc. for an air service market study.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilman Michael, Resolution No. 79-10 was unanimously adopted.

Complete text of Resolution No. 79-10 will be found in Resolution Book No. 11 at page 75.

CITY MANAGER'S REPORT - CONFLICT OF INTEREST - INSPECTION DIVISION

The City Manager presented the following report relative to a request by Councilman Rainey regarding a conflict of interest matter in the Inspection Division:

and North Carolina General Statutes 160A-415:

> "Conflicts of interest - No member of an inspection department shall be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of any building within the city's jurisdiction or any part or system thereof, or in the making of plans or specifications therefor, unless he is the owner of the building. No member of an inspection department shall engage in any work that is inconsistent with his duties or with the interest of the city. (1969, c. 1065, s. 1; 1971, c. 698, s. 1.)" (See Footnote #3 below.)

After a thorough review of these sections with the City Attorney, it is my opinion and the City Attorney's opinion that a technical conflict of interest exists according to State Law, because the Inspections Division was assigned by ordinance the responsibilities of erosion control.

Had the employee been a plumbing, electrical, or building inspector, there would have been a very clear conflict of interest violation in Mr. Johnson's opinion. The reason Mr. Johnson felt that there was no conflict of interest was because erosion control responsibilities were assigned to the Inspections Division by the City Council and this is not an automatic Inspection Department function statewide as is plumbing, electrical, and building inspections. Therefore, it was assumed that the conflict of interest law only applied to employees directly connected with construction such as building, plumbing, and electrical. However, the City Attorney and I are of the opinion that the law applies to any employee whether they be a secretary, heavy equipment operator, or some other non-related title as long as they are employees of the Inspections Division.

While I feel that there is a technical violation of the Statute, the employee at no time was in a position to review or favor his own work. Therefore, the employee may continue to advertise as an Architect, but he shall be instructed not to do any further work that would be within the City's jurisdiction of Inspection Department responsibilities.

KM/msm
Attachments

3) Quote taken from 1978 Edition, NC General Statutues Pertaining to Enforcement of the North Carolina State Building Code, Page GS-90.

Mr. Johnson still feels that the employee is not in conflict of interest.

The State Law pertaining to this is contained in The North Carolina General Statutes 160A-412:

"Duties and responsibilities - The duties and responsibilities of an inspection department and of the inspectors therein shall be to enforce within their territorial jurisdiction State and local laws relating to:

(1) The construction of buildings and other structures;

(2) The installation of such facilities as plumbing systems, electrical systems, heating systems, refrigeration systems, and air-conditioning systems;

(3) The maintenance of buildings and other structures in a safe, sanitary, and healthful condition;

(4) Other matters that may be specified by the City Council.

These duties shall include the receipt of application for permits and the issuance or denial of permits, the making of any necessary inspections, the issuance or denial of certificates of compliance, the issuance of orders to correct violations, the bringing of judicial actions against actual or threatened violations, the keeping of adequate records, and any other actions that may be required in order adequately to enforce those laws. The city council shall have the authority to enact reasonable and appropriate provisions governing the enforcement of those laws. (1969, c. 1065, s. 1; 1971, c. 698, s. 1.)" (See Footnote #2 below.)

2) Quote taken from 1978 Edition, NC General Statutes Pertaining to Enforcement of the North Carolina State Building Code, Page GS-89.

CLAIMS - FRANK CUTSHAW - JUNIOR D. McCURRY - CURTIS R. BLACKWELL - DETRIA GREENE

The City Manager presented the following claims received from Mr. W. R. Swearngan, Facility Services Superintendent.

The following individuals have claims against City of Asheville for damage:

Frank Cutshaw 20-D Deaverview Apts. Asheville, N. C.	Damage to automobile - City Vehicle backing
Junior D. McCurry Rt. 9, Box 685 Asheville, N. C.	Damage to truck - Hit by City Vehicle
Curtis R. Blackwell	Assault on son by City employee

Claim sent to St. Paul Fire & Marine Insurance:

Detria Greene 20-C Bingham Heights Apts. Asheville, N. C.	Damage to automobile by gate at Memorial Stadium

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

BUDGET AMENDMENT - FUNDING FOR AIR SERVICE MARKET STUDY AT ASHEVILLE AIRPORT

The City Manager presented a budget amendment that the Fiscal 1978-79 Operating Budget of the City of Asheville to be amended as follows: By transferring $6,000 from the General Fund to the Aviation Fund - Professional Service line item: $3,000 in the General Fund is to come from the General Fund Contingency line item and $3,000 is to come from County participation. This is to provide funds for an Air Service Market Study at the Asheville Airport.

Councilman Morris moved to approve the budget amendment presented by the City Manager. This motion was seconded by Councilman Michael and carried unanimously.

BUDGET AMENDMENT - TO REPLACE PUBLIC WORKS BASE STATION RADIO

The City Manager presented a budget amendment that the Fiscal 1978-79 Operating Budget of the City of Asheville be amended as follows:

General Fund	Increase (Decrease)
Nondepartmental - Contingency	($2,370)
Employee Health & Safety - Capital Outlay - Equipment	$2,370

To provide funding for emergency replacement of the Public Works base station radio.

Councilman Michael moved to approve the budget amendment presented by the City Manager. This motion was seconded by Vice-Mayor Horton and carried unanimously.

RESOLUTION NO. 79-11 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE CHANGE ORDER NO. 4 WITH SOUTHWORTH CONSTRUCTION COMPANY, INC. FOR THE PROJECT KNOWN AS RENOVATION OF VALLEY STREET MAINTENANCE FACILITY

Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville Change Order No. 4 with Southworth Construction Company, Inc. for the project known as renovation of Valley Street Maintenance Facility.

The City Manager read the resolution and explained that this change order was for recommended electrial changes in the current contract.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 79-11 was unanimously adopted.

Complete text of Resolution No. 79-11 will be found in Resolution Book No. 11 at page 76.

REPORT FROM ASHEVILLE HOUSING AUTHORITY RE: REV. WESLEY GRANT'S REQUEST TO PURCHASE CITY PROPERTY

The City Manager read the following letter received from Jesse G. Ray relative to Rev. Wesley Grant's request to purchase city property.

January 10, 1979

Mr. Ken Michalove, City Manager
City of Asheville
P. O. Box 7148
Asheville, North Carolina 28807

Re: Your correspondence of December 28, 1978: Rev. Wesley Grant

Dear Ken:

In regards to your December 28, 1978 correspondence concerning the request of Rev. Grant to acquire a portion of disposal parcel 143, in our regular monthly meeting of January 9, 1979 I instructed the staff and the attorney to investigate the possibility and feasibility of complying with City Council's request.

I will communicate these findings to Council as soon as I receive the appropriate information from the staff and attorney.

Yours truly,

/s/ Jesse G. Ray
Jesse G. Ray
Chairman

Thursday - January 18, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Ralph D. Morris, Jr., Gene E. Rainey, F. Jack Cole, and Otis B. Michael, Corporation Counsel William C. Moore, Associate City Manager/City Clerk William F. Wolcott, Jr., Acting City Clerk Carol Hensley.

Absent: City Manager K. M. Michalove

INVOCATION

The invocation was given by Councilman Gene E. Rainey.

APPROVAL OF MINUTES

1. Approval of the minutes of the January 11, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, the minutes of the January 11, 1979 meeting were approved as submitted.

ORDINANCE NO. 1090 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Rezoning property on Rock Hill Road, Stockwood Area Residents)

2. Consideration was given to the third and final reading of Ordinance No. 1090, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended rezoning property on Rock Hill Road, Stockwood Area Residents, from R-2, R-3 and CS to R-1 Residential District.

Mayor Tranthram said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1090 passed on third and final reading.

Complete text of Ordinance No. 1090 will be found in Ordinance Book No. 8 at page 308.

RESOLUTION NO. 79-12 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A 6-INCH AND 8-INCH WATER LINE ON NC-63 (LEICESTER HIGHWAY) AND ON STATE ROAD 1822 AND STATE ROAD 1369 IN BUNCOMBE COUNTY, NORTH CAROLINA

3. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for a 6-inch and 8-inch water line on NC-63 (Leicester Highway) and on State Road 1822 and State Road 1369 in Buncombe County, North Carolina.

The Associate City Manager read the resolution and explained that this encroachment is for the water line being relocated around the new Ingles Shopping Center on the Leicester Highway.

COUNCILMAN RAINEY COMMENT'S - CONFLICT OF INTEREST IN INSPECTION DIVISION

Councilman Rainey said he had completed reading the report of the City Manager relative to the conflict of interest matter in the Inspection Division and reported that he was pleased with the report and he commended the City Manager for the report.

JAMES WALTER TAYLOR, JR. - MISUSE OF FUNDS IN SANITATION DIVISION

Mr. James Walter Taylor, Jr. said he has worked with the City for over 26 years and he had reported the misuse of city funds in the Sanitation Division to the City Manager and nothing was done about the matter.

The City Manager said the matter was reviewed and a report given to Council. He said the report indicated there was insufficient evidence to prosecute on this charge. He said Mr. Taylor could go to the District Attorney on his own and take any legal actions he personally wished but he was satisfied that the matter had been thoroughly reviewed.

JACKIE COLE, JR. - BLAYLOCK AVENUE - DILAPIDATED HOUSES ON BLAYLOCK AVENUE

Mr. Jackie Cole, Jr. said he had reported to Council, several months ago, three empty dilapidated houses on Blaylock Avenue and nothing has been done about them.

Mr. Cole also reported criminal assaults on his children by either police or sheriff detectives, which resulted in entensive personal injury to his son.

Mayor Trantham advised Mr. Cole that Council would have the dilapidated houses investigated but he should present his criminal assault charges to the District Attorney.

RALPH BISHOP - LOTTERY SALES

Ralph Bishop again complained to Council about the lottery sales in the City of Asheville.

Adjournment.

Ralph A. Trantham
MAYOR

Vivian F. McCarthy
CITY CLERK

Alan Hyder, Director of Research and Development of the Police Department, explained that this amendment would be to appropriate funds for the Update Asheville/Buncombe Co. I. D. Program through a grant received from the N. C. Division of Crime Control in total amount of $38,000.

Vice-Mayor Horton moved to approve the budget amendment as presented by the Associate City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

BUDGET AMENDMENT - WATER IMPROVEMENT FUND - REFLECTING 1978 EXPENDITURES

7. Consideration was given to a motion approving a budget amendment to amend the City of Asheville Capital Projects budget for the Water Improvement Fund to reflect actual expenditures through December 31, 1978.

The Associate City Manager presented the budget amendment and explained that this is an annual updating of this Capital Projects fund, and is part of the process used to determine the total funds available for new projects in Fiscal 1979.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the budget amendment to amend the City of Asheville Capital Projects budget for the Water Improvement Fund to reflect actual expenditures through December 31, 1978 was unanimously adopted.

BUDGET AMENDMENT - WATER SYSTEM IMPROVEMENT FUND - APPROPRIATE FISCAL 1979 REVENUES

8. Consideration was given to a motion approving a budget amendment to amend the City of Asheville Capital Projects budget for the Water System Improvement Fund to appropriate anticipated Fiscal 1979 revenues in the Water System Improvement Fund in the amount of $267,450.00.

The Associate City Manager presented the budget amendment and stated that this amendment is to appropriate anticipated Fiscal 1979 Revenues in the Water System Improvement Fund. The joint City/County Water Committee approved funding of new Fiscal Year 1979 in the Water System Improvement Fund by approved projects. Anticipated revenues were increased by incorporating each of the projects in a grant package to be funded 25% by the State of North Carolina. The County of Buncombe requested that the grant package be expanded to include the Mt. Carmel Road project, with the County providing 100% of the local match.

Councilman Morris moved to approve the budget amendment as presented by the Associate City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

BIDS - ONE (1) POLYGRAPH INSTRUMENT - FOR POLICE DEPARTMENT

9. Consideration was given to bids received January 15, 1979 for one (1) polygraph instrument (portable/desk set) and associated supply and equipment items for use by City of Asheville Police Department.

The City Manager presented the bids and said it had been recommended that Council accept the only bid received from Lafayette Instrument Company in the amount of $3,237.00.

Alan Hyader, Director of Planning Research and Development of the Asheville Police Department, explained the need for the use of the polygraph machine in the Police Department.

Upon motion of Councilwoman Price, seconded by Councilman Morris, Resolution No. 79-12 was unanimously adopted.

Complete text of Resolution No. 79-12 will be found in Resolution Book No. 11 at page 77.

RESOLUTION NO. 79-13 - RESOLUTION AUTHORIZING THE CITY CLERK TO READVERTISE THE SALE OF CITY OF ASHEVILLE PROPERTY, KNOWN AS THE PACK MEMORIAL LIBRARY BUILDING ON PACK SQUARE

4. Consideration was given to a resolution authorizing the City Clerk to readvertise the sale of City of Asheville property, known as the Pack Memorial Library Building on Pack Square.

The Associate City Manager read the resolution and explained this was necessary due to an upset bid being received from William C. Morris, Jr. and James N. Golding in the amount of $100,000.00.

Councilman Michael said Mr. Morris and Mr. Golding should be notified that if they are considered for the purchaser of the property Council would like to know more specific information on the use of the building as well as an approximate date of occupancy.

Upon motion of Councilman Rainey, seconded by Councilman Michael, Resolution No. 79-13 was unanimously adopted.

Complete text of Resolution No. 79-13 will be found in Resolution Book No. 11 at page 78.

RESOLUTION NO. 79-14 - RESOLUTION HONORING REVEREND MARTIN LUTHER KING ON THE 50TH ANNIVERSARY OF HIS BIRTH

5. Consideration was given to a resolution honoring Reverend Martin Luther King on the 50th Anniversary of his birth.

Councilman Michael read the resolution.

Upon motion of Councilman Michael, seconded by Councilman Morris, Resolution No. 79-14 was unanimously adopted.

Councilman Morris requested that a copy of the resolution be sent the Reverend Martin Luther King's family.

Complete text of Resolution No. 79-14 will be found in Resolution Book No. 11 at page 79.

BUDGET AMENDMENT - UPDATE ASHEVILLE/BUNCOMBE CO. I. D.

6. Consideration was given to a motion approving a budget amendment to amend the City of Asheville Federal Capital Projects Fund budget for Fiscal Year 1978-79 to set up appropriate revenue and expenditure accounts to accommodate the execution of a contract with the North Carolina Division of Crime Control as authorized by Resolution No. 78-204.

Councilwoman Price moved to accept the recommendation and award the bid to Lafayette Instrument Company in the amount of $3,237.00. This motion was seconded by Vice-Mayor Horton and carried unanimously.

REVITALIZATION COMMISSION BUDGET - COUNCILMAN MICHAEL'S COMMENTS

10. Councilman Michael said he had heard the Revitalization Commission under the Planning Division is requesting $770,000 for the upcoming budget. He said he was not aware this Commission was allotted a budget since it was only a group of concerned citizens for downtown revitalization. He requested a report from the City Manager on the requested budget for the Revitalization Commission.

RESOLUTION NO. 79-15 - RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G. S. 160A-31 (W.N.C. Baptist Home property on Richmond Hill)

11. Consideration was given to a resolution directing the City Clerk to investigate a petition received under G. S. 160A-31.

The Associate City Manager read the resolution and explained that on January 9, 1979, an annexation petition was submitted to the City of Asheville by the Western North Carolina Baptist Homes, Inc. requesting annexation of their property in Richmond Hills. Pursuant to State Law, this resolution directs the Ctiy Clerk to investigate the validity of the annexation petition and report findings to Council so that further annexation activities may proceed.

Vice-Mayor Horton explained that this property will house the retirement home for the Baptist. He said it is the old Pearson property which now adjoins the present City Limits.

Councilman Michael said since the group would be tax exempt they should know the City would be expecting a payment in lieu of taxes for the services that would be given to the area.

Vice-Mayor Horton said the group was well aware of the need for payment in lieu of taxes.

Upon motion of Vice-Mayor Horton, seconded by Councilman Michael, Resolution No. 79-15 was unanimously adopted.

Complete text of Resolution No. 79-15 will be found in Resolution Book No. 11 at page 80.

Adjournment.

MAYOR

CITY CLERK

STATUS REPORT ON DEAVERVIEW PARK

4. Ray Kisiah, Director of Parks and Recreation, in reviewing the background of the Deaverview Park said for several years the City has had a reciprocal lease with the YMCA for the Deaverview property for recreational use in exchange for the YMCA using the City's Richmond Hill property for a Mini-Bike program. He said the City's long term plan for the Deaverview property was to acquire the land and develop it for a park. He said there was an attempt to purchase the property with HUD funds, however it was decided this would not be feasible. He said the property is still under reciprocal lease with the YMCA for the West Asheville Sports Program, however he said he had been informed by the YMCA that they now have an offer to purchase the property and it appears that it will be sold. He said this action would place a constraint on the West Asheville Youth programs.

Vice-Mayor Horton voiced concern that the property is being sold. He said he felt Council did not have any input into the sale of the property even though the City made an earnest effort to purchase the property. He expressed personal disappointment that the negotiations did not stay open for a compromise.

Councilman Morris said it was previously reported to Council that it was decided during negotiations that the City could not afford the appraisal price and the YMCA could not accept the City's offer of a long-term payment agreement without interest. He said he did not think the City should condemn the YMCA for their actions.

Joe Dunne, 35 Ballantree Drive, a resident of West Asheville, strongly protested the fact that the City had not continued to pursue the purchase of the Deaverview property. He said if West Asheville has to give up the use of the Deaverview property there would be over 500 children trying to play on two (2) fields in West Asheville.

Mr. George Hutchison also spoke in support of the West Asheville Sports program.

Vice-Mayor Horton said he did not know if there had been a firm offer on the property, at present, and if not he hoped the City could find some avenues of financing if the property is not out of reach. He suggested that Council could possibly meet with the YMCA on the matter.

Councilman Morris suggested that the residents also go to the County Commissioners and ask for more park facilities in that area of the City. He said forty percent (40%) of the county taxes are being paid by city residents but parks are built in outlying areas that the City gets no use from.

Ron Ratcliff, 4 Davenport, also make a strong plea for the continuation of the West Asheville Sports Programs.

Thursday - January 25, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Ralph D. Morris, Jr., Gene E. Rainey, F. Jack Cole, and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman F. Jack Cole.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the January 18, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the January 18, 1979 meeting were approved as submitted.

RESOLUTION NO. 79-16 - RESOLUTION IN MEMORY OF SENATOR I. C. CRAWFORD

2. Consideration was given to a resolution in memory of Senator I. C. Crawford.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 79-16 was unanimously adopted.

Complete text of Resolution No. 79-16 will be found in Resolution Book No. 11 at page 81.

PROCLAMATION - 1979 "YEAR OF THE CHILD"

Mrs. Bratton read a proclamation proclaiming 1979 as the "Year of the Child."

Mayor Trantham proclaimed 1979 as the "Year of the Child."

RESOLUTION NO. 79-17 - RESOLUTION EXPRESSING THE APPRECIATION OF THE CITY OF ASHEVILLE FOR THE ACTIONS OF POLICE OFFICERS BEYOND THE CALL OF DUTY

3. Consideration was given to a resolution expressing the appreciation of the City of Asheville for the actions of Police Officers, Sergeant W. L. Dillingham, F. A. Lawson, and J. R. Emory, beyond the call of duty. These police officer's actions most likely saved the lives of three citizens of the City in a recent fire.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilman Morris, Resolution No. 79-17 was unanimously adopted.

Complete text of Resolution No. 79-17 will be found in Resolution Book No. 11 at page 82.

Councilman Rainey said he felt the City Coach Service from Jacksonville, Florida, who operates the system, is not sensitive to the community's problems.

Councilman Michael said he would like to see a balanced budget as of July 1, 1979.

Mayor Trantham closed the public hearing at 4:40 p. m.

The City Manager read the resolution.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 79-18 was unanimously adopted.

Complete text of Resolution No. 79-18 will be found in Resolution Book No 11 at page 83.

SALE OF DISPOSAL PARCEL 147-150 - EAST RIVERSIDE RENEWAL PROJECT

6. Consideration was given to a motion approving the sale of Disposal Parcel 147-150 in the East Riverside Renewal Project.

The City Manager read a letter from the Housing Authority of the City of Asheville stating that the authority received the following bid for a disposal parcel in the East Riverside Renewal Project and recommended its acceptance.

PARCEL	REUSE	PRICE	BID	REDEVELOPER
147-150	Commercial	$1,600	$1,800	Hines, Hines & Tate

Councilman Rainey moved to approve the sale of Disposal Parcel 147-150 in the East Riverside Renewal Project to Hines, Hines & Tate in the amount of $1,800.00. This motion was seconded by Councilwoman Price and carried unanimously.

Councilman Michael said in the future he would like a more understandable description of the properties being voted upon.

RESOLUTION NO. 79-19 - RESOLUTION AUTHORIZING NOTICE OF INTENT TO LEASE A PARCEL OF LAND AT THE ASHEVILLE AIRPORT TO HERTZ CORPORATION

7. Consideration was given to a resolution authorizing notice of intent to lease a parcel of land at the Asheville Airport to Hertz Corporation.

The City Manager read the resolution explaining that the land is a lot on the E/S Service Road off Fanning Bridge Road containing approximately 3.3 acres.

Upon motion of Councilman Morris, seconded by Councilwoman Price, Resolution No. 79-19 was unanimously adopted.

Complete text of Resolution No. 79-19 will be found in Resolution Book No. 11 at page 85.

RESOLUTION NO. 79-20 - RESOLUTION TO CLOSE PORTION OF SCOTT STREET AND SOUTH FRENCH BROAD AVENUE AND ALL OF SEVEN (7) UN-NAMED ALLEYS

8. Consideration was given to a resolution to close portions of Scott Street and South French Broad Avenue and all of seven (7) un-named alleys.

Councilman Cole, contesting the development of a park in North Asheville on the Swain property said the funds allocated for the North Asheville park could be used in West Asheville.

Logan Delany, Community Development Coordinator, explained the problems encountered in trying to obtain HUD financing for the acquisition of the property.

Vice-Mayor Horton suggested that the YMCA be contacted to find out if, in fact, a firm offer has been made on the property.

Council recessed at 4:10 p. m.

Council reconvened at 4:15 p. m.

The Mayor advised that a bonafide offer is in existence for the Deaverview property. He informed the residents that Council would consider their concerns and would be back in touch with them in the near future.

PUBLIC HEARING - FEDERAL OPERATING ASSISTANCE UNDER SECTION 5 OF THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

RESOLUTION NO. 79-18 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

5. A public hearing was held for the purpose of considering a project for which Federal operating assistance under Section 5 of the Urban Mass Transportation Act of 1964, as amended, is being sought.

Mayor Trantham opened the public hearing at 4:20 p. m.

Larry Ward, of the Planning Division, said the City has been participating in this grant program since 1975 and is to finance fifty percent (50%) of the operating cost of the transit bus system. He said the project will be for the period of July 1, 1978 until June 30, 1979. The project service area encompasses the City of Asheville, Town of Biltmore Forest, and adjacent neighborhoods served by the Asheville Transit Authority. The net project cost is estimated at $715,499. The federal share is estimated at $357,749. The local share is estimated at $357,750 and is anticipated to be derived from the general operating budget of the City of Asheville. He explained why the grant application was being filed late and said next year's grant should be in on time.

Councilman Michael said it is his understanding that this grant is to cover the deficit of the transit system. He said he had been researching several matters concerning the transit system and has determined that the transit system has been supplementing buses for the school system since 1969 and the contribution by the school system is currently the same as in 1969. He said the contribution of Biltmore Forest for the bus system is also the same as it was in 1969. He said he felt it was unfair to the taxpayers for the transit system to carry a deficit because of no increase in contributions from the school system and Biltmore Forest. He said he understands the City Manager is going to pursue this matter with the school system and Biltmore Forest.

Councilman Michael was excused from the meeting at 5:40 p. m.

BUDGET AMENDMENT - LEASING OF FRONT-END LOADER

9. The City Manager presented a budget amendment amending the City of Asheville Operating Budget for Fiscal Year 1978-79 by transferring $15,000 from the General Fund Contingency to Sanitation Division-Rents and to authorize the Mayor to enter into an agreement to rent a front-end loader for a period of six months at $3,000 per month. This would be to provide equipment to meet increased bulk container service for remainder of Fiscal 1978-79.

Councilman Morris moved to approve the budget amendment and to authorize the Mayor to enter into an agreement to rent a front-end loader for a period of six months at $3,000 per month. This motion was seconded by Councilwoman Price and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

10. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 79-21 - Resolution requesting classification of South Mills River.

Resolution Book No. 11 Page 91.

B. Resolution No. 79-22 - Resolution requesting the reclassification of the French Broad River.

Resolution Book No. 11 Page 92.

C. Approval of bids received January 15, 1979 for one (1) fully equipped Mobile Crime Laboratory for use by City of Asheville Police Department.

HIGHLIGHTS: Two (2) fully responsive bids were received.

Recommendation of fully responsive low bid submitted by Sirchie Finger Print Laboratories, Inc. in the amount of $16,500.00.

Funding: Law Enforcement Assistance Administration sub-grant to the City of Asheville entitled Update Asheville I. D. Project.

The City Manager read the resolution and explained that this resolution was considered at the December 7, 1978 meeting but was referred to the Community Development/Housing Authority Liaison Committee.

Councilwoman Price, who chairs the Community Development/Housing Authority Liaison Committee, said the committee discussed the matter at their meeting on January 12, 1979 and it was recommended that a portion of South French Broad and all of the unnamed alleys be closed and to leave Scott Street open. She said it has been requested that the cost of leaving Scott Street open be determined.

Larry Holt, of the Housing Authority, presented Council with a letter showing that it would cost approximately $16,100.00 to leave Scott Street open. He said there would be no funds in the federal grant to pay for this.

The City Manager said if Council decides to leave Scott Street open he would suggest funding by several alternatives, 1) Community Development funds; 2) Deleting one (1) street scheduled for resurfacing; or 3) appropriating funds in the July 1, 1979 budget.

Councilman Michael made a strong plea for Council to leave Scott Street open. He said he did not think the Housing Authority should be authorized to tear up the streets before closing them. He said the people whose houses have back yards facing Scott Street don't want Scott Street closed. He said the residents of the areas where streets are closed should have more input. He said there are four (4) housing projects in the area with no through streets which eliminates adequate police protection. He said it is not fair to have to pay to leave a neighborhood as it is.

Councilman Michael moved to amend the resolution by deleting Scott Street. This motion was seconded by Councilman Rainey.

The City Manager said if the motion passes he would need some guidance on the funding for leaving Scott Street open.

In response to Councilman Rainey, Mr. Holt said the City would have to absorb funding of ineligible project costs such as the funding of leaving Scott Street open.

Councilman Cole said the City should not amend the plan if it is going to cost the City money.

Mayor Trantham then called for a roll call vote on Councilman Michael's motion, which motion passed on a vote of 4-3 with Mayor Trantham, Councilwoman Price, Councilman Rainey and Councilman Michael voting "aye" and Vice-Mayor Horton, Councilman Cole and Morris voting "no."

Councilwoman Price then moved for the adoption of Resolution No. 79-20, as amended. This motion was seconded by Councilman Rainey and carried on a voice vote of 6-1, with Councilman Cole voting "no."

Complete text of Resolution No. 79-20 will be found in Resolution Book No. 11 at page 86.

1. THE WEATHER, NEWS, TIME CHANNEL:

(a) Incorrect temprature for many months.
(b) Incorrect date from January 17 to January 20. (Corrected only after an irate subscriber called attention to it.)
(c) Weather reports not kept sufficiently timely to serve the needs of subscribers.

2. INDEPENDENT CHANNELS:

Stations frequently off the air during a given week, sometimes for more than a broadcast day.

3. IMPROPER LISTINGS:

Program listings are too often incorrect as they appear in local newspapers.

In the case of number 3 we are not able to ascertain as to whether this is the fault of Thoms Cablevision or the local newspapers. It is, however, annoying to subscribers to the service and we would think that the company would see that such occurances be cut to the minimum.

It is our opinion that items 1 and 2 are the result, in many cases, of plain indifference on the part of the Thoms management. While it is true that the manager says that such parts as are necessary to repair the temprature apparatus have been ordered and repairs cannot be effected until they are delivered, it would seem to us that six months or more is an overlong time to wait for such delivery. On the other hand we cannot learn of any genuine excuse for not correcting the date for a period of 3 days! As to the frequent "down time" for certain "independent" channels we are willing to concede that this may not always be the fault of the local cable company, however, it is our feeling that, since these independent channels were part of a "package" offered at the time the company sought the right to increase rates from City Council we feel that the company is responsible for providing "independents" who are capable of living up to promises made to subscribers. We, like many organizations and groups in this area, are very proud of Asheville and Western North Carolina. We are particularly proud of the growing atmosphere of cosmopolitan attitudes on the part of our many good neighbors here. We believe, therefore, that any company who seeks to provide intertainment and education via any medium should do so by offering the broadest possible spectrum of viewing opportunity and the sincerest and best possible service.

Again, we ask that the Board of Commissioners give these thoughts serious consideration before granting additional franchises to Thoms Cablevision or to any other cable company.

Sincerely yours,

Ray Stepp

Ray Stepp,
President

D. Resolution No. 79-23 - Resolution authorizing the Mayor to enter into a municipal agreement with the North Carolina Board of Transportation relative to Project No. 8.7384004.

HIGHLIGHTS: The North Carolina Department of Transportation had adopted plans to make certain street and highway improvements to the intersection of U. S. 19-23 (Patton Avenue) and N. C. 63 (Leicester Road).

Resolution Book No. 11 Page 94

E. Resolution No. 79-24 - Resolution authorizing the Mayor to execute an agreement with the General Services Administration (GSA) regarding implementation of the National Urban Policy.

Resolution Book No. 11 Page 95

Upon motion of Councilwoman Price, seconded by Councilman Rainey, the consent agenda was unanimously approved.

LETTER FROM WESTERN NORTH CAROLINA CENTRAL LABOR UNION - RE: THOMS CABLEVISION

At the request of the Western North Carolina Central Labor Union, the City Manager entered the following letter into the minutes of the Council meeting and said a copy of the letter would be forwarded to Thoms Cablevision.

The letter is as follows:

January 22, 1979

Board of County Commissioners
Buncombe County Courthouse
Asheville, North Carolina

Honorable Commissioners:

It has come to our attention that you are presently considering the issuance of a franchise or franchises for the establishment of Cable Television in those parts of Buncombe County not presently served.

We would ask that before you finalize plans for such service that you take into account the following:

Many of our members and their many neighbors who are present subscribers to the cable service offered by Thoms Cablevision of Charlotte Street, Asheville have complained to us on numbers of occasions about what they consider to be very poor service on the part of that company. To cite a few of the more recent complaints reported to us —:

Thursday - February 1, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Ralph D. Morris, Jr., Gene E. Rainey, F. Jack Cole, and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilwoman Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the January 25, 1979 meeting.

Councilman Rainey presented a grammatical change to the minutes.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, the minutes of the January 25, 1979 meeting were approved as amended.

APPROVAL OF BUDGET AMENDMENT AMENDING CITY OF ASHEVILLE FIRST, SECOND, THIRD AND FOURTH YEAR COMMUNITY DEVELOPMENT FUNDS BUDGET FOR FISCAL YEAR 1975-76, 1976-77, 1977-78 AND 1978-79

2. Consideration was given to a motion amending the City of Asheville First, Second, Third, and Fourth Year Community Development funds Budget for Fiscal Year 1975-76, 1976-77, 1977-78, and 1978-79.

The City Manager presented the budget amendment which involved three pages of budget changes which close out several programs which have been completed. He reviewed the major changes and additions in the budget amendment. He said City Council members had reviewed the amendment on several occasions.

Councilman Michael questioned the allocation of $22,000 for an awning to be placed downtown.

Verl Emrick, Planning Director and Robin Daniel, Vice-Chairman of the Revitalization Commission explained the need for the awning. It was noted that the awning would be from Lexington Avenue to Haywood Street and would enhance the connection between the major motels and the Asheville Civic Center.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Morris and carried unanimously.

(Complete text of the budget amendment is on file in the Office of the City Clerk.)

CLAIMS - CHARLES COFFEY

The City Manager presented the following claim received from Mr. W. R. Swearngan, Facility Services Superintendent:

Charles Coffey — Damage to fence post
38 Piercy Street
Asheville, N. C.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

APPLICATION FOR ON-PREMISES BEER PERMIT FOR B AND R BAR AT 108 N. LEXINGTON AVENUE

The City Manager said, as a matter of information, a request was received from the State ABC Board requesting the City to provide their opinion on the placement of a on-premises beer permit for the B and R Bar at 108 N. Lexington Avenue. He said this matter came to Council several weeks ago and the City has written the State regarding the City's opinion and requesting a public hearing on this matter if it is considered at all. He said he has also asked several staff members to provide information on this particular license.

RALPH BISHOP - LOTTERY SALES

Ralph Bishop again appeared before Council relative to the lottery sales in the City of Asheville.

Adjournment.

Ray M. Trantham
MAYOR

William J. Barrett
CITY CLERK

BIDS - ASHEVILLE-BUNCOMBE COUNTY CRIMINAL JUSTICE INFORMATION SYSTEM

RESOLUTION NO. 79-25 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT FOR THE PURCHASE OF THE NECESSARY COMPUTER EQUIPMENT AND OPERATING SOFTWARE FOR THE ASHEVILLE-BUNCOMBE COUNTY CRIMINAL JUSTICE INFORMATION SYSTEM

4. Consideration was given to bids received November 17, 1978 for the purchase of the necessary computer equipment and operating software for the Asheville-Buncombe County Criminal Justice Information System.

The City Manager presented a memorandum from the Purchasing Agent noting that six (6) responsive bids were received. A selection committee composed of members of Buncombe County Sheriff's Department, the Asheville Police Department, the Asheville Data Processing Division have evaluated the proposals using a uniform and weighted scoring technique and cost/benefit analysis, which was established prior to the bid opening. Based on this evaluation, the committee has identified Burroughs Corporation to be the lowest responsible bidder with a total bid price of $274,360, and a cost/benefit ratio of $4,639.95. He said Burroughs Corporation was not the low bidder according to the bid tabulation, however computer hardware and software services are extremely difficult to evaluate and the committee came up with a weighted method of processing the bids. He said this process was determined prior to the bid opening avoiding any questions on the procedure. He said since the bid took place there has been a further reduction of the cost by Burroughs Corporation to a price of $264,900. He said the low bid shown on the bid tabulation amounted to $234,960 and the high bid was $275,000. On the bid tabulation Burroughs Corporation was second highest, however there were reasons why some bidders did not qualify as responsive bids.

Tom Stranberg, Data Processing Director, said the committee evaluated across six categories awarding points to each category based on the evaluation of the category. He said the ratio was the division of those points into the purchase price. He said Burroughs Corporation was determined to have the lowest cost/benefit ratio. He said LEAA required that prior to the signing of a contract that the City forward to them documentation of the proposal procedure, the bidding procedure, and the selection. He said this information was forwarded to LEAA and a verbal approval has been received on the selection.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilwoman Price, Resolution No. 79-25 was unanimously adopted.

Complete text of Resolution No. 79-25 will be found in Resolution Book No. 11 at page 96 .

PUBLIC HEARING - PROPOSED REVISIONS -COMMUNITY DEVELOPMENT - URBAN DEVELOPMENT ACTION GRANT

3. A public hearing was held relative to proposed revisions of the application for the Community Development-Urban Development Action Grant.

Mayor Trantham opened the public hearing at 3:30 p. m.

The City Manager said the public hearing notice was duly advertised according to federal guidelines. He said several members of the City Council went to Washington several weeks ago when it was determined that the original application for the grant funds would not be available due to technicalities of the application and the priorities of the federal government. He said several weeks ago a member of the HUD staff came to Asheville and worked with the Planning Staff, members of Council and himself and it now seems that the City has an application that will meet federal guidelines, although the City will have to compete with several other cities in the United States. He said he was pleased with the amount of potential private funds that will be invested in the downtown area in the immediate future. He said one of the problems with the original application was the fact that the private commitments were vague. He said the City staff has gone back to the private developers to determine exactly what they were planning to do and they received excellant response.

Logan Delany, Community Development Coordinator, said one of HUD's concerns on the original application was the fact that the application indicated a partial Urban Renewal type project in that the City would acquire properties to induce the private developers to come into the project. He said this has changed in the sense that the City has received technical assistance and guidance from HUD. He said it was suggested that the Community Development area be expanded in order to attract more private investment dollars into the revitalization area that has the greater potential. He said the original area was not excluded but expanded.

Mr. Verl Emrick, Planning Director, by the use of a map, reviewed the description of the revised area to be included in the UDAG application. He said the area was changed at the advice of Mr. Langford, HUD representative. He said the efforts of the application revolves around the rehabilitation of old buildings to a useable potential. He said private commitments had been received from approximately twenty (20) different developers investing approximately $20 million which would be in addition to the $4.5 million requested from the federal government. He said this ration would exceed the 4-1 ratio requested by the federal government. He said he felt the City is now in a better position of receiving the UDAG funding.

Upon inquiry of Councilman Cole, Mr. Emrick said this district has been nominated for a historical district and if approved this would entitle anyone who improves property in the area special tax considerations.

Mr. Delany said HUD would be reviewing the application in early March, 1979.

Mayor Trantham said while in Washington it was determined that the City had a lot of work to do on their application and they received encouragement on the UDAG funding.

The City Manager said when Council initially took this project, they were looking at a purchase price of $105,000 and a development cost of $60,000. He said Council did not know, until it was determined at last week's meeting from the community that they didn't want the elaborate and extensive development of the property that Council had initially planned to do. He said he would hope that there is a mutual agreement between the Council and the community that the City will not have the development funds.

Mayor Trantham said he appreciated the YMCA working with the City on the project.

Vice-Mayor Horton said this has been an unusual situation in that at first it was felt that Community Development funds would be used until the City received conflicting rulings from HUD and realized this was not practicable. He said in the interest of the Parks and Recreation program and supporting the organized league activities of the various sports, he felt this was a wise decision to hold on to the Deaverview property. He said he appreciated the YMCA working with the City on the project. He said if approved the City might want to consider minimal improvements to the project with the Community Development funding in the next few years.

Ron Ratcliff, 4 Davenport, thanked Council and the City Staff for their efforts on purchasing the property.

Councilman Michael said he did not want the City to cut out any essential services in order to finance the purchase of the property.

The City Manager noted that $60,000 is still appropriated in the Community Development budget for development of the project and Council would have to decide at some point in time what action to take on this appropriation.

Upon motion of Vice-Mayor Horton, seconded by Councilman Cole, Resolution No. 79-27 was unanimously adopted.

Complete text of Resolution No. 79-27 will be found in Resolution Book No. 11 at page 98.

BUDGET AMENDMENT - APPROPRIATIONS FOR DEAVERVIEW PARK PROJECT

The City Manager then presented a budget amendment amending the General Capital Project Fund Budget to provide for funding for the purchase of Deaverview Park for $85,000.

Upon motion of Councilwoman Price, seconded by Councilman Cole the budget amendment providing funding for the purchase of Deaverview Park was unanimously approved.

NAMING OF STREETS IN THE EAST RIVERSIDE URBAN RENEWAL PROJECT -NC R-48

7. The City Manager read a letter received from the Housing Authority regarding recommendations for the naming of certain streets in the East Riverside Urban Renewal Project, N. C. R-48.

RESOLUTION NO. 79-26- RESOLUTION AUTHORIZING THE CITY CLERK TO READVERTISE THE SALE OF CITY OF ASHEVILLE PROPERTY, KNOWN AS THE PACK MEMORIAL LIBRARY BUILDING ON PACK SQUARE

5. Consideration was given to a resolution authorizing the City Clerk to readvertise the sale of City of Asheville property, known as the Pack Memorial Library Building on Pack Square.

The City Manager read the resolution explaining that this resolution was necessary due to an upset bid being received from James Gary Rowe in the amount of $105,050.00.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 79-26 was unanimously adopted.

Complete text of Resolution No. 79-26 will be found in Resolution Book No. 11 at page 97.

RESOLUTION NO. 79-27 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A CONTRACT TO PURCHASE THE DEAVERVIEW PARK FROM THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF METROPOLITAN ASHEVILLE AND BUNCOMBE COUNTY, INCORPORATED

6. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter into a contract to purchase the Deaverview Park from the Young Men's Christian Association of Metropolitan Asheville and Buncombe County, Incorporated.

The City Manager read the resolution. He said the terms of the contract included a purchase price of $85,000.00 to be paid as follows:

$5,000.00 from the 1978-79 General Fund as immediate payment toward the purchase price;
$40,000.00 - due July 15, 1979;
$40,000.00 - due July 15, 1980, spreading the payment over a three (3) fiscal year period. He said 8% interest would be applied to the unpaid balance from July 15, 1979 to July 15, 1980.

Councilman Rainey noted that the appraisal price of $104,000 would be mandatory if Community Development or any other federal funds were used to purchase the property. He said in effect the City is saving $20,000 on the purchase of the property by using general funds.

The City Manager noted that the decision to proceed with the purchase of the park with city funds is a Council decision and was decided upon in this years budget, referring to the budget letter contained in the City budget. He said at that time it was decided to appropriate $5,000 with the idea of spreading the payments over a sixteen (16) year period. The remaining funds for the next two years will be budgeted, based on what the Council decides to do, as a top priority. He said Revenue Sharing funds will more than likely be used.

APPROVAL OF THE CONSENT AGENDA

8. The City Manager noted that the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Approval of bids received January 31, 1979 for service station canopy for the Motor Transport Division.

HIGHLIGHTS: Only one (1) bid was received.

Recommendation of acceptance of bid submitted By C.C.S., Inc. in the amount of $12,888.00.

Funding: Motor Transport Operations Complex Funds, Account Code 66-15-925.0073

B. Approval of bids received January 22, 1979 for two (2) four-door sedans for use by supervisory personnel of Asheville Transit Authority.

HIGHLIGHTS: Two (2) responsive bids were received.

Recommendation of acceptance of lowest responsive bid submitted by Apple Tree Chevrolet in the total amount of $11,619.25

Funding: UMTA Capital Grant - Project No. NC-03-0006
Account Code 65-25-917-0-865.0073
Sufficient funds are available for above expenditure

C. Approval of budget amendment to amend the City of Asheville Federal Capital Projects Fund budget for Fiscal Year 1978-79 to include the Urban Mass Transportation Administration Capital Grant as approved by City Council Resolution No. 78-164 and the North Carolina Department of Transportation Capital Grant as approved by City Council Resolution No. 78-183 in the Federal Capital Projects Fund.

HIGHLIGHTS:

APPROPRIATION:			
65-25-917	-	UMTA Capital Grant Project	$182,475.00
REVENUE:			
65-348	-	State Government Grant NCDOT	18,247.00
65-349	-	Federal Government Grant UMTA	145,980.00
65-397	-	City of Asheville Local Match Revenue Sharing Fund	18,248.00
			$182,475.00

The City Manager noted that the Community Development office had received community input into the recommendations for naming of the streets.

The recommendations of the Housing Authority were as follows:

New Street No. 1 (connecting S. French Broad Avenue and S. Grove Street)

Housing Authority recommendation: Grove Place

New Street No. 2 (new street ending in cul-de-sac, running off Blanton Street in a westerly direction)

Housing Authority recommendation: Goode Circle

New Street No. 3 (running off Blanton Street in an easterly direction and then due south in the general area where Short Ashland or Smith Street was located)

Housing Authority recommendation: Blanton Place

The City Manager said during the City Council agenda meeting on Tuesday, January 30, 1979 it was decided to name the streets as follows:

New Street No. 1 : Dailey Drive

This would be in honor of former Councilman Rueben J. Dailey.

Mayor Trantham recognized former Councilman Rueben J. Dailey.

New Street No. 2: Gilliam Place

This would be in honor of Lonnie Gilliam's father.

New Street No. 3: Tolula Lane

This would be in honor of Mrs. Tolula Rogers, a civic leader in the area.

Mayor Trantham recognized Mrs. Tolula Rogers.

Mr. Dennis Goode contested the naming of New Street No. 2 to Gilliam Place. He said he lives on that street now and had requested that the street be named Goode Place. He said the Housing Authority had also recommended the name of Goode Place.

Councilman Michael responded to Mr. Goode that Mr. Gilliam had made a substantial contribution to that neighborhood and had built several houses in the community.

Vice-Mayor Horton moved to name New Street No. 1, Dailey Drive; New Street No. 2, Gilliam Place; and New Street No. 3, Tolula Lane. This motion was seconded by Councilman Cole and carried unanimously.

CLAIMS - MARIAN G. EMBLER

The City Manager presented the following claim received from Mr. W. R. Swearngan, Facility Services Superintendent:

Marian G. Embler — Water damage
111 State Street
Asheville, N. C.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

LETTER FROM SINKING FUND COMMISSION RELATIVE TO DISSOLUTION

The City Manager presented a letter from Mr. Arthur E. Eve, Chairman of the Sinking Fund Commission:

The Honorable Roy M. Trantham, Mayor
City of Asheville
City Hall
Asheville, North Carolina 28807

Dear Mayor Trantham:

Enclosed is a proposed draft of a bill to effect the dissolution of the Sinking Fund Commission for Buncombe County. The Sinking Fund Commissioners intent to submit the proposed bill to the Buncombe County legislative delegation as soon as possible and would like to do so with your formal approval. Therefore, we request you review the proposed bill in its entirety and advise the Commission if the proposed bill, as written, meets with your approval.

Since the legislature is now in session we would like to move promptly. Would you please try to give us your reply not later than 1 February, 1979.

For the Commissioners

/s/ Arthur E. Eve
Arthur E. Eve
Vice Chairman

The City Manager said when he received the letter he forwarded it to Mr. Bill Moore, Corporation Counsel and Larry Fisher, Director of Finance, to determine the adequacy of the bill particularly in terms of various bonds that are not dissolved as the Commission is dissolved. He said Mr. Moore and Mr. Fisher have concurred in the language of the bill.

Councilwoman Price moved that Council concur with the language of the proposed draft of a bill to effect the dissolution of the Sinking Fund Commission for Buncombe County to be submitted to the legislative delegation. This motion was seconded by Councilman Cole and carried unanimously.

PROJECT REPORT ON BUS SHELTERS- UMTA GRANT

At this time, the City Manager reported that he had received a memorandum from Larry Ward, Transportation Planner, indicating that the firm of Moore/Woodard and Associates has completed preliminary design concepts for the bus shelters and are presently working on the final design. The design will, hopefully, be ready for review by the Transit Authority at their February 14th meeting. The loss of time in getting the shelters resulted due to the fact that the N. C. Department of Transportation had to approve the State's share of the grant before a contract for the shelter design could be executed and due to the fact that we wanted both the Urban Mass Transportation Administration and the North Carolina Department of Transportation to concur in the design contract before it was executed to insure that there would be no problem in getting reimbursement for the project.

D. Resolution No. 79-29 - Resolution authorizing the Mayor to execute an agreement with A. M. Pullen and Company for an audit of N. C. Department of Human Resources grant No. SBH-610 covering the "Charlotte Highway Water Line."

Resolution Book No. 11 Page 100

E. Approval of budget amendment amending the City of Asheville Federal Capital Projects Fund budget for Fiscal Year 1978-79 to include the Asheville-Buncombe County Criminal Justice Information System, Phase II LEAA Grant as approved by City Council Resolution No. 79-6, dated January 11, 1979 in the Federal Capital Projects Fund.

HIGHLIGHTS: Appropriating $166,666.00 into a fund for the Asheville-Buncombe C.J.I.S. Phase II

Upon motion of Councilman Rainey, seconded by Vice-Mayor Horton, the consent agenda was unanimously approved.

RESOLUTION NO. 79-28 - RESOLUTION FOR CONSIDERATION OF IMPOSING A LIMITED MORATORIUM ON PLACEMENT OF COCKTAIL LOUNGES, NIGHTCLUBS, OR PRIVATE CLUBS WITHIN THE CITY OF ASHEVILLE

9. The City Manager said the existing moratorium on the placement of cocktail lounges, nightclubs, or public or private clubs within the City of Asheville expires on February 1, 1979 and Verl Emrick, Planning Director, has requested a thirty (30) day extension on the limited moratorium for the following reasons: 1) The time required for completing the research and ensuing report has taken more time than anticipated and 2) even though the report is complete the review process will require at least thirty (30) days to complete.

The City Manager read the resolution.

Upon motion of Councilman Rainey, seconded by Councilman Cole, Resolution No. 79-28 was unanimously adopted.

Complete text of Resolution No. 79-28 will be found in Resolution Book No. 11 at page 99.

Thursday - February 8, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Ralph D. Morris, Jr., Gene E. Rainey, and F. Jack Cole, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Otis B. Michael

INVOCATION

The invocation was given by Mayor Roy M. Trantham.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the February 1, 1979 meeting.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the minutes of the meeting of February 1, 1979 were approved as submitted.

ORDINANCE NO. 1091 - AN ORDINANCE AMENDING SECTION 27-8 OF THE ASHEVILLE CODE OF ORDINANCES TO INCREASE THE FARES PRESCRIBED FOR TAXICAB SERVICE

2. Consideration was given to an ordinance amending Section 27-8 of the Asheville Code of Ordinances to increase the fares prescribed for taxicab service.

The City Manager said a petition had been received from the Asheville Taxicab Companies requesting an increase in rates from 95¢ for the first 1/6 of a mile to $1.05 for the first 1/8 of a mile, or fraction thereof.

The City Manager read a proposed ordinance which would increase the rates as requested by the taxicab companies.

Attorney John Cheesborough, representing the taxicab companies spoke in support of the increase in rates. He cited such issues as the increase in gas prices, the increase in the price of new motor vehicles, and inflation as the reasons for the request. He said the taxicab companies received their last increase in 1976. He said due to inflation the taxicab operators no longer operate at a profit and unless the increase is granted they will be unable to provide adequate service.

Councilman Morris suggested that Council proceed with the first reading of the ordinance with the understanding that Council would discuss the matter in depth at next week's meeting. He said Councilman Michael, during the weekly agenda meeting, expressed concern about the rate increase and had requested rate figures from other cities in the state to compare with rates in Asheville.

Councilman Rainey suggested that a regulatory agency be established to study rate increases requested by the taxicab companies and by Thoms Cablevision. He said such an agency could investigate the need for rate increases. He questioned the change from 1/6 of a mile to 1/8 of a mile. He said he would like a confirmation on the needed request.

AUTHORIZATION FOR LEGAL ASSISTANCE IN THE WATER SYSTEM

The City Manager requested authorization from the Council to authorize the Mayor and the City Manager to establish an agreement with Harold Bennett, Attorney, regarding assistance in the development of legal information pertaining to the Water System.

Councilman Rainey moved to authorize the City Manager and the Mayor to establish an agreement with Harold Bennett, Attorney, regarding assistance in the development of legal information pertaining to Water System. This motion was seconded by Councilman Cole and carried unanimously.

RALPH BISHOP - LOTTERY SALES

Ralph Bishop, again appeared before Council regarding lottery sales in the City of Asheville.

Adjournment.

Ralph W Stanbury
MAYOR

William D. McKee
CITY CLERK

Resolution No. 79-31

C. Scheduling of a public hearing relative to a petition and a resolution of intent to close a portion of Rash Road for March 8, 1979.

Resolution Book No. 11 page 102 .

D. Resolution No. 79-32 - Resolution reappointing Mrs. Thomas E. Rardin as Commissioner Number Two of the Sinking Fund Commission for Buncombe County.

HIGHLIGHTS: Mrs. Rardin's term will expire on January 1, 1984.

Resolution Book No. 11 page 104 .

E. Resolution No. 79-33 - Resolution appointing member to the Metropolitan Sewerage District Board.

HIGHLIGHTS: This will reappoint D. Frank Hyatt, Jr. to the Metropolitan Sewerage District Board for a term of three years, term expiring January 19, 1982.

Resolution Book No. 11 page 105 .

F. Resolution No. 79-34 - Resolution appointing members to the Asheville Area Civic Center Commission.

HIGHLIGHTS: This resolution appointed Mr. Robert G. Beard to fill the unexpired term of Mr. John Jerose, term expiring February 3, 1981. This also reappoints Anne Chesson, Bill Norwood, and Richard Trammel, for three year terms, terms expiring February 3, 1982.

Resolution Book No. 11 page 106 .

G. Resolution No. 79-35 - Resolution appointing members to the Board of Trustees of the Firemen's Relief Fund.

HIGHLIGHTS: This resolution reappoints T. Cecil Tallent, term expiring January 1, 1980 and Webb E. Ellis, term expiring January 1, 1981.

Resolution Book No. 11 page 107 .

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously approved.

GEORGE E. IVEY APPOINTED TO BUNCOMBE COUNTY BOARD OF TAX SUPERVISION

5. Mayor Trantham announced the joint appointment, by the Mayor and the Chairman of the Buncombe County Board of Commissioners, of Mr. George E. Ivey as a member of the Buncombe County Board of Tax Supervision. This appointment was made in accordance with the provisions of Chapter 802 of the Session Laws of North Carolina (1971).

C. E. Worley of American Cab Company, spoke in support of the rate increase. He suggested that Council review the study in the Planning Division known as "Para-Transit Asheville" which relates to problems of taxicabs.

Councilman Rainey noted that taxicabs are used by the low and middle income families and the rate increases are important for that class of people using the taxicabs.

Councilman Morris moved for the adoption of Ordinance No. 1091. This motion was seconded by Councilwoman Price.

On a roll call vote of 5-1, Ordinance No. 1091 passed on first reading with Councilman Rainey voting "no."

PUBLIC HEARING SCHEDULED - CHANGING THE TENURE OF THE CITY COUNCIL MEMBERS

3. Consideration was given to a motion setting a public hearing relative to changing the tenure of the City Council members and changing the process of the election of the Mayor for March 15, 1979.

Vice-Mayor Horton moved to schedule the public hearing on changing the tenure of the City Council members and changing the process of the election of the Mayor for March 15, 1979. This motion was seconded by Councilman Rainey and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

4. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Scheduling of a public hearing relative to rezoning property located near Patton Avenue, Haywood Road and Balsam Avenue from R-3 Residential District to CH Commercial Highway District, property owned by R. L. Coleman and Company for March 8, 1979.

B. Resolution No. 79-30 - Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for a water line on Old U. S. 70 and on Lake Eden Road.

HIGHLIGHTS: This right-of-way encroachment agreement with the North Carolina Department of Transportation and Highway Safety is for the water line that is to be constructed on Old U. S. 70 and on Lake Eden Road. Because this line will encroach on the State right-of-way, this agreement is necessary.

Thursday - February 15, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Ralph D. Morris, Jr., Gene E. Rainey, Otis B. Michael, and F. Jack Cole, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Vice-Mayor Bill B. Horton.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the February 8, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the meeting of February 8, 1979 were approved as submitted.

RESOLUTION NO. 79-36 - RESOLUTION OF COMMENDATION TO DIANE JAMERSON

2. Consideration was given to a resolution of commendation to Diane Jamerson, Miss North Carolina USA.

Councilman Otis B. Michael read the resolution.

Upon motion of Councilman Michael, seconded by Councilman Morris, Resolution No. 79-36 was unanimously adopted.

Complete text of Resolution No. 79-36 will be found in Resolution Book No. 11 at page 108.

ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL - REQUEST FOR FUNDS - ARTS COUNCIL AWARD TO RESTORE MURALS IN THE COUNCIL CHAMBERS

3. A representative of the Asheville-Buncombe County Youth Council said they have been having projects to raise funds for the restoration of the murals in the Council Chambers. She said the North Carolina Arts Council has agreed to match funding from the City of Asheville for this project. She said the restoration of the murals will cost approximately $3,000. She said another project is proposed by the Youth Council on March 24, 1979 in the Asheville Civic Center called the "Battle of the Bands" and all the money received from this project will be used toward the restoration of the murals. She requested Council's consideration for matching funds with the N. C. Arts Council.

Council instructed the City Manager to look into the matter relative to funding for the project and report the information back to Council.

ORDINANCE NO. 1091 - AN ORDINANCE AMENDING SECTION 27-8 OF THE ASHEVILLE CODE OF ORDINANCES TO INCREASE THE RATES PRESCRIBED FOR TAXICAB SERVICE

4. Consideration was given to the second reading of Ordinance No. 1091, an ordinance amending Section 27-8 of the Asheville Code of Ordinances to increase the fares prescribed for taxicab service.

RALPH BISHOP - LOTTERY SALES

Mr. Ralph Bishop again appeared before Council relative to the lottery sales in the City of Asheville. He complained that Chief Tucker was not doing anything about cleaning up the lottery sales.

Adjournment.

Ray M. Williams
MAYOR

Miriam F. Roberts
CITY CLERK

Mr. Worley said it would take about two weeks to furnish Council with an audit and additional information.

Mr. Larry Ward, Transportation Planner, said it would take about a month to compile information as to how the taxicab companies fit in the overall mass transit plan.

Mr. John Cheesborough, attorney representing the taxicab companies, spoke in support of the increase and requested that Council proceed with the second reading of the ordinance.

Councilman Rainey again suggested that a three-member oversight committee be formed to hear complaints about taxi service and to make recommendations on the need for rate increases. He said one member could be appointed by the taxicab companies, one member by the City Council and the third member to be chosen by the two appointed members.

Mary Roberson, Executive Secretary of the Western North Carolina Central Labor Union read the following letter:

Western North Carolina
Central Labor Union
AFL-CIO

February 15, 1979

Asheville City Council
Asheville City Hall
North Carolina 28807

Dear Council Member:

It has come to our attention that the Taxi Cab Companies of Asheville have requested a cab fare rate increase.

We ask Council, before granting such an increase, to consider at least two glaring facts:

(1) By far, most of the patrons of the area's Cab Companies are the elderly, the handicapped and the poor. These citizens use taxi service during those periods <u>when</u> bus service is not available, or <u>where</u> bus service is not available.

(2) We agree with those Council members who question the Cab Companies' claim to a lack of profit over the past several years. We are certain that so called "operating expenses" <u>do not include</u> a decent wage for drivers, service sympathetic to the genuine needs of the community, or the esthetic upkeep of equipment.

(a) Asheville's Cab Companies have few, if any, drivers who are above to survive with "driving" as an only means of support. Most drivers are "moon lighters" whose main interest is extra money, and drive only at times when their need for such makes it imparative.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Councilwoman Price said since the first reading of the ordinance she had contacted Larry Ward, the City's Transportation Planner, as well as getting the rates in other communities and an annual report from the Department of Transportation which indicates that the taxicab companies do not have to pay state tax on their gasoline.

Mr. Worley of American Cab Company, said the State Legislature has just approved a $300,000 refund to the taxicab companies but that would not be received until after July 1, 1979 after all claims for refunds have been received.

Councilwoman Price said it is her understanding that there are several agencies in other communities that are working with the taxicab companies. She said information could be received from the Transportation Planner as to how the taxicab companies fit in with the overall mass transit plan. She said she did not feel Council has sufficient information to grant the increase and if the increase is granted that Council should at least stay within the President's wage and price guidelines of 7 percent.

Councilwoman Price then moved to table the second reading of Ordinance No. 1091 until information can be obtained from the Transportation Planner. This motion was seconded by Councilman Rainey.

Councilman Rainey said after reading the "Para-Transit" report it was determined that the question of taxicabs is much larger than fares. He said the report also recommended that a committee be established to look into such increases as well as other recommendations in the report. He said the taxicab companies should be coordinated with the bus routes in order to help them with their financial problems as well as to alleviate part of the deficit that is being experienced with the bus system.

Councilman Morris said it was difficult to compare Asheville's rates with other towns due the terrain and lay-out of the city.

Upon inquiry of Councilman Morris, Mr. Worley said between 40 to 44 percent of the miles travelled are fare-paid miles.

Councilman Michael said after talking with several taxicab operators it was determined that variables exist in the request for an increase in rates. He said the ordinance should be tabled until the variables could be worked out. He requested a financial audit from the local cab companies to justify an increase. He said it appears that the City of Asheville's rates are higher or as high as comparable cities with the same mountainous terrain. He said the request for an increase did not mention such things as standard income received by the taxicab companies from contracts with local companies such as Southern Bell or the limosene service to and from the airport.

Mr. Worley said there is an urgency in getting an increase to stay in business or to stay solvent. He said the price of gas increased one-cent per gallon in the past week which cost the taxicab companies an additional $85.00 per week.

It was noted that the portion proposed to be closed is no longer in use and lies in the area of land designated to be disposed of under the East Riverside Project.

The City Manager read the resolution.

Mayor Trantham closed the public hearing at 3:50 p. m.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 79-37 was unanimously adopted.

Complete text of Resolution No. 79-37 will be found in Resolution Book No. 11 at page 109.

PUBLIC HEARING - FIFTH YEAR COMMUNITY DEVELOPMENT APPLICATION

6. A public hearing was held relative to the Fifth Year Community Development application.

Mayor Trantham opened the public hearing at 3:51 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and affidavit of publication.

The City Manager said Council would not be asked to take any action on the application at this time. He requested that the public hearing be continued for one week and Council would receive a draft budget at next weeks agenda session.

Councilman Michael requested a two week continuance because he would be out of town during the next meeting. He was advised that there was a time schedule to meet and a two week continuance would not meet this schedule.

Councilman Michael said he had concerns with the application particularly in the manner of making changes in the plan. He said he would like to be able to make changes without problems or more funding. He said individuals may want to make changes. He said he felt these plans are rushed into without all considerations given.

Logan Delany, Community Development Coordinator, said the plan has received a lot of discussion and they have had public hearings over the past year with wide-open citizen participation.

Councilman Michael said he had received a number of complaints, particularly with an elderly blind lady who lives at 15 New Street. He said she is very familar with her house and now she has been told that her house is going to be torn down and she would be put in the projects and she has no recourse.

Larry Holt of the Housing Authority said they were working with the plan as adopted and this second year funding for the East End Community Development plan would be primarily for Water and Sewer Improvements in the area. He said certain properties would be purchased for rights-of-way. He said he felt the problem with the resident at 15 New Street could be worked out satisfactorily.

(b) Because of the poverty level wage structure, and the transitory nature of the employees, drives have little incentive to show interest in, or courtesy toward patrons of their service. Our organization has been told of numerous instances where drivers have refused to go to destinations where they consider streets or neighborhoods to be inconveniently located or situated. We are told of the numerous times when either dispatchers, or drivers refuse service altogether when weather, time of day, or other factors make such service unpleasant or otherwise inconvenient.

(c) It would certainly seem to us that the Companies would find it necessary to keep their vehicals in good mechanical repair. It is, however, readily apparant that they feel no compulsion to maintain the interiors of these cabs with any view to the most basic comfort of their clients. Assuming that external appearance is of no consquence, cab interiors are disgracefully dirty, unkempt, ordorous and uncomfortable.

We would ask Council, then, that after due consideration to these facts and others, before granting any rate increase, area Taxi Companies be required to provide Council, or its designated "Oversight Committee" with some genuine guarantee that conditions effecting the well being of their employees and their customers will show early, radical, improvement.

Very truly yours,
/s/ Ray Stepp

Ray Stepp,
President

and

/s/ Mary Robertson
Mary M. Robertson,
Executive Secretary

It was the consensus of Council that all information relative to the taxicab service would be coordinated with Larry Ward, Transportation Planner.

On a voice vote, Councilwoman Price's motion to table the second reading of Ordinance No. 1091 was unanimously adopted.

PUBLIC HEARING - CLOSING OF A PORTION OF BLANTON STREET

RESOLUTION NO. 79-37 - RESOLUTION TO CLOSE A PORTION OF BLANTON STREET

5. A public hearing was held relative to closing of a portion of Blanton Street.

Mayor Trantham opened the public hearing at 3:45 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication. He also presented an Affidavit from Charles E. Vess, of the Housing Authority, that the streets were posted in accordance with the statutes.

Councilman Rainey suggested that the architectural design of the building be evaluated by an expert.

Upon motion of Councilman Rainey, seconded by Councilman Morris, Resolution No. 79-39 was unanimously adopted.

Complete text of Resolution No. 79-39 will be found in Resolution Book No. 11 at page 113.

RESOLUTION NO. 79-40 - RESOLUTION PROCLAIMING THE WEEK OF FEBRUARY 18 THROUGH 24, 1979 AS HUMAN RELATIONS WEEK IN ASHEVILLE AND BUNCOMBE COUNTY

9. Consideration was given to a resolution proclaiming the week of February 18 through 24, 1979 as Human Relations Week in Asheville and Buncombe County.

The City Manager read the resolution.

Upon motion of Councilman Michael, seconded by Councilwoman Price, Resolution No. 79-40 was unanimously adopted.

Complete text of Resolution No. 79-40 will be found in Resolution Book No. 11 at page 114.

ORDINANCE NO. 1092 - AN ORDINANCE AMENDING ORDINANCE NO. 1027, AN ORDINANCE FOR THE LEVY AND COLLECTION OF BUSINESS LICENSE TAXES

10. Consideration was given to an ordinance amending Ordinance No. 1027, an ordinance for the levy and collection of business license taxes.

The City Manager read the ordinance and explained that this amendment would allow the City to levy such taxes by a permanent ordinance that stands from year to year until amended or repealed.

Councilman Morris moved for the adoption of Ordinance No. 1092. This motion was seconded by Councilwoman Price.

On a roll call vote of 7-0, Ordinance No. 1092 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1092. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1092 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1092. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1092 passed on third and final reading.

Complete text of Ordinance No. 1092 will be found in Ordinance Book No. 8 at page 312.

The City Manager said when the plan for East End was approved the properties to be acquired under the plan was made known. He said the City instructed the Housing Authority to carry out the plan as adopted, however, changes could be made in the plan. He said Council had established a Housing Authority/Community Development Liaison Committee to deal with individual cases.

Councilman Michael said the area should be rehabilitated rather than torn down. He said he had suggested that funds be set up to loan people money to rehabilitate their homes. He said he would like the plan to be changed in order not to hurt anyone in the area.

The City Manager said the plan would be carried out in any way the Council wished to amend the plan.

Councilwoman Price moved to continue the public hearing until February 22, 1979 without further advertisement. This motion was seconded by Councilman Rainey, which motion carried on a vote of 6-1, with Councilman Michael voting "no."

RESOLUTION NO. 79-38 - RESOLUTION ENDORSING A STATE REGISTER SYSTEM FOR THE STATE OF NORTH CAROLINA

7. Consideration was given to a resolution endorsing a State Register System for the State of North Carolina.

The City Manager read the resolution.

Upon motion of Councilman Rainey, seconded by Vice-Mayor Horton, Resolution No. 79-38 was unanimously adopted.

Complete text of Resolution No. 79-38 will be found in Resolution Book No. 11 at page 111.

RESOLUTION NO. 79-39 - RESOLUTION AUTHORIZING THE CITY CLERK TO READVERTISE THE SALE OF CITY OF ASHEVILLE PROPERTY, KNOWN AS THE PACK MEMORIAL LIBRARY BUILDING ON PACK SQUARE

8. Consideration was given to a resolution authorizing the City Clerk to readvertise the sale of City of Asheville property, known as the Pack Memorial Library Building on Pack Square.

The City Manager read the resolution and explained this resolution was necessary due to an upset bid being received from William C. Morris, Jr. and James N. Golding in the amount of $110,352.50.

Council suggested that an added condition to the sale be that the purchaser maintain the architectural interior design of the building.

Corporation Counsel Moore said he had just talked with Mr. William C. Morris and was informed that he had no problems with the added condition.

It was suggested that all interested parties be advised of the added condition suggested by Council.

E. Approval of bids received February 5, 1979 for an automated fuel dispensing and control system for Motor Transport Division Service Station.

HIGHLIGHTS: Only one (1) fully responsive bid was received.

Recommendation of acceptance of bid submitted by Petroleum Company, Inc. in the amount of $20,412.64.

Funding: Motor Transport Division - Capital Outlay Equipment.

F. Resolution No. 79-43 - Resolution authorizing the Mayor to sign an agreement with the Opportunity Corporation for the use of various City facilities.

Resolution Book No. 11 at page 117.

G. Motion amending the City of Asheville Third and Fourth Year Community Development funds budget for Fiscal Year 1977-78 and Fiscal Year 1978-79 to transfer unobligated surplus funds from the Third Year Asheville Buncombe Optional School Child Care to the Fourth Year Asheville Buncombe Optional School Child Care Center which will provide for the continuing operation of this project.

H. Resolution No. 79-44 - Resolution authorizing the Director of Parks and Recreation to submit an application to the Law Enforcement Assistance Administration for funds for the Hillcrest Enrichment Program.

Resolution Book No. 11 Page 119.

I. Resolution No. 79-45 - Resolution authorizing the Director of Parks and Recreation to submit an application to the North Carolina Department of Human Resources for funds for the Hillcrest Enrichment Program.

Resolution Book No. 11 Page 120.

Upon motion of Councilwoman Price, seconded by Councilman Michael, the consent agenda was unanimously approved.

PLANNING AND ZONING COMMISSION WORK SESSION - RE: LOCATION OF BARS

12. The City Manager announced that the Planning and Zoning Commission will be having a work session relative to amendments to the Zoning Ordinance on the location of bars in the City Limits, Thursday, February 22, 1979, at 11:30 p. m.

APPROVAL OF THE CONSENT AGENDA

11. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 79-41 - Resolution authorizing the Mayor to lease a parcel of land at the Asheville Airport to Hertz Corporation.

Resolution Book No. 11 Page 115.

B. Resolution No. 79-42 - Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for a water line on S. R. 1341 (Brickyard Road) in Buncombe County.

Resolution Book No. 11 Page 116.

C. Motion amending the City of Asheville Third and Fourth Year Community Development funds budget for Fiscal Year 1977-78 and Fiscal Year 1978-79 to supplement the Federal Compliance Program budget in order to maintain staff operations through June 30, 1979.

PROJECT	APPROPRIATION	BUDGET INCREASE (DECREASE)	NEW APPROPRIATION
Neighborhood Improvement Program	$50,000	($4,774)	$45,226
Community Development Administration	$104,111	$4,774	$108,885

D. Motion amending the Fiscal 1978-79 Motor Transport Fund Budget to provide funding for the acquisition of an automated fuel dispensing system.

Revenues:

Appropriated Fund Balance $20,413

Appropriation:

Capital Outlay - Equipment $20,413

Thursday - February 22, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey and F. Jack Cole, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilmen Ralph D. Morris, Jr., and Otis B. Michael

INVOCATION

The invocation was given by Councilman Gene E. Rainey.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the February 15, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the February 15, 1979 meeting were approved as submitted.

PUBLIC HEARING - FIFTH YEAR COMMUNITY DEVELOPMENT APPLICATION

2. A public hearing was held relative to the Fifth Year Community Development application.

Mayor Trantham opened the public hearing at 3:05 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and affidavit of publication. He noted that the public hearing began on February 15, 1979 but was continued until February 22, 1979.

Logan Delany, Community Development Coordinator, highlighted the budget for the Fifth Year Community Development application. He noted that Council had previously allocated seventy-five percent (75%) of the entitlement funds for the next three years to the East End-Valley Street project, leaving twenty-five percent (25%) to be used for other programs.

Upon inquiry of Councilman Rainey, Verl Emrick, Planning Director, explained that the allocation for the Central Business District would be used for administration and operational cost.

Mayor Trantham closed the public hearing at 3:10 p. m.

Councilwoman Price moved to approve the submission of the Fifth Year Community Development application. This motion was seconded by Vice-Mayor Horton and carried unanimously.

PUBLIC HEARING SCHEDULED - GROUP DEVELOPMENT - ROCK HILL 115 KV SUBSTATION

13. The City Manager presented a letter from the Planning and Zoning Commission which recommended approval of the site plan of the proposed 115 KV Substation to be located on a 12-acre tract adjoining Rock Hill Road. The plan was prepared and submitted by Carolina Power and Light Company in accordance with Article 6, Group Development Section of the Asheville Zoning Ordinance #322, as amended.

Councilwoman Price moved to schedule a public hearing on the matter for March 8, 1979. This motion was seconded by Vice-Mayor Horton and carried unanimously.

RALPH BISHOP - DISCUSSION - RE: GAMBLING

Before Mr. Bishop addressed the Council, Mayor Trantham informed him that he should direct all his comments to the Council and not to individuals. He told him if he made any derogatory statements toward individuals he would be called out of order and he would adjourn the Council meeting.

Councilman Rainey said he is convinced that there are no pay-offs by gamblers being made to the Asheville Police Department. He said the Asheville Police Department is not corrupt. He said he could not fault the record of the Asheville Police Department nor the Chief of Police but he could not explain why the gambling operation is still in business. He told Mr. Bishop that criticism of the Chief of Police or the Asheville Police Department will not get to the depth of the problem.

Mr. Bishop continued to address the Council relative to gambling in the City. He said he had went through all channels and always ends up back to the Council.

Adjournment.

Ralph M. Trantham — MAYOR

William F. Moloney — CITY CLERK

APPROVAL OF THE CONSENT AGENDA

5. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Motion scheduling a public hearing relative to the approval of a site plan of Bear Creek Apartments - Phase II for March 22, 1979.

B. Motion approving a budget amendment amending the City of Asheville Federal Programs Fund budget for Fiscal Year 1978-79 to include the C.E.T.A. Skills Development Program as approved by City Council Resolution No. 79-7 dated January 11, 1979 in the 1978-79 Federal Programs Fund budget.

Appropriation:

15-25-570 - C.E.T.A. Skills Development Program $87,222.00

Revenues:

15-347.0570 - Other Local Participation - C.E.T.A. Skills Program $87,222.00

The remaining $69,778.00 of the $157,000 total grant will be included in the Fiscal 1979-80 annual operating budget for the operation of the above mentioned project.

C. Resolution No. 79-46 - Resolution authorizing the Director of Parks and Recreation to submit an application to the North Carolina Department of Human Resources for the development of a Parenting Project at Hillcrest Community Center.

HIGHLIGHTS: This resolution will permit the Director of Parks and Recreation to submit an application to the North Carolina Department of Human Resources for up to $5,800 in Community Based Alternatives Funds in order to initiate a Parenting Project at Hillcrest Community Center. No local matching funds are required for this application.

Resolution Book No. 11 Page 121

ORDINANCE NO. 1093 - AN ORDINANCE REVISING THE SANITATION CODE OF THE CITY OF ASHEVILLE

3. Consideration was given to an ordinance revising the Sanitation Code of the City of Asheville.

The City Manager read the ordinance explaining that this ordinance will provide for specifications for roll-out garbage containers. He said about two weeks ago Clark Brown, Director of Public Works and Bob Wurst, Director of Audit and Evalutation met with Council and reviewed the need for roll-out containers as an option to the citizens of Asheville. He said the garbage trucks would have to be equipped to handle the containers. He said the containers would be approximately $45.00 but this would be a volunteer option to the homeowner. He said the City would neither sell or maintain the roll-out containers.

Councilman Rainey moved for the adoption of Ordinance No. 1093. This motion was seconded by Councilwoman Price.

On a roll call vote of 5-0, Ordinance No. 1093 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1093. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1093 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1093. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1093 passed on third and final reading.

Complete text of Ordinance No. 1093 will be found in Ordinance Book No. 8 at page 313.

SALE OF DISPOSAL PARCEL 95 - EAST RIVERSIDE RENEWAL PROJECT

4. Consideration was given to a motion approving the sale of Disposal Parcel 95 in the East Riverside Renewal Project to Mr. and Mrs. Jimmy McAdams for $3,000 for residential purposes.

The City Manager read a letter from the Housing Authority for the City of Asheville recommending approval of the sale.

Councilwoman Price moved for the approval of the sale of Disposal Parcel 95 in the East Riverside Renewal Project to Mr. and Mrs. Jimmy McAdams for $3,000 for residential purposes. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously approved.

VICE-MAYOR HORTON COMMENTS - ARRESTS DURING ROCK CONCERT

Vice-Mayor Horton commended the actions of the law enforcement officers in making arrests for drug and alcohol abuse during the rock concert featuring Rush and Head East at the Asheville Civic Center on Friday, February 16, 1979. He suggested that procedures be worked out to stop the use of drugs in the building and to tighten up the way crowds behave.

MAYOR COMMENTS - REMOVAL OF RECENT SNOW

Mayor Trantham commended the city employees involved in the recent snow clean up procedure. He said with such a deep snow the employees did an outstanding job.

CLAIMS - CHARLES W. JOHNSON- BRENDA TROITINO - CATHERINE THOMAS CORNER - SHARON LEE INMAN

The City Manager presented the following claims received from Mr. W. R. Swearngan, Facility Services Superintendent:

Following individuals have claims against City of Asheville for damage:

Charles W. Johnson 41 Hudson Street Asheville, N. C.	Damage to automobile, hit man hole
Brenda Troitino Box 204 Arden, N. C.	Damage to automobile - hit raised sewer cover.

Claims sent to St. Paul Fire and Marine Insurance:

Catherine Thomas Corner 68 Clemmons Street Asheville, N. C.	Damage to automobile - struck by city vehicle
Sharon Lee Inman Route 2 Box 248 Asheville, N. C.	Damage to autombile, struck by City vehicle.

PUBLIC HEARING SCHEDULED - REZONING OF 20 BRITT DRIVE - E. DENNIS YOUNG AND EMIL D. YOUNG

The City Manager presented a letter from S. Thomas Walton, Attorney representing E. Dennis Young and Emil D. Young, Sr. giving notice of appeal of the decision of the Asheville Planning and Zoning Commission rendered on February 14, 1979 in denying the request to rezone property at 20 Britt Drive from R-3 Residential to HI Heavy Industrial District.

D. Resolution No. 79-47 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with W & W Contracting Company for the contract known as Lake Eden Road 12-inch water line.

HIGHLIGHTS: Bids were received on the project on February 16, 1979.

Recommendation of acceptance of low bidder, W & W Contracting Company in the amount of $88,560.00.

**NOTE: This resolution was adopted with the stipulation that the Mayor be authorized to sign all contracts necessary for the project and with the stipulation that a budget amendment will be adopted on March 1, 1979 allocating the County funding in the budget.

Resolution Book No. 11 Page 122

E. Resolution No. 79-48 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Perry M. Alexander Construction Company for the contract known as Brickyard Road 6-inch water line.

HIGHLIGHTS: Bids were received on the project on February 16, 1979.

Recommendation of acceptance of low bidder, Perry Alexander Construction Company in the amount of $69,736.75.

Resolution Book No. 11 Page 123.

F. Resolution No. 79-49 - Resolution appointing member to the Asheville Transit Authority.

HIGHLIGHTS: Appointment of Mrs. H. C. McQueen as a member of the Asheville Transit Authority.

Resolution Book No. 11 Page 124.

G. Resolution No. 79-50 - Resolution appointing members to the Adult Advisory Board of the Asheville Buncombe County Youth Council.

HIGHLIGHTS: Appointments of Mr. Rodney Johnson, Mr. David Dean, Mrs. Vernelle Bailey, Mrs. Pat Williams, Rev. W. A. Eason, Mr. Ernest Lee Sewell, Jr., as members of the Adult Advisory Board of the Asheville Buncombe County Youth Council.

Resolution Book No. 11 Page 125

H. Resolution No. 79-51 - Resolution appointing members to the Board of Directors of the Asheville-Buncombe Community Relations Council.

HIGHLIGHTS: Appointments of Jesse Ray, Jr. and Gladys Forney as members of the Board of Directors of the Asheville Buncombe Community Relations Council.

Resolution Book No. 11 Page 126.

Thursday - March 1, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilman Ralph D. Morris, Jr., Gene E. Rainey, F. Jack Cole and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Otis B. Michael.

Before the approval of the minutes, Mayor Trantram recognized Mr. C. Fred Brown, a former Councilman.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the February 22, 1979 meeting.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the minutes of the February 22, 1979 meeting were approved as submitted.

RESOLUTION NO. 79-52 - RESOLUTION AUTHORIZING THE CITY CLERK TO READVERTISE THE SALE OF CITY OF ASHEVILLE PROPERTY, KNOWN AS THE PACK MEMORIAL LIBRARY BUILDING ON PACK SQUARE

2. Consideration was given to a resolution authorizing the City Clerk to readvertise the sale of City of Asheville property, known as the Pack Memorial Library Building on Pack Square.

The City Manager read the resolution.

Upon inquiry of Councilman Rainey, the City Manager said he had had the freize at the library evaluated and it was determined that the freize has no monetary value.

Upon motion of Councilman Morris, seconded by Vice-Mayor Horton, Resolution No. 79-52 was unanimously adopted.

Complete text of Resolution No. 79-52 will be found in Resolution Book No. 11 at page 127.

RESOLUTION NO. 79-53 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE BETWEEN THE CITY OF ASHEVILLE AND THE TOURISTS BASEBALL, INC.

3. Consideration was given to a resolution authorizing the Mayor to execute a lease between the City of Asheville and the Tourists Baseball, Inc.

The City Manager read the resolution.

Councilwoman Price moved to schedule a public hearing on the matter for March 22, 1979. This motion was seconded by Councilman Cole and carried unanimously.

Adjournment.

Ralph Trautman
MAYOR

William J. Neidhardt
CITY CLERK

Mayor Trantham then called for a voice vote of Councilwoman Price's motion to amend Ordinance No. 1089.

Councilwoman Price's motion to amend Ordinance No. 1089 passed on a voice vote of 6-1, with Vice-Mayor Horton voting "no."

On a roll call vote Ordinance No. 1089, as amended, passed on second reading with Vice-Mayor Horton voting "no."

APPROVAL OF THE CONSENT AGENDA

5. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 79-54 - Resolution changing designated representative for Clean Water Bond Act Grant Application.

HIGHLIGHTS: This is for the purpose of designating Kenneth M. Michalove or successor so titled, to replace former City Manager Ernest J. Ward as representative for Water Supply Grant applications.

Resolution Book No. 11 Page 130 .

B. Resolution No. 79-55 - Resolution authorizing the Mayor to enter into an agreement with the Carolina Power and Light Company for the supply of electricity to the Asheville-Buncombe Pack Memorial Library at 67 Haywood Street.

Resolution Book No. 11 Page 131 .

C. Resolution No. 79-56 - Resolution authorizing the Mayor to execute agreement with Asheville Flying Service Inc. regarding sale of flight insurance in Terminal Building of Asheville Airport.

Resolution Book No. 11 Page 132 .

D. Resolution No. 79-57 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville Change Order No. 5 with Southworth Construction Company Inc. for the project known as renovation of Valley Street Maintenance Facility.

HIGHLIGHTS: This change order would add recommended electrical changes to the contract in the amount of $12,950. Sufficient funding for this change order is provided for in the Operations Complex Capital Project Budget.

Resolution Book No. 11 Page 133 .

In response to Councilman Michael, Ray Kisiah, Director of Parks and Recreation, said the lease revenue would be increased from $2,000 to $6,000 per year. He said this would be a three(3) year lease with a three (3) year option. He said the total operating cost for McCormick Field would be approximately $40,000 to $45,000. He said the improvements to the lighting would be approximately $50,000, of which $20,000 is anticipated from the County of Buncombe.

Councilman Michael said that the City would be providing the baseball team for all of Western North Carolina at a loss to the City of $94,000.00. He said the McCormick Field is a Western North Carolina tourist facility and in his opinion should be fully funded by the County of Buncombe.

Mayor Trantham said the County of Buncombe has been participating inthe funding for several years. He said he felt it was essential to have a baseball team in the City of Asheville, particularly for the tourist.

Upon motion of Councilman Morris, seconded by Councilman Michael, Resolution No. 79-53 was unanimously adopted.

Complete text of Resolution No. 79-53 will be found in Resolution Book No. 11 at page 128.

ORDINANCE NO. 1089 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Including "Public Facilities" as a permitted use in the Office Institutional District)

4. Consideration was given to the second reading of Ordinance No. 1089, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, including "Public Facilities" as a permitted use in the Office Institutional District.

Verl Emrick, Planning Director, said on January 11, 1979 Council remanded this ordinance to Planning and Zoning Commission for consideration and recommendation as it related to amendments to the Zoning Ordinance relative to the placement of parks and playgrounds and public facilities in the Office Institutional District. The recommendation of the Planning and Zoning Commission, at this point, is to amend the ordinance as originally presented to Council to delete Section 1(a) which deals with the placement of parks and playgrounds.

Councilwoman Price moved to amend Ordinance No. 1089 by deleting Section 1 (a) dealing with the placement of parks and playgrounds. This motion was seconded by Councilman Rainey.

Vice-Mayor Horton voiced concern relative to Council's responsibility on the North Asheville Park project.

The City Manager suggested that Council continue with the adoption of Ordinance No. 1089 with the deletion of Section 1 (a) and deal with the North Asheville Park project in a Council work session at a later date.

Vice-Mayor Horton suggested keeping the ordinance on the table until Council determines if additional action is necessary relative to North Asheville Park since the ordinance has already passed on first reading.

REVISED BILL - DISSOLUTION OF SINKING FUND COMMISSION

The City Manager presented Council with a revised draft of a bill for the dissolution of the Sinking Fund Commission. He said the original draft had to be revised because several bonds would still be outstanding and could not be resolved. He said the revised bill named a banking institution to be in charge of the outstanding bonds rather than the Sinking Fund Commission. He requested a motion by Council approving the submission of the revised bill to the legislature.

Councilman Michael moved to approve the submission of the revised bill for the dissolution of the Sinking Fund Commission and the distribution of funds. This motion was seconded by Councilman Cole and carried unanimously.

CLAIMS - BON MARCHE - MELVIN CLEMMONS

The City Manager presented claims received from Mr. W. R. Swearngan, Facility Services Superintendent.

Following individual has a claim against the City of Asheville for damage:

Mr. W. S. Proctor
Bon Marche'
Vice-President-Operations
P. O. Box 2690
Asheville, N. C. 28802

City vehicle backed into loading dock.

Claim sent to Maryland Casualty Company:

Melvin Clemmons
Street Division

Holes eaten in jacket by rats.

ROCK PILE - COMPLAINT BY WILLIAM PHIFFER - DUMPING OF ROCK FROM BEAUCATCHER CUT PROJECT.

In response to a complaint from Mr. William Phiffer, Councilman Cole requested an opinion from the Corporation Counsel relative to the contractor of the Beaucatcher Cut Project dumping rock on private property.

Corporation Counsel Moore said he had met with the City Staff and in his opinion, based on the information provided, the complaint revolves around a state project and the city does not have control over a state project.

Councilman Rainey questioned whether or not the contractor is violating the City's Zoning Ordinance.

It was the consensus of Council that it should be determined whether or not the contractor has permission from the owner of the property to dump rock on the property.

Several members of Council voiced concern relative to the dumping of the rock and after discussion decided that the Mayor would contact the contractor responsible for the dumping of the rock and express the feelings of Council.

Adjournment.

MAYOR

CITY CLERK

E. Resolution No. 79-58 - Resolution authorizing the Director of Parks and Recreation to apply for a grant for renovation of Senior Citizen Meal Sites to accomodate the handicapped.

Resolution Book No. 11 Page 134 .

F. Resolution No. 79-59 - Resolution authorizing the City of Asheville's Division of Planning to enter into a contract with Hammer-Siler-George Associates to prepare development concept for a Multiple Use Center in the Eagle-Market Street UDAG Area.

Resolution Book No. 11 Page 135 .

G. Resolution No. 79-60 - Resolution for consideration of imposing a limited moratorium on placement of cocktail lounges, nightclubs, or private clubs within the City of Asheville.

Resolution Book No. 11 Page 136 .

HIGHLIGHTS: This will extend the present moratorium an additional sixty (60) days.

H. Amending the City of Asheville Water and Sewer Improvement Fund Capital Project Budget to include funding for the Lake Eden Water Line Project which is wholly funded by County and State participation in the amount of $128,500.

I. Amending the City of Asheville Operating Budget for Fiscal 1978-79 to provide funding for renovation of Council murals by the Asheville-Buncombe County Youth Council.

HIGHLIGHTS:

Revenues:

Other Local Participation (Youth Council)	($1,000)
State Government Grants	($1,000)

Appropriations:

Contingency	($1,000)
Governing Body	$3,000
M & R - Other	

Upon motion of Councilman Cole, seconded by Vice-Mayor Horton, the consent agenda was unanimously approved.

CLAIM - GILBERT ENGINEERING COMPANY

The City Manager presented a claim received from Gilbert Engineering Company.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

Mr. Jack Bowman, representing Carolina Power and Light Company, said this substation will serve South Asheville and South Buncombe which is in need of additional supply of electricity. He said the poles would be erected "cross-country" and would not come through residential areas. He assured Council that Carolina Power and Light Company will meet all recommendations specified by the Planning and Zoning Commission.

Councilman Rainey commended Carolina Power and Light Company for not placing the poles in a residential area and said it was his hope that all future substations would follow the same route of "cross-country."

Vice-Mayor Horton closed the public hearing at 3:13 p. m.

Councilman Morris moved to approve the site plan of the proposed 115 KV Substation to be located on a 12-acre tract adjoining Rock Hill Road for Carolina Power and Light Company. This motion was seconded by Councilwoman Price and carried unanimously.

PUBLIC HEARING - CLOSING OF A PORTION OF RASH ROAD

3. A public hearing was held relative to the closing of a portion of Rash Road.

Vice-Mayor Horton opened the public hearing at 3:14 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning Division had investigated the request to close a portion of Rash Road several months ago and at that time recommended that the road be closed. He said since that time, Mr. Talman, an attorney representing several property owners in the area, contacted him and advised that a parcel had been subdivided in the area and if the road is closed one owner would not have access to his house and the most desirable access to the other properties would be eliminated. He said at present the road is in bad condition and it had not been determined what it would cost to repair the road. He requested that the public hearing be continued until the Planning Division has an opportunity to make further determinations.

Wesley Talman, of McLean,Leake, Talman and Stevenson, said he was representing Mr. Robert Hill and Mr. Martin Hare, property owners in the area. He said the closing of the road would be detrimental to the area due to the new subdivision. He requested that if the public hearing is continued that it be continued for two weeks.

Councilman Michael moved to continue the public hearing until March 22, 1979 without further advertisement. This motion was seconded by Councilwoman Price and carried unanimously.

Thursday - March 8, 1979 - 3:00 p. m.

Regular Meeting

Present: Vice-Mayor Bill B. Horton, Presiding; Councilwoman Norma T. Price, Councilman Ralph D. Morris, Jr., Gene E. Rainey, F. Jack Cole and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Roy M. Trantham - Mayor Trantham was out of town attending a meeting in Charlotte relating to his chairmanship on the Region B Commission.

INVOCATION

The invocation was given by Councilman Ralph D. Morris, Jr.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the March 1, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, the minutes of the March 1, 1979 meeting were approved as submitted.

PUBLIC HEARING - SITE PLAN - 115KV SUBSTATION - CAROLINA POWER AND LIGHT COMPANY

2. A public hearing was held relative to a site plan of the proposed 115 KV Substation to be located on a 12-acre tract adjoining Rock Hill Road for Carolina Power and Light Company.

Vice-Mayor Horton opened the public hearing at 3:03 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission reviewed the site plan on February 14, 1979 and after discussion recommended approval of the site plan subject to the following:

1) That Carolina Power and Light Company provide assurance to City Council prior to final approval that the site will be properly secured by means of fencing for protection of the public.

2) Exclusive of the area needed for construction of the facility, retain as many existing trees as possible and practical for buffering.

3) That if natural buffering along the northernmost property line adjoining the residential zoning district is removed, it shall be replaced as stipulated in Section 30-3-14, B.1. of the Asheville Zoning Ordinance #322, as amended.

By the use of a map, Mr. Emrick reviewed the location of the proposed 115KV Substation.

Mr. Emrick said by following Planning and Zoning's recommendation lots fronting on Balsam Avenue would remain zoned residential. He said even though there was substantial objection to the rezoning the "20% rule" would not apply. He said notices of the rezoning were sent to all adjoining property owners.

By the use of a map, Mr. Emrick reviewed the location of the property proposed to be rezoned.

Richard L. Coleman, Jr., representing R. L. Coleman Company, spoke in support of the rezoning. He said after a preliminary study it was determined from a development standpoint the best future use of the property would be Commercial Highway. He said the area has enough traffic to show suitability for commercial use and shows detrimental to residential use. He said the property presently houses an apartment complex which would be economically unfeasible for the future.

In response to Councilman Rainey, Mr. Coleman said no immediate plans for the property had been decided and without a general plan it would be difficult to give a definite commitment as to buffering. He said buffering would be considered during the group development review.

Councilwoman Price suggested that since most of the objection was from residents on Balsam Avenue, that Council leave the property fronting on Balsam Avenue zoned residential.

Mr. Coleman said if the property is rezoned, Balsam Avenue will not be used as an ingress or egress to any commercial development nor would traffic increase on Balsam Avenue due to a new development.

Wayne Cooper said he was closely related to the West Asheville Businessmen's Association and he presented a list of businessmen in West Asheville who feel that the rezoning of the Coleman property would be highly desirable particularly for the tax base and revitalization of the West Asheville area.

Mrs. Barbara Miller of Balsam Avenue spoke in opposition to the rezoning, particularly Lots 131 and 79.

Mrs. Doris Ingle of Balsam Avenue spoke in opposition to the rezoning stating that Council should not rezone the property until the Coleman Company provides definite plans for the property. She also requested that lots fronting on Balsam Avenue remain zoned residential.

Leo Bagwell of Balsam Avenue expressed opposition to the rezoning. He also requested that a buffer be left between the development and residential property on Balsam Avenue.

George Ingle, speaking on behalf of his sister-in-law who lives on Balsam Avenue, spoke in opposition to the rezoning.

Rex Smathers, 1063 Haywood Road, asked that the rezoning decision be postponed until the Coleman Company formulates their plans.

RESOLUTION NO. 79-61 - RESOLUTION SUPPORTING THE DEVELOPMENT OF SINGLE-FAMILY HOUSING AND PROVIDING HOUSING ASSISTANCE TO LOW AND MODERATE INCOME RESIDENTS OF ASHEVILLE

4. Consideration was given to a resolution supporting the development of single-family housing and providing housing assistance to low and moderate income residents of Asheville.

The City Manager read the resolution.

Logan Delany, Community Development Coordinator, said this pilot program would provide for lower interest rates in terms of mortgage loans. He said this is an effort to put Urban Renewal Land developments back on the tax books. He said the State would be setting aside $750,000 as the initial funding for the program. He said if the program is successful the State would find other funding for the continuance of the program.

Upon motion of Councilman Michael, seconded by Councilman Rainey, Resolution No. 79-61 was adopted, with Councilman Cole abstaining due to a conflict of interest between the project and the lending institution he represents.

Complete text of Resolution No. 79-61 will be found in Resolution Book No. 11 at page 137 .

PUBLIC HEARING - REZONING OF PROPERTY ON PATTON AVENUE NEAR HAYWOOD ROAD - R. L. COLEMAN AND COMPANY PROPERTY (WARD 6, SHEET 14, LOTS 12-1/2 (PORTION), 131, 131-1/2, AND 79)

ORDINANCE NO. 1094 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

5. A public hearing was held relative to rezoning property on Patton Avenue near Haywood Road from R-3 Residential District to CH Commercial Highway District, property owned by R. L. Coleman and Company.

Vice-Mayor Horton opened the public hearing at 3:42 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission reviewed the request at their meeting on December 6, 1978 and after discussion voted to recommend that only Lots 12-1/2 (portion) and 131-1/2, Ward 6, Sheet 14, be rezoned from R-3 Residential District to CH Commercial Highway District. The recommendation was based on the following reasons:

1) The subject property is bounded on the north, west and south by Commercial Highway Zoning;

2) The predominate land use in the immediate area is commercial;

3) The close proximity of this property to existing commercial activities and major street and highway networks renders it more suitable for commercial purposes.

to furnish all services provided to the City residents, however, the Hilton would only be requesting fire and police protection plus the advantage of being licensed to serve liquor-by-the-drink. He said if annexed, the property included in the petition would generate approximately $40,000 in taxes.

Mr. Kinser said a portion of the Hilton property is leased and to request that the leased portion be annexed would take a longer time period. He said they felt time was of essence at the present.

Mr. Kinser proposed to petition the City to annex all the property under the control by the Hilton, owned in fee simple, if the City would appropriate one-half of the tax revenues received from the Hilton to the Tourism budget for the Asheville Area Chamber of Commerce.

Councilman Rainey told Mr. Kinser his proposal would be impracticable.

Vice-Mayor Horton said there had been strong opposition to "piece-meal annexation."

Vice-Mayor Horton read the following letters to be included in the minutes:

March 8, 1979

Vice Mayor Bill B. Horton and
Members of the Asheville City Council
City of Asheville
Asheville, North Carolina 28801

Dear Fellow Council Members:

I am very sorry that I will be unable to attend the Council Meeting today as you are about to discuss a very important item pertaining to the Hilton annexation. Personally, I feel that all of the Hilton Property should be annexed at one time rather than a partial annexation as requested.

My reason for being out of town was scheduled some time before this particular matter came up and my being out of town relates to my chairmanship of the Region B Commission. I will be attending a meeting in Charlotte regarding regional matters.

I would appreciate it very much if you would read my statement into the Minutes of the Council Meeting on March 8, 1979.

Very truly yours,

/s/ Roy M. Trantham

Roy M. Trantham
Mayor

Bob Orr, attorney representing R. L. Coleman Company, said they have done everything to approach this matter in a reasonable manner. He said the bulk of the property should be rezoned to Commercial Highway, however, the Coleman Company would consent to leaving a strip fronting on Balsam Avenue zoned residential and would agree not to open Balsam Avenue to any increased traffic. He urged Council to act favorably on the rezoning request.

Vice-Mayor Horton closed the public hearing at 4:56 p. m.

Verl Emrick, Planning Director, outlined the options available to Council. He then read the ordinance rezoning the property as petitioned.

Councilwoman Price moved for the adoption of Ordinance No. 1094. This motion was seconded by Councilman Michael.

Councilwoman Price then moved that Ordinance No. 1094 be amended by deleting Lot 79 and that portion of Lot 131 being 110 ft. north of the lot line intersecting Lot 20-1/2, then eastward 150' and a portion of Lot 12-1/2, 25' to the rear of Lots 15 through 20-1/2 and 131. (The lots or portions of lots mentioned in the motion would remain zoned R-3 Residential District). This motion was seconded by Councilman Rainey which motion carried on a voice vote of 4-1, with Councilman Morris voting "no."

On a roll call vote of 6-0, Ordinance No. 1094 passed on first reading.

Councilman Morris suggested that prior to the second reading of the Ordinance, that members of Council look at the property in question.

RESOLUTION NO. _____ - RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G. S. 160A-31 (GREAT SMOKIES HILTON ANNEXATION PETITION)

6. Consideration was given to a resolution directing the City Clerk to investigate a petition received under G. S. 160A-31 from the Great Smokies Hilton regarding annexation of their property.

The City Manager read the resolution.

Councilman Cole requested that he be excused from voting on the issue because he represents a financial lending institution doing business with the petitioner. Vice-Mayor Horton excused Councilman Cole from voting on the issue.

Upon inquiry of Councilman Rainey, Mr. Wayne Kinser, petitioner, advised that the property requested to be annexed represents all the hotel facilities but does not include the golf course or tennis facilities.

Councilman Michael said he would vote against the resolution unless all the property of the Great Smokies Hilton was included in the annexation petition.

Mr. Kinser said from his determination there would only be a $3,000 to $4,000 difference in taxes if the golf course and tennis facilities are left out and there had always been a precedence for leaving golf courses outside the City Limits. He said if the property is annexed the City would be required

After discussion, it was the consensus of Council to defer action on the resolution until March 15, 1979 giving Mr. Kinser and Mr. Emrick, Planning Director, an opportunity to revise the petition to include all the property under control by the Hilton as well as the leased portion if possible.

APPROVAL OF THE CONSENT AGENDA

7. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Approval of a budget amendment amending the City of Asheville General Fund budget for Fiscal Year 1978-79 to include the Asheville Riverfront Revitalization Program grant as approved by City Council Resolution No. 78-154 in the 1978-79 General Fund Budget.

HIGHLIGHTS:

Appropriation: 10-25-444-0-028 - Asheville Riverfront Revitalization Program - $20,000

Revenues: 10-349-6444 - Federal Government Grant - Tennessee Valley Authority - $20,000

This grant is 100% funded by the T.V.A.

B. Resolution No. 79-62 - Resolution authorizing the Mayor to sign an agreement with Piedmont Aerial Survey for new aerial photos for Asheville.

Resolution Book No. 11 Page 138

C. Approval of a budget amendment to amend the Community Development budget to appropriate $32,000 for Deaverview Park improvements and $28,000 to Contingency.

D. Resolution No. 79-63 - Resolution authorizing the Mayor to sign a contract agreement with Johnson Amusement Rides, Incorporated for the operation of amusements, rides and concessions at Recreation Park.

Resolution Book No. 11 Page 139.

E. Motion scheduling a public hearing for March 22, 1979 on the study and recommendations pertaining to downtown parking.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, the consent agenda was unanimously approved.

Western North Carolina
Central Labor Union
AFL-CIO

March 7, 1979

Honorable Mayor Roy Trantham
and
Council Members
Asheville City Hall
Asheville, North Carolina 28807

Honorable Council Members:

Our attention has been drawn to the recent request of the management of the Great Smokies Hilton, to wit, annexation of their motel structure for the purpose of qualifying for a mixed beverage license.

It is our view that, in the main, there may be a serious question of legal and moral integrity involved in such a request for such a motive. However, if Council is to give consideration to the request it is our feeling that the entire Hilton complex should be annexed and not just such site as shall house a bar.

Again, we are not sure that setting a precedence in such a matter is entirely to the benefit of the community as a whole, but we are certain that any business or person who shall reap the benefits of city residence should be willing to bear full responsibility to the city for its beneficence. No fair, paying city taxes on just that portion of the property that requires a city license!

Sincerely yours,

/s/ Ray Stepp

Ray Stepp
President

/s/ Mary M. Robertson

Mary M. Robertson,
Executive Secretary

Mr. Kinser said they would be willing to petition the City to annex all the property controlled by the Hilton and owned in fee simple.

Pat Mooney, General Manager of the Hilton, said he had already encountered a loss of a convention in Asheville because they were not licensed to serve liquor-by-the-drink. He said several conventions have expressed a desire to come to Asheville and the Hilton if they obtain licenses to serve liquor-by-the-drink.

COMPLAINT - MRS. LOCKHART - SEWER COMPLAINT

13. The City Manager said he had received a sewer complaint from Mrs. Lockhart and the matter would be investigated.

REV. GRANT - NOTICE REGARDING ELECTION OF COUNCIL MEMBERS

14. The City Manager said he had received information from Rev. Grant regarding the election of Council members which will be furnished to members of Council and be included in the materials for the public hearing on the issue.

PROCLAMATION - GIRL SCOUT WEEK - MARCH 11-17, 1979

15. Vice-Mayor Horton proclaimed the week of March 11-17, 1979 as Girl Scout Week.

PIEDMONT AND UNITED AIRLINES CUTTING FLIGHTS

16. The City Manager announced that Piedmont Airlines is cutting four flights, scheduled on Saturday and Sunday, as a result of energy problems. He said United Airlines is cutting Flights 653 and 824 from March 9, 1979 through April 28, 1979. He said it is his understanding that this is being done nationwide due to fuel shortage. He said the City of Asheville has no control over the airlines cutting their flights.

REVENUES FROM LIQUOR-BY-THE-DRINK EARMARKED FOR REVITALIZATION -REQUEST BY VICE-MAYOR HORTON

17. Vice-Mayor Horton requested that Council look into Jim Daniel's request from the Revitalization Commission pertaining to the earmarking of the net revenues from liquor-by-the-drink used in this special promotional fund for revitalization. He requested that a resolution be prepared, which he would like to have input, on March 20, 1979.

RALPH BISHOP - LOTTERY SALES

18. Ralph Bishop again complained to Council about the lottery sales in the City of Asheville.

Adjournment.

Bill B. Horton
VICE-MAYOR

Miriam L. Holcombe
CITY CLERK

DEMONSTRATION PARKING PROGRAM EXTENDED

8. Consideration was given to a motion extending the demonstration parking program from March 31, 1979 through April 30, 1979.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the demonstration parking program was extended from March 31, 1979 through April 30, 1979, with Councilman Rainey voting "no."

LIQUOR-BY-THE-DRINK LEGISLATION - DISCUSSION

9. Councilman Morris questioned why the liquor-by-the-drink legislation was written to include only the City Limits when establishments in the County were permitted to obtain "brownbagging" license.

Corporation Counsel Moore said he would look into the matter.

PENALTY RATE FOR DELINQUENT TAX BILLS - DISCUSSION

10. Councilman Michael said it had been brought to his attention that several large corporations and industries are not paying their tax bills until twelve (12) months after they are due because the penalty percentage rate is less than the lending rate. He said the tax income will decrease as the lending rates go up and there should be some provision for the penalty percentage rate to increase along with the lending rates.

Corporation Counsel Moore said the penalty rate is set by State legislature and this matter should be brought to the attention of the legislators.

COMMUNITY DEVELOPMENT/CITIZEN PARTICIPATION MEETINGS

11. The City Manager announced that the Community Development/Citizen Participation meetings to discuss the status of Community Development projects will begin on March 20, 1979 and run through May 15, 1979 and will be held at various locations throughout the City.

CLAIMS - MS. MARY KING RAY - JAMES T. CLARK

12. The City Manager presented claims received from Mr. W. R. Swearngan, Facility Services Superintendent.

Following individuals have claims against the City of Asheville for damage:

Ms. Mary King Ray 140 West Chestnut Street, Apt. 3 Asheville, North Carolina	Ran car in hole on Ivy Street
James T. Clark 63 Joyner Avenue Asheville, North Carolina	Damaged water line

Vice-Mayor Horton referred the claims to the Corporation Counsel for investigation and recommendation.

In response to questions posed by Councilwoman Price during Council's agenda session on March 13, 1979, Verl Emrick, Planning Director, advised that in researching prior Council minutes it was determined that in 1951, in Minute Book 32, pages 239-243, streets within the West Terrace Apartments development were dedicated as public streets and in Resolution Book 4 at page 432, July 8, 1965, Council closed a portion of Balsam Avenue, that portion that presently dead ends and extends to Druid Drive. He said residential access to and from Balsam Avenue would be permitted if driveway and curbcut permits are obtained. He said in the staff's opinion there could not be a commercial access without approval of the Planning and Zoning Commission and Council through a group development or subdivision procedure.

By the use of a drawing board, Mr. Emrick explained the amendment to the ordinance adopted at last week's meeting.

Councilman Morris voiced concern about the amendment stating that he felt Council would be disallowing the Coleman Company a portion of their property. He said he felt Council would be taking more of the property than necessary to satisfy the residents on Balsam Avenue. He said he did not favor deleting the entirety of Lots 79 and 131.

Councilwoman Price said Lot 131 is adaptable to Balsam Avenue and to residential use.

Councilman Morris moved to amend Ordinance No. 1094 to include a 25' buffer strip on property belonging to the Coleman Company, around all adjacent residential property. This motion was seconded by Councilman Michael.

Upon inquiry of Doris Ingle of 18 Balsam Avenue, Mr. Emrick said any buffer, required by a group development plan, would have to be placed outside the 25' residential strip.

At the request of Leo Bagwell of 41 Balsam Avenue, Mr. Emrick read the minutes of the Planning and Zoning Commission meeting pertaining to the Coleman rezoning.

Mr. Bagwell, referring to the minutes of the Planning and Zoning Commission, said Mr. Coleman had agreed to delete Lots 79 and 131 from the rezoning request, leaving them zoned R-3 Residential District. He said the residents on Balsam Avenue would insist that the entirety of Lots 79 and 131 remain zoned residential.

Bob Orr, attorney representing R. L. Coleman Company, urged Council to endorse Councilman Morris's motion. He said the Coleman Company is willing to compromise with the residents by offering to give up a considerable amount of property that could be used for commercial development for the protection of the residents on Balsam Avenue.

Councilman Morris noted that by adopting his motion Council would be protecting all the residents on Balsam Avenue. He said if Council took Planning and Zoning's recommendation to delete Lots 131 and 79 there would not be a protective buffer for the residents.

Thursday - March 15, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Councilwoman Norma T. Price, Councilman Ralph D. Morris, Jr., Gene E. Rainey, F. Jack Cole and Otis B. Michael, Corporation Counsel William C. Moore, Associate City Manager William F. Wolcott, Jr., Acting City Clerk Carol Hensley.

Absent: Vice-Mayor Bill B. Horton and City Manager K. M. Michalove

INVOCATION

The invocation was given by Councilman F. Jack Cole.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the March 8, 1979 meeting.

Councilwoman Price noted that the minutes reflected "Mr. Pat Mooney" as the General Manager of the Hilton and it should be "Mr. Pat Looney."

Councilwoman Price also requested that, in order to clarify the motion relative to rezoning property on Patton Avenue near Haywood Road, the motion read as follows: "Councilwoman Price then moved that Ordinance No. 1094 be amended by deleting Lot 79 and that portion of Lot 131 being 110 ft. north of the lot line intersecting Lot 20-1/2, then eastward 150' and a portion of Lot 12-1/2, 25' to the rear of Lots 15 through 20-1/2 and 131 from an approximately distance of 525'. (The lots or portions of lots mentioned in the motion would remain zoned R-3 Residential District). This motion was seconded by Councilman Rainey which motion carried on a voice vote of 4-1, with Councilman Morris voting "no."

Upon motion of Councilman Cole, seconded by Councilman Rainey, the minutes of the March 8, 1979 meeting were approved as amended.

ORDINANCE NO. 1094 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Rezoning property on Patton Avenue near Haywood Road)

2. Consideration was given to the second reading of Ordinance No. 1094, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property on Patton Avenue near Haywood Road from R-3 Residential District to CH Commercial Highway District, property owned by R. L. Coleman and Company.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Councilman Cole said he was concerned with the operating cost since the cost of living had increased approximately 8% to 9% per year for the past two years. He said he felt the increase should at least allow for the cost of living increases. He did say he felt the taxicab operators should be more courteous.

Councilman Michael suggested that the ordinance be amended to include 95¢ for the first 1/8 of a mile and 10¢ for each succeeding 1/8 of a mile and to appoint a committee to investigate the establishment of a regulatory commission.

Mary Robertson, Executive Secretary of the Western North Carolina Central Labor Union, said the cost of living percentages referred to by Councilman Cole also effects the users of the taxicabs as well and Council should consider this fact.

John Cheesborough, attorney representing the taxicab companies, urged Council to support the taxicab rate increase.

After discussion, Councilman Michael moved to amend Ordinance No. 1091 to include a 20% rate increase, with the factors to be established by the Transportation Planner. This motion was seconded by Councilman Cole and carried on a voice vote of 5-1, with Councilman Rainey voting "no."

On a roll call vote of 5-1, Ordinance No. 1091, as amended passed on second reading.

Councilman Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1091. This motion was seconded by Councilman Michael and carried on a voice vote of 4-2, with Councilwoman Price and Councilman Rainey voting "no."

On a roll call vote of 5-1, Ordinance No. 1091, as amended, passed on third and final reading.

Councilwoman Price then moved that the Mayor appoint a committee to study the short-range projects suggested by the Transportation Planner and to investigate the establishment of a regulatory commission to review future rate increases as well as individual complaints regarding the taxicab companies. This motion was seconded by Councilman Michael and carried unanimously.

Complete text of Ordinance No. 1091, as amended, will be found in Ordinance Book No. 8 at page 310.

RESOLUTION NO. 79-64 - RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G. S. 160A-31 (GREAT SMOKIES HILTON ANNEXATION)

4. Consideration was given to a resolution directing the City Clerk to investigate a petition received under G. S.160A-31 from the Great Smokies Hilton regarding annexation of their property.

Councilwoman Price and Councilman Rainey opposed Councilman Morris's motion.

Councilman Cole said since several members of Council have not had an opportunity to view the property in question he would suggest that the second reading of the ordinance be postponed.

Upon inquiry of Councilman Michael, R. L. Coleman, Jr., said it would be impossible to present Council with a "workable" preliminary development plan before the second reading of the ordinance. He said deleting Lot 131 from the rezoning would be detrimental to a site development.

Councilman Morris requested that if Council should approve postponing action on the matter that Council postpone it for two weeks.

After discussion, Councilman Morris withdrew his motion to amend the ordinance at this time. Councilman Micheal also withdrew the second to the motion.

Councilman Cole moved to defer action on Ordinance No. 1094 until March 29, 1979. This motion was seconded by Councilman Michael and carried carried on a voice vote of 4-2, with Councilwoman Price and Councilman Rainey voting "no."

ORDINANCE NO. 1091 - AN ORDINANCE AMENDING SECTION 27-8 OF THE ASHEVILLE CODE OF ORDINANCES TO INCREASE THE FARES PRESCRIBED FOR TAXICAB SERVICE

3. Consideration was given to the second reading of Ordinance No. 1091, an ordinance amending Section 27-8 of the Asheville Code of Ordinances to increase the fares prescribed for taxicab service.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Larry Ward, Transportation Planner, presented a report to members of Council which revealed that the taxicab companies are losing a substantial amount of money operating at the present rate. The report also included general operating statistics, short range projects to enhance taxi operations, and medium and long range projects to enhance taxi operations. He said the total average operating cost increase from 1977 to 1978 is 7.06%. He said the proposed increase requested by the taxi companies is 24.4%.

Mr. Worley of American Cab Company said operating expenses have increased more than 30% since 1979 when the last increase was granted by the Council.

Councilman Rainey said he would agree to a 10% increase with an additional recommendation for the establishment of a regulatory commission to investigate future rate increases and present complaints. He said he felt the proposed rate increase of 24.4% is too high.

The following is a verbatim text of the public hearing.

Councilman Rainey: Mr. Mayor, I've been looking forward to this time and I'd like to enter into the record a report dated 3-1-78, a little over a year ago, given to us by a committee on Pay and Tenure of the City Council, - Eugene C. Ochsenreiter, Jr., JoAnn Swilling and J. W. Hoyle, members. The first recommendation of that committee is as follows: "1. The Committee recommends that the Mayor should be elected at large for a four-year term, and the City Council members be elected for four-year staggered terms." They go on to say that this would not require General Assembly action to change the terms of office There is another recommendation on salary, but since I don't agree with that, I won't read it. I'd like to submit this memo to the Clerk for entry into the record.

MEMORANDUM TO: Asheville City Council Members

FROM: The Committee on Pay and Tenure
of City Council Members:
Eugene C. Ochsenreiter, Jr.
JoAnn M. Swilling
J. W. Hoyle

DATE: March 1, 1978

1. The Committee recommends that the Mayor should be elected at large for a four-year term, and the City Council Members be elected for four-year staggered terms.

According to the information that we received, State Law does not require General Assembly action to change the term of office, but the City Attorney has indicated that it may be preferrable to do this legally. However, the choice is up to the City Council.

2. The Committee recommends that the Mayor should be paid a salary of $4,800 annually with a $100 per month local travel allowance, total $6,000. The Vice-Mayor should receive $2,400 annually with a $75 per month local travel allowance, total $3,000. The City Council Members should be paid $2,000 annually with a $50 per month local travel allowance, total $2,600. City Council Members should receive their entire expenses for out-of-town travel, plus they should have the opportunity of having their spouse attend special meetings with them, both locally and out-of-town at City expense.

3. We further recommend that the Vice Mayor's title be changed to Mayor Pro Tem and that the duties and responsibilities of the Mayor Pro Tem follow the State Law. We further recommend that the Mayor Pro Tem be selected by the Mayor and confirmed by the entire Council rather than being elected by the Council.

We are attaching the following items of information:

1. January 27, 1978 - Memorandum to Ken Michalove from Charlotte Hutchison regarding results of survey on charter changes, staggered terms, mayor pro tem, etc.

Verl Emrick, Planning Director, said the petitioner has submitted an amended petition which includes the request for the City to annex all the property under control of the Great Smokies Hilton Corporation. He said this request excludes the properties leased by the Hilton.

Councilman Cole requested that he be excused from voting on the issue because he represents a financial lending institution doing business with the petitioner. Mayor Trantham excused Councilman Cole from voting on the issue.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, Resolution No. 79-64 was unanimously adopted.

Complete text of Resolution No. 79-64 will be found in Resolution Book No. 11 at page 140.

RESOLUTION NO. 79-65 - RESOLUTION FIXING DATE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION PURSUANT TO G. S. 160A-31, AS AMENDED (GREAT SMOKIES HILTON ANNEXATION PETITION)

5. Consideration was given to a resolution fixing date of a public hearing on the question of annexation pursuant to G. S. 160A-31, as amended regarding annexation of the Great Smokies Hilton property.

Verl Emrick read the resolution and explained that the petition describing the property to be annexed had been investigated and certified by the City Clerk.

Councilman Cole again requested that he be excused from voting on the issue because he represents a financial lending institution doing business with the petitioner. Mayor Trantham excused Councilman Cole from voting on the issue.

Wayne Kinser, petitioner, said the amended petition included the golf course and tennis facilities as requested by Council. He said these facilities were originally left out of the petition because there had always been a precedence to leave golf courses outside city limits. He expressed concern that his golf course would be in competition with other golf courses that are outside the City Limits.

Upon motion of Councilwoman Price, seconded by Councilman Morris, Resolution No. 79-65 was unanimously adopted, scheduling the public hearing for March 29, 1979.

Complete text of Resolution No. 79-65 will be found in Resolution Book No. 11 at page 141.

PUBLIC HEARING - CHANGING TENURE OF CITY COUNCIL MEMBERS AND PROCESS OF THE ELECTION OF THE MAYOR

6. A public hearing was scheduled relative to changing the tenure of the City Council members and changing the process of the election of the Mayor.

Mayor Trantham opened the public hearing at 5:32 p. m.

The Assistant City Manager presented the notice to the public setting the time and date of the public hearing and the affidavit of publication.

spend January planning. Then in February and March, we are trying to get started until we run smack into the budget, which takes up our attention until July 1, at that point we all madly leave this town on vacation and we come back in early Fall and start the process all over again. So it may look like we've lost a month; in actual practice we've lost three or four or five months. That is the first reason I think that we should have direct election of the Mayor.

The second reason is the theory of the present system has never worked out in parctice, at least it has not worked out in practice in recent years. According to the City Manager form of government; the Mayor is elected from among the Council members. In all text books on Urban Government, the Mayor is first among equals, and thus does not have to invest too much of his time except on ceremonial occasions. Mr. Mayor, I'm sure you will attest to the fact that this job is much more involved than what the text books have described it; also, I think it was the same under Mayor Ochsenreiter, as I observed him in action. In actual practice the Mayor is not first among equals. The demands upon the Mayor are greater. It is a situation where the Mayorship itself has been elevated by action and by tradition to a higher level and more demands are made upon him or her (we may have that type of gender in Mayorship in the future).

Finally, there is an ethical reason. It seems to me that we need government in the open and not government in the smoke-filled room. People have a right to elect the Mayor in the open. We have had some bad experiences of what must be considered back-room politics in recent months. And during the times that I've been in the process of electing the Mayor, the first time did involve a back-room decision. This last time I'm happy to say that there was no back-room decision -- it was made in the open. But there is always that danger of the back-room, smoke-filled room decision. It seems to me that people want their government clean. The way to make it clean is to have the Mayor elected by the public.

So I don't know, where we go from now. I don't know if we could make a decision on this today.

Mayor Trantham: I think this is a hearing and I would recommend that we take all this information under observation and discuss it later. That is my own recommendation.

Councilwoman Price: One thing I'd like to point out is the fact they must be pretty well satisfied because they are not out there telling us to change it.

2. September 20, 1977 - Letter to Gene C. Ochsenreiter from Frank Gray, Attorney, North Carolina League of Municipalities, regarding forms of government in 16 North Carolina municipalities with over 25,000 population.

Mayor Trantham: What part did you not wish to read Councilman Rainey?

Councilman Rainey: I don't agree to that part of it; if anybody wants to agree to that part, they can read it.

It's really too bad that we're debating this at 5:35, but it couldn't be helped. We had so much good business today, and there were so many people here, that were here to speak in favor of it, but they had to leave.

Councilwoman Price: There were some in opposition.

Councilman Morris: How could you tell?

Councilman Rainey: Well, by the look on their faces.

The good Asheville Times was good to run a poll for us and it was comforting to know that direct election of the Mayor and four-year terms for members seemingly were in the majority.

I don't think there is any need to talk about the four-year term for members: that seems to have universal support among incumbents and outcumbents. What might be a matter of issue, and this is why we requested that we have this public hearing, is to decide on the direct election of the Mayor.

There are, I think, three benefits to the direct election of the Mayor. First of all, the present system loses one month's planning period in getting the new City Council going. We are elected in early November and we take office in early December. What follows is known in Asheville as "November madness." During that time, in the two episodes that I've gone through, all sorts of maneuvering and politicking and a lot of good fellowship and some bad fellowship at lunches occurs quite a bit goes on, not much of it productive; I don't consider it productive, but necessary under the present system. This is a month lost. What I would like to see happen is the new Council and the Mayor's decision already made, that the new Mayor would meet with the Council members and these Council members would spend that month planning. This is what presi-ential victors, getting ready for inauguration in January do. When the President hits the ground, he hits it running. But when we hit it, we hit it skidding. And we skid quite a few months further because once we come into office in early December, there is the euphoria of coming into office, I suppose, then we run smack into Christmas and nobody politics during Christmas (that's one of the unwritten rules). We then

Councilwoman Price: Within the first six (6) months after taking office I would have gladly voted for the direct election of the Mayor. But I have since been thinking about it since it has been scheduled for public hearing. Those people that have contacted me have been opposed to the direct election of the Mayor and perhaps that is why I've been thinking more a long that line. I do feel that November is lost and I feel like there can probably be a way that the Mayor would be determined by the elected body prior to the first Thursday in December so that there could be organization set up. But under the City Manager form of government there should not be a lapse because the City Manager supposedly runs the City and the Council is only a policy-making board. So there is not a loss in the fact that the City comes to a sudden halt.

But another thing I've thought about was that if seven people were running for the office its a team. The people who are making the choice look at each one of those candidates and they think of them to the utmost, what is their potential. Now, I do not believe they are looked upon nor do I feel that everyone running for Council should be willing or even be willing to accept the position of Mayor. But those people that are called on to take that job have, as Ralph pointed out, has certainly come through and done a good job for the City. But first those people are elected as a team and they are not singled out as individuals. I feel that the public, if you have two people running for Mayor, I think the people will make the right choice as to which one is the best Mayor. But I'm not sure that, perhaps, the right person will always choose to be running for Mayor because they are singled out and I'm not as sure that the six (6) other candidates would get the same consideration and the same scrutiny as the Mayor is getting and therefore, they may put all their interest and all the attention on the Mayor and let six (6) others be elected without as much scrutiny. This way everyone is equally put before the people and scrutinized by the people who are making the choice. On the four year term I had not thought much about it until I realized our state legislators were considering going to four year terms and I thought, well, I'm not too happy their doing that. They are elected for four years and they only stay in session for a short time and we really lose touch with them. So I thought what I think about them is good enough for me so if I think they should run for two year terms then I think the City Council should keep in touch with the people by running for two year terms too.

Councilman Cole: Mr. Mayor, it's 10 minutes to the time I'm suppose to pick up someone to go to another meeting. I'm very satisfied with the present system as we have lived in the last two year period. When I first came into the Council I probably would have gone for the direct election of the Mayor but I have sinced changed my mind to that. I think

Councilman Michael: I would agree with Gene, that the Mayor's job is one that requires quite a bit of time and someone should commit themselves when they run to be Mayor that they have that time to spend and are willing to spend that time and wants to be a representative of the City at different conventions and ceremonies and so forth.

I also agree with Gene, that one thing he didn't bring out as strongly as I would like to bring it out, is that there is quite a bit of animosity and it takes quite some time to quail after the election of the Mayor among seven people that are elected to City Council. There are ..... It is difficult for seven people to get together and say one of us is the best person to be Mayor. I know this last time, there was quite a bit of ill-will and bad feelings and I just don't think it should be that way. I think that the Mayor should be elected by the people then you won't have this seven people trying to get together to decide which one should be the Mayor of the City of Asheville. I think the people should elect the Mayor. As it stands now, you run for City Council, you run for three positions, you run for Councilman, you run for Vice-Mayor and you run for Mayor. You must be willing to accept any of those positions if you are nominated and elected by the other Council Members. Some of us just do not have the time and would not make a good representative, a good Mayor, of the City of Asheville because of this fact.

Councilman Morris: I don't expect that there is any way that is going to be perfect and I guess my comments would be this to the extent that you got - as could happen - the two best men in town running for Mayor, you are going to lose one in the election and he will not be able to serve as a member of the Council. So that would seem to me one difficulty of going to the direct election of the Mayor.

The second thing that troubles me is that the public in general, has a right to elect Council. It is not in near as good of a position to determine which man has the ability to serve as Mayor. Often times the man with the broadest smile does not necessarily have the greatest mentality or the greatest willingness to work. I have lived through five (5) Mayors, that I recollect real well, I expect my life span is longer than that, but I remember five (5) from Mayor Eller on up and all have been good men. I don't know what we might get if we change it. My general feelings have been if it ain't busted - don't fix it. I think we should leave well enough alone with a system that I don't think has given us problems.

Certainly, two years is long enough to become oriented to the business of Council. Certainly, they are going to be variations in terms of the issues and items on the agenda that become before you. But there have been examples, and I have been present in a number of cases where there has been a great loss of time by the Council in performing its duties simply because of ..... comments and filibustering or what have you. Also, I question whether, it seems that you have made a basic assumption based on the polls conducted by the Asheville Citizen-Times and wonder if you have the exact statistics in front of you about the poll in terms of the percentage of people who responded and the cross section of the people who responded to that poll. I don't think any one item should weigh heavily to help you make a decision on an issue as important as this. I think that a two year term is certainly long enough for the person to become oriented and acquainted with the duties and responsibilities as a Councilman. I think a four year term is too long. It would enable a Councilman to get entrenched politically in one form of fashion or another.

On the other hand, I do favor the election of the Mayor because I think some comments have already been made that would eliminate a lot of the political bickering and in-fighting that occurs during the time of the election and the actual taking of office. Also it would seemingly eliminate any discrimination that would exist in terms of individuals who received a large number of votes as opposed to other individuals who did not receive as many vote as determining which one of those individuals should become Mayor and which one of those individuals had the weight so to speak because they received the largest number of popular votes. I think the election of the Mayor would smooth out the problems that we are presently having with the election of the Mayor within the group. Thank You.

Mayor Trantham: Thank you, Jesse Ray. Does any other member of the public have any comments to make pertaining to this subject?

Councilman Michael: I'd like to say one more thing that has not been mentioned. It cost quite a bit to run for office. You only make $25 a week when you are elected and your chance of -- I know it cost me about $3,500. I got most of it in contributions but ---- making $1,200 a year or $2,400 a term there is no way you can recoup your investment at all. My campaign cost about $3,500. Most of mine were contributions from the churches and small contributions - Most of all of your contributions came from a much larger party than I belong to and I don't really know how much all of you spent. I think as individuals you all certainly did not have to spend as much as I had to spend. So, if you go into office and have to do this every two years I think that independent and minority party members really can not afford it. That's another point I thought I'd bring out.

we have an effective system at this time and I too feel the four years is a long term for any public servant not to come back to the people and have contact with them to reassure the people that they have relationship with them and I think that is one of the obligations of running for office because you must respond to the people in the community to serve them. I think four years for this purpose is too long. If you will excuse me, I'm going to go.

Mayor Trantham: Would any member of the public like to make any comments regarding this subject? If so, come forward and give your name and address.

Ralph Bishop: Mr. Mayor, members of Council, my name is Ralph Bishop, and I am a resident of the City of Asheville, Now, you are voting on changing the charter, I think and I'm wholeheartedly in favor of electing the Mayor and electing the City Council for four years. Now, if I'm out of order on this you can declare me out of order. If it's possible for you to elect a Chief of Police I would like for that to be changed to so you elect one that - and limit that to one chance of election - four years. And that would preclude the possibility of ever getting another J. C. Hall or this man we got over there - Melvin Lane Tucker. It would be a local man and they would all get to split up the profits they are making. That is all I got to say on that at this time.

Mayor Trantham: Thank you a lot, Mr. Bishop. Does anyone else have any comments to make pertaining to this subject?

Jesse Ray, Jr.: Mayor and Council Members, I'd just like to comment briefly on the consideration at hand in terms of having the Council Members serve for a four year term and the Mayor elected at large. Basically, I am opposed to having Council members serve for a four year term, primarily, because I feel there must be a leverage between the people and those who represent the people and I feel that a four year term would remove that leverage from the people's standpoint in terms of being able to react or not react to the particular service of a person on the Council. Now, if you compare or look at the lengths of terms on other levels of government in terms of our state representatives who are elected for two year terms as well as our U. S. Congressional representative who is also elected for a two year term. This has seemed to fair pretty well and has given both the person in that position an opportunity to serve the people as well as an opportunity for the people to react to his service. Now, it has been stated that two years is not long enough for an individual to become oriented and acquainted with the duties and responsibilities of the Council. Well, if that's the case then maybe something is not right with those particular individuals.

We all saw the problem that JoAnn Swilling had as a mother. She happened to have quite a few relatives in town and thus child care cost was not a major factor. But I think that a mother would soon find that child care would eat up what bit of money she would be earning for this job. So that's one concern.

The second one is unless you make up the income loss in wages, then you are not going to get people from moderate income or hourly wage income level on the Council. These people cannot afford to take leave of their job, even if their boss would let them and serve on Council.

I'd like to make two quick comments in rebuttal. One, as Norma points out the Mayor's race might detract from the other Council's race. Indeed, that is what is happening now. The one question that is always asked of you as you are running for Council is "If you are elected, whom would you vote for Mayor.". So right now our problem is that the Mayor's race is already too much mixed in with our Council race. The second point I'd like to make is that time erodes our memory. Everybody that has opposed election of the Mayor thus far or has said anything about it, has said that within the first six months of their term they would have approved it. Now they would not. Time has eroded the memory of the animosity of the lack of the coordination that took place with the way we have it now. We are paying too high of a price for the present system. It is a system that needs to be changed and I look forward to an opportunity to change it

Mayor Trantham: Thank you, Dr. Rainey. I'm sorry you feel about me the way you do about the situation that there is animosity - bad feelings among this group towards me. I find it hard to be true, I really do.

Councilman Rainey: Mr. Mayor, are you talking about the same subject I'm talking about?

Mayor Trantham: Yes, I am - on several different times.

Councilman Rainey: What I'm talking about is what Otis was talking about a minute ago.

Mayor Trantham: I agree with you.

Jesse Ray, Jr.: May I make another comment. That's a point well taken but also on the other side of the coin, maybe expanding on the point about the stipend that the Council receives and I don't know if this study commission dealt with that issue or not. But, that stipend should be increased. I feel that, not in an attempt to try to justly compensate an individual for his time in terms of equating what he would be making on his job in his profession with the amount of time he would spend on Council but simply to make it a just compensation for the amount of time that an individual does spend as a Councilman. Also, I think in terms of the cross section of the Council in terms of age, I think they are not -- when have we ever had a Council person my age - 32 - not when I was here previously and I don't think so during the time I was away and certainly not since I've been back. I think this is also something we have to look at in terms of being in the position to attract people who are interested and are qualified to serve as Council. I think certainly a four year term from - may have its advantages or its disadvantages for younger people in terms of wanting to be tied down that long. Anyone not having served on Council but they would like to may get on there and do a good job for two years and then say well, you know this is just not for me I did the best I could and let it go at that. Certainly, yes they could resign during that four year term and someone else would have to be appointed - - How would that work anyway? -- during a four year term then the Council would appoint someone.

Councilwoman Price:
Councilman Morris: from the same political party.

Jesse Ray, Jr.: That's another thing that should be taken under consideration in terms of how we can develop the Council's overall posture so that all age groups -- it would be attractive to all age groups - both in terms of the length of the terms as well as the monetary stipend.

Councilman Rainey: Mr. Mayor, I think there are certain things that I would just briefly like to point out. The report does call for Council members a $500 per year increase. I frankly don't think that would make much difference to motivate people to go into Council work. But I would like to see us add that an allowance be made for child care for mothers and an allowance be made for income loss in wages.

So that's what happens when we do that. I think each member has a mind of their own and should express their feelings. I'm sorry I took up this much time. I appreciate the opportunity.

Any further discussion. I'll close this hearing at 6:10 p. m.

Council has agreed to take this under consideration and discuss it later.

Mayor Trantham: I'm sorry but this has been brought up three different times. To start with, I'd like to make two or three comments here. It's not for or against what we're discussing today. When the time comes I will make my decision, then. When we were sworn in as City Council we were sworn in all at once in December. The present Council and Mayor are still running the City until that time comes. When I was sworn in in December--- I'll go back just a minute. I think that when we come to this Chamber, no one had an idea who was going to be nominated or elected Mayor. I sure didn't have any idea I would be. But that happen - what happen in the past I don't know but I did not sit in on a Council that did make agreements who would be Mayor and who would not. I don't believe in that kind of .....
I know when I was sworn in I met each Council member, Councilwoman also. I ask for their support - I'd like for this to go into the minutes. I ask their cooperation. I know its embarassing and as I said I am not speaking for or against either ..... In doing so, I was told I would receive this and might say that I am glad and proud that I have received it. This Council, I think, has done a good job, has been a good Council, and as far as I know there has been no animosity in anybody's heart. I think they work for the interest of the people to the best of their ability. As far as wasting a month in December, when I was freshly elected Mayor I was in my office by 8 o'clock the next morning and have been there ever since - nights too -- and I expected that . I'm just greatful the experience I had as County Commissioner because it would have been much harder if I hadn't and I would say that whichever way this Council decides to elect the Mayor or the terms of the Council. That if they would operate and make the effort that we have as Council today, working together, I think this City will profit by their doing so.

No offense to Dr. Rainey, I think maybe you were talking about one thing and I another.

Councilman Rainey: I'm not talking about that at all. I think you have done a very good job and I supported you.

Mayor Trantham: I certainly don't appreciate the fact that there has animosity in this Council. If there has I haven't seen it. We haven't agreed on everything,naturally, and I would hate to see a Council that did agree on everything. I know I was critized one time for not agreeing on a couple of things and news media accused me of ..... a couple of them did agree all the time on some things and was accused of being a rubber stamp.

Mr. Norwood said it is his understanding that the Henderson County political leaders are upset over the move to annex the airport into the City of Asheville.

Councilman Morris said the WNC Pilot's Association should express their complaints to the County of Buncombe.

Councilman Rainey said he would like to know the effect the annexation would have on the regional concept of the airport.

RETIREMENT BENEFITS FOR GUY O'CONNER

8. Mike Smith, Personnel Director, explained that on January 24, 1979 the Board of Examiners of the Asheville Policemen's Pension and Disability Fund met to consider six (6) claims carried over from December, 1978 from employees or former employees of the Asheville Fire Department under the terms of an agreement between the State Retirement System and the City of Asheville. He said as a result of the meeting, the Board took action to approve the request of Guy O'Conner to change the status of his retirement benefits from non line-of-duty to line-of-duty. This would increase his monthly benefit from $305.21 to $476.23. He said under the terms of the agreement, if the City Council approves the recommendation of the Board of Examiners any changes will be certified to the North Carolina Local Governmental Employees Retirement System which will make the recommended changes or additions as of January 1, 1979.

Councilwoman Price moved that the City Council accept the recommendations of the Asheville Policemen's Pension and Disability Fund Board of Examiners made on January 24, 1979 to change the status of the disability retirement of Guy H. O'Conner from non line-of-duty to line-of-duty and to certify this change to the North Carolina Local Governmental Employees' Retirement System effective January 1, 1979. This motion was seconded by Councilman Rainey and carried unanimously.

AFFIRMATIVE ACTION REPORT

9. Sam Graves, of the Central Services Division, presented members of Council copies of the quarterly Affirmative Action Report.

RESOLUTION NO. 79-66 - RESOLUTION AUTHORIZING THE CITY CLERK TO READVERTISE THE SALE OF CITY OF ASHEVILLE PROPERTY KNOWN AS THE PACK MEMORIAL LIBRARY BUILDING ON PACK SQUARE

10. Consideration was given to a resolution authorizing the City Clerk to readvertise the sale of City of Asheville property, known as the Pack Memorial Library Building on Pack Square.

The Assistant City Manager read the resolution explaining that this resolution was necessary due to an increased bid being received from William C. Morris, Jr. and James N. Golding in the amount of $122,250.00.

Upon motion of Councilwoman Price, seconded by Councilman Michael, Resolution No. 79-66 was unanimously adopted.

Complete text of Resolution No. 79-66 will be found in Resolution Book No. 11 at page 145.

WNC PILOT'S ASSOCIATION - COMPLAINT RE: DOUBLE TAXATION OF PRIVATE AIRCRAFT

7. Bill Norwood, representing the WNC Pilot's Association said he had polled 19 aircraft owners prior to coming to the Council meeting. He said he asked each the following questions:

1) Are you in favor of annexation of the Asheville Airport?

2) If Asheville Airport is annexed into City of Asheville, will you move your airplane to another airport?

He said all 19 emphatically stated they were not in favor of annexation and all stated they would definitely consider moving their airplane to another airport. He said the private aircraft owners would be double taxed because they presently have to pay county tax.

He said the following questions were asked during his conversation with aircraft owners:

1. What will happen to funds from taxation?
   a) Will they go toward improving Asheville Airport, or will they go into general fund?

2. What services will be provided to aircraft owners in return for this revenue?

3. How will the annexation affect the proposed three-county airport commission?

   a) Will the counties be interested in the airport if annexation takes place?

4. Is it fair for out-of-town county aircraft owners to pay taxes to Buncombe County and the City of Asheville on personal property owned by someone who lives and earns his living in another county?

Mr. Norwood said airplanes are based at the Asheville Airport because they cannot be parked in the individual or corporation's property, therefore, unlike autos, leisure vans, etc., the airplane must be parked at the Asheville Airport, and owner has no say-so over relocating it to his own property. He said even if the aircraft owners move their planes to another airport they will still be allowed to use the facilities of the Asheville Airport because it is a federally funded airport.

Councilman Michael also opposed the double taxation. He said the County of Buncombe receives $26,000 from the aircraft owners in taxes which goes into their general fund. He said this should be refunded to the Airport. He said he felt the move to annex the property was due to the liquor-by-the-drink privileges because of the timing of the request to annex.

Councilman Michael said he had worked on the regional concept for the airport in order to serve a greater area and to have larger planes. He said he feels the other counties will not participate in the regional concept if it is annexed into the City of Asheville.

PETITION - 396 OLD HAW CREEK ROAD

The Assistant City Manager presented a petition, received from residents surrounding 396 Old Haw Creek Road, expressing concern that the owner of the property is planning to put in a sawmill operation.

The Assistant City Manager said the petition would be investigated.

CLAIMS - HENRY A. SHERLIN - MRS. THOMAS E. KING - ED CHAMBERS

The Assistant City Manager presented claims received from Mr. W. R. Swearngan, Facility Services Superintendent:

Following individuals have claims against City of Asheville for damages:

Henry A. Sherlin
617 Leicester Hwy.
Asheville, N. C.

Rock damage from blasting.

Mrs. Thomas E. King
15 Sandhurst Drive
Asheville, N. C.

Water Seepage in basement

Claim sent to St. Paul Fire and Marine Insurance.

Ed Chambers
Rt. 4 Sunset Drive
Asheville, N. C.

Damage to automobile - City vehicle backing.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

CEMETARY - KENILWORTH SECTION

Mr. Pete Winslow of 288 Kenilworth Road presented a petition from the heirs of Major William Wallace McDowell for the City to take over an old cemetary in the Kenilworth Section. He also read a letter addressed to Mr. Ernest J. Ward, former City Manager, dated June 20, 1975, requesting the City to take over the responsibilities and maintenance of the cemetary.

Mayor Trantham said the matter would be taken into consideration.

Adjournment.

MAYOR

CITY CLERK

APPROVAL OF THE CONSENT AGENDA

11. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Motion amending the City of Asheville Capital Construction Fund budget for the Lake Eden Road Water Line Project which is wholly funded by the County of Buncombe.

HIGHLIGHTS:

Revenue: 33-346.0858 - County Participation - Lake Eden Rd. Water Line - $128,500.00

Appropriation: 33-50-858 - Lake Eden Rd. Water Line - $128,500.00

B. Motion amending the City of Asheville Second and Fourth Year Community Development Funds budget for Fiscal Year 1976-77 and Fiscal Year 1978-79 to reallocate $6,287 for the completion of the Burton Street Center which are available as a result of surplus funds from Klondike Park and Fourth Year Contingency Fund.

C. Resolution No. 79-67 - Resolution appointing a member to the Asheville Area Civic Center Commission.

HIGHLIGHTS: Appointment of Mr. Fred Brown.

Resolution Book No. 11 Page 146 .

D. Resolution No. 79-68 - Resolution appointing a member to the Asheville School Board.

HIGHLIGHTS: Mrs. Linda Winner will be reappointed a member of the Asheville School Board.

Resolution Book No. 11 Page 147 .

E. Resolution No. 79-69 - Resolution appointing a member to the Board of Examiners Policemen's and Firemen's Pension and Disability Fund.

HIGHLIGHTS: Dr. Wayne Montgomery will be appointed to the Board of Examiners Policemen's and Firemen's Pension and Disability Fund.

Resolution Book No. 11 Page 148 .

Upon motion of Councilwoman Price, seconded by Councilman Rainey the consent agenda was unanimously approved.

CLAIM - MRS. CONNIE L. AIKEN

The Assistant City Manager presented a claim for damages received from Mrs. Connie L. Aiken.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, reviewed the request to rezone 20 Britt Drive on February 14, 1979 and recommended to City Council that the petition be denied.

Mr. Emrick said the petitioner has requested that Council continue the public hearing for one week, March 29, 1979, giving the developer an opportunity to review the plans for the property with the members of Council.

Mr. William Dickinson of 18 Eastshore, opposed the rezoning request because of the odor, chemical effect, and minor increased travel if the Heavy Industrial zone is established. He said he would request that the Heavy Industrial zone be buffered with a light zoning or the property remain zoned R-3 Residential.

Approximately eighteen (18) people were present for the meeting in opposition to the rezoning.

Mr. Earl Richie, 57 White Pine Drive, requested that the overall community be studied in the White Pine Drive area before any more rezonings occurred in the area.

Councilman Cole moved to continue the public hearing until March 29, 1979. This motion was seconded by Councilwoman Price and carried unanimously.

PUBLIC HEARING - SITE PLAN - BEAR CREEK APARTMENTS -PHASE II

4. A public hearing was held relative to the site plan of Bear Creek Apartments - Phase II, prepared by Ridgley K. Robinson, ASLA, for Alco Properties, Inc.

Vice-Mayor Horton opened the public hearing at 3:27 p. m.

The Assistant City Manager presented the notice to the public setting the time and date for the public hearing.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, on February 14, 1979, reviewed the site plan of Bear Creek Apartments- Phase II and recommended to City Council that the site plan be approved subject to the following: 1) Compliance with State Sediment Control Act for erosion control administered by the Land Quality Section, North Carolina Department of Natural Resources and Community Development. He said the Asheville Water and Sewer Department advises that water and sanitary sewer facilities as designed are adequate to serve this project. The department indicated; however, that for increased fire protection, the developer should consider the installation of an additional line along Bear Creek Road to tie with existing 6" line near School Road.

Mr. Emrick said Phase II of the project would consist of 90 additional units with 1, 2 and 3 bedroom complexes. He said the project would be built on 9 acres and the parking requirements of the zoning ordinance are being complied with.

Council then discussed the recommendation of the Water and Sewer Department that the developer should consider the installation of an additional line along Bear Creek Road to tie with existing 6" line near School Road.

Thursday - March 22, 1979 - 3:00 p. m.

Regular Meeting

Present: Vice-Mayor Bill B. Horton, Presiding; Councilwoman Norma T. Price, Councilman Gene E. Rainey, F. Jack Cole and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr., Acting City Clerk Carol Hensley.

Absent: Mayor Roy M. Trantham and Councilman Ralph D. Morris, Jr.

INVOCATION

The invocation was given by Councilwoman Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the March 15, 1979 meeting.

Councilman Rainey presented grammatical errors in the verbatim text of the minutes. He also noted that the minutes showed no motion for the approval of the consent agenda.

With these corrections, Councilwoman Price moved for the approval of the minutes of the March 15, 1979 meeting, as amended. This motion was seconded by Councilman Cole and carried unanimously.

BROWNBAGGING PERMITS FOR COUNTY - DISCUSSION

Upon inquiry of Vice-Mayor Horton, Corporation Counsel Moore said he had talked with the ABC Board relative to Councilman Morris's question as to why the liquor-by-the-drink legislation was written to include only the City Limits when establishments in the County were permitted to obtain brownbagging license. He said the ABC Board has not, as yet, furnished him any information.

APPOINTMENT TO THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE - MR. HUNTER B. WATSON

2. Vice-Mayor Horton announced the appointment, by Mayor Trantham, of Mr. Hunter B. Watson as a Commissioner of the Housing Authority of the City of Asheville.

The Assistant City Manager read the Certificate of Appointment.

PUBLIC HEARING - REZONING 20 BRITT DRIVE - E. DENNIS YOUNG AND EMIL D. YOUNG

3. A public hearing was held relative to rezoning property at 20 Britt Drive from R-3 Residential District to HI Heavy Industrial District, property owned by E. Dennis Young and Emil D. Young.

Vice-Mayor Horton opened the public hearing at 3:14 p. m.

The Assistant City Manager presented the notice to the public setting the time and date for the public hearing.

II. The decrease in parking revenue has been in process since the early 1970's. Now for the first time, we are able to state, with a degree of certainty, that there is some off setting revenue.
   1. There is concrete proof of an increase to the city in the 1% sales tax revenue - a substantial increase.
   2. There is an increase in the inventory levels required to support the increase in sales.
      a. A good rule of thumb is that good managed retailers achieve 3-1/2 turns per year in inventory.
      b. This means that the more sales a business achieves, the more inventory it needs and the more city revenue it will pay.
      c. For one business alone, this will amount to over $750, based on a tax rate of .96.

III. With the certain increase in the price of gasoline, the present parking program becomes even more important for three very good reasons:
   1. The customer is going to become fuel cost conscious and will refuse to visit any area where she has to waste valuable fuel driving around and around trying to find a parking space.
   2. It will use less energy and thus help our area, our state, and our country, to some extent.
   3. When you consider the downtown shopping area, it is closer for a major segment of our population than many of the outlying shopping areas.

He said retail establishments cannot exist or locate in an inadequate parking area.

Bob Anthony made the following presentation:

A. The revitalization plan and the parking program have already turned the attitudes of both customers and business leaders from one of desolation and gloom, to one of positive attitudes and excitement:
   1. Evidence that there is over $11,000,000 in private investment planned for the Mid-City Area.
   2. Seven new restaurants are planned to open (only one of which has applied for a liquor-by-the-drink license).
   3. These new adventures themselves will benefit the area. However, probably their greatest contribution will be to draw more new business.

B. The City, in my judgment, is not providing the parking to benefit the merchants and business community nearly as much as it is providing a service to the taxpayer by making parking available to him in a more convenient manner at a place where he desires to be at a particular time.

   If this were not the case, then the change in parking would not have made any difference in the shopping habits of the customer - which it has, by whatever method you use to measure it.

C. We are presently subsidizing the Asheville Transit Authority to a much greater degree than the parking program is anticipated to require, and that needs to be done. Let's keep the parking program, and benefit the other 90% of the tax payers.

D. The Mid-City Merchants spent $2,421 last June and July to publicize the new parking program. It was a good investment and accomplished the goal.

Mr. Ridgley Robinson said the water service projected is not dependent on a new line. He said the project could get adequate water service without any City action on a new line.

Councilman Michael commented that the City could not force the developer to share the cost of a line the developer does not need.

Vice-Mayor Horton closed the public hearing at 3:40 p. m.

Councilman Michael moved to approve the site plan of Bear Creek Apartments Phase II as recommended by the Planning and Zoning Commission. This motion was seconded by Councilman Rainey and carried unanimously.

PUBLIC HEARING - STUDY AND RECOMMENDATIONS RELATIVE TO DOWNTOWN PARKING

5. A public hearing was held relative to the study and recommendations pertaining to the downtown parking.

Vice-Mayor Horton opened the public hearing at 3:43 p. m.

The Assistant City Manager presented the notice to the public setting the time and date of the public hearing.

Richard Thornton, of the Planning Division, reviewed the "Asheville Experimental Parking Program, Task Force Report" and the "Downtown Parking Program, recommendations of the Planning Division Staff." He said in recent months the City has had an experimental parking program for free on-street parking in the downtown area. He said during the experiment, retail sales in the downtown area made a substantial increase. He said twenty-five (25) additional establishments are planned for the coming year in the downtown area which would employ approximately 1,000 more employees. He said not all of the projects would provide their own parking spaces and this would increase the need for parking downtown.

(Copies of the reports mentioned are on file in the Office of the City Clerk)

Mr. Thornton said the City Manager had requested that Council consider the package as a comprehensive package rather than a piece-meal package.

Councilman Michael said he felt the Revitalization Commission should concentrate on the hotel/motel convention areas to build their own parking facilities.

Roy Burchfield made the following presentation:

"I. The parking revenues during the experimental period, in my opinion, reflect three very important things:
   1. The public has been made aware of the program and its equitable enforcement and the regularity of the rounds by the enforcement officers.
   2. The customers are utilizing the available spaces in the manner we set out to achieve - they are parking for two hours or less and then leaving the space for other customers.
   3. Employees who were parking on the street all day for the $1 parking penalty or who were feeding the meters, are now in the private lots or the municipal parking garage or the other municipal parking areas.

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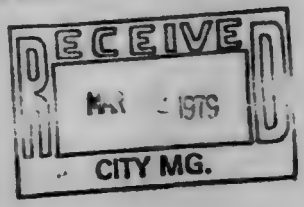
AREA CODE 704
TELEPHONE: 253-0401

22 March 1979



Honorable Mayor and
Members of the Asheville City Council
City Hall
Asheville, N. C. 28801

Re: Loading zones, Biltmore Furniture Company
Lexington Avenue, Asheville

Gentlemen:

As you consider the multitudinous problems of parking within the city of Asheville, please be so kind as to give careful and favorable attention to the following:

Biltmore Furniture Company, owned and operated by Mr. A. W. Colledge, a highly respected businessman and community-minded citizen, has occupied two buildings on Lexington Avenue since 1946. Two Loading Zones (one in front of each building) were awarded this company several years ago when Mr. Weldon Weir was City Manager and Mr. Carl Hyatt was Director of Public Safety.

Inasmuch as there now exist in the vicinity several more business establishments than existed at the time of the granting of two Loading Zones to Mr. Colledge, the need for one in front of each building is greater now than ever. Please note:

1) All sales and display of merchandise must be made from the ground floors since it is necessary to keep upstairs-warehoused items covered or in cartons due to the accumulation of dust from heavy traffic, primarily of trucks owned by adjoining businesses at the upper level.

2) The construction of steps inside the Biltmore Furniture Company building is such that they will not accommodate for removal purposes many of the larger articles of furniture. And these items must be moved from the upper level to the front of the two lower levels of the building for purposes of display and sale. Without the use of two Loading Zones a grave hardship is perpetrated upon Biltmore Furniture Company.

3) As I understand it, Mr. Colledge several years ago paid for the improvement of the sidewalk in front of the buildings, and a portion of the consideration of his agreement so to do was an understanding on his part that his own use of the front of the buildings would not be further restricted.

. . .

Leon Rocomora, member of the Asheville Revitalization Commission, Transportation Committee said at the last meeting the following motions were made:

"Be It Resolved that the Asheville Revitalization Commission Transportation Committee has reviewed the Parking Task Force report and hereby endorses its findings, furthermore it is recommended that the current on-street parking plan as described in Part I of the report be made permanent. This motion was made by Walter Boggs and seconded by Roy Burchfield and carried unanimously."

"Be It Further Resolved that the off-street parking accommodations are a key component to an acceptable transportation program for the revitalization of downtown Asheville and its intent brings forth its recommendation to the Revitalization Commission for presentation to the Council. This motion was made by Walter Boggs and seconded by Robert Anthony and carried unanimously."

He said they would like to proceed on bringing to the Council a program for implementation for off-street parking - several large parking areas - and bring to Council a recommendation for financing the cost of this program.

Lem Moore, City Employee in the Inspection Division, opposed the recommendation in the report that City Employees pay $10 for parking, stating that the recommendation does not include all city employees or Buncombe County employees who park in the City Municipal Lots. He requested that Council explore this recommendation thoroughly.

Ralph Bishop said he felt the parking as currently being implemented should remain status quo.

Councilman Rainey said his negative vote on the issue would be based on several factors. He said the main important change in the parking program was abandoning the downtown employee parking. He said users should pay for their services and the homeowner should not have to pay for parking places for out-of-town shoppers. Referring to the parking report he said there had been high losses in parking revenues. He said if the Parking Program is a success then the Mid-Town Merchants should not mind picking up and/or sharing the cost of the parking program. He said the funds received from the parking revenues should be used for revitalization. He said the parking meters, at a future date, would return and Council should look at a future off-street parking program.

In commenting on the recommendation of City employees paying $10.00 to park, Councilman Rainey said the monies should be put in a separate fund and be applied to the users and not used in the general fund.

Councilman Cole said the $10.00 from City Employees could be used to pave the City Parking Lot. He said he was in favor of the free parking downtown.

The City Manager requested that the following letter be included in the minutes:

PUBLIC HEARING SCHEDULED - AMENDMENTS TO ZONING ORDINANCE - NIGHT CLUBS

7. Consideration was given to a motion scheduling a public hearing on Zoning regulations on Night Clubs for April 12, 1979.

Councilwoman Price moved to schedule a public hearing on the matter for April 12, 1979. This motion was seconded by Councilman Cole and carried unanimously.

APPROVAL OF CONSENT AGENDA

8. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Approval of bids received March 14, 1979 for Brake Drum Lathe and Grinder for Asheville Transit Authority (UMTA Project No. NC-03-0006)

HIGHLIGHTS: Four (4) bids were received.

Recommendation of lowest bid submitted by Star Machine and Tool Company in the amount of $5,135.60.

B. Approval of bids received March 19, 1979 for 1,500 watt, 240 volt Metal Halide Heavy Duty Fixtures with Lamps for McCormick Field.

HIGHLIGHTS: Six (6) bids were received.

Recommendation of lowest bid submitted by Mill-Power Supply Company in the amount of $20,298.84.

Funding: Revenue Sharing Trust Fund, Capital Outlay Equipment, Fixtures and Lights for Improvement of lighting system at McCormick Field.

C. Resolution No. 79-70 - Resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish 97 Hill Street, 40 Pine Grove Street, and 5 Toxaway Street for April 12, 1979.

Resolution Book No. 11 Page 149

Upon motion of Councilman Cole, seconded by Councilwoman Price, the consent agenda was unanimously approved.

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SHELBY E. HORTON
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AREA CODE 704
TELEPHONE: 253-0461

4) The length and terms of his lease are such as to preclude Mr. Colledge's investment of the vast sums necessary to renovate the buildings occupied by his business in such manner as to offset the removal overland of merchandise as described.

Your kind consideration is greatly appreciated by all concerned.

Thank you very much for this and past kindnesses.

Respectfully yours,

HORTON and HORTON

Shelby E. Horton

SEH:mp

Vice-Mayor Horton closed the public hearing at 5:16 p. m. and called for a five (5) minute recess.

Councilman Michael said before Council recesses he would like to present a motion.

Councilman Michael then moved that the demonstration parking program be extended for one (1) year. This motion was seconded by Councilman Cole and carried on a voice vote of 4-1, with Councilman Rainey voting "no."

Council then recessed for five (5) minutes.

Council reconvened at 5:35 p. m.

Vice-Mayor Horton said Council would instruct the City Manager to set up a Council work session on the parking recommendations.

CONTINUATION OF PUBLIC HEARING - CLOSING OF RASH ROAD

6) Continuation of a public hearing relative to closing a portion of Rash Road.

Verl Emrick, Planning Director, said the attorneys in the petition have requested that the matter be continued until April 5, 1979.

Councilwoman Price moved to continue the public hearing until April 5, 1979 without further publication. This motion was seconded by Councilman Cole and carried unanimously.

Thursday - March 29, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilman Gene E. Rainey, F. Jack Cole, Otis B. Michael and Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Acting City Clerk Carol Hensley

Absent: Associate City Manager/City Clerk William F. Wolcott, Jr. (attending to other city business at the Civic Center)

INVOCATION

The invocation was given by Mayor Roy M. Trantham.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the March 22, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the March 22, 1979 meeting were approved as submitted.

RESOLUTION NO. 79-71 - RESOLUTION COMMENDING ASHEVILLE HIGH SCHOOL ON THEIR PARTICIPATION IN THE INTERNATIONAL EXCHANGE PROGRAM AND RECOGNIZING THE JAPANESE STUDENTS FROM KOFU NISHI SENIOR HIGH SCHOOL THAT ARE PARTICIPATING IN THE PROGRAM

2. Consideration was given to a resolution commending Asheville High School on their participation in the International Exchange Program and recognizing the Japanese Students from Kofu Nishi Senior High School that are participating in the program.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilman Morris, Resolution No. 79-71 was unanimously adopted.

Complete text of Resolution No. 79-71 will be found in Resolution Book No. 11 at page 151.

Mayor Trantham presented each student with a welcome letter and a copy of the resolution.

RESOLUTION NO. 79-72 - RESOLUTION OF APPRECIATION AND COMMENDATION TO WILMER J. BLACKWELL

3. Consideration was given to a resolution of appreciation and commendation to Wilmer J. Blackwell.

The City Manager read the resolution and said Mr. Blackwell would be retiring from the City of Asheville after twelve (12) years of service to the City.

Upon motion of Vice-Mayor Horton, seconded by Councilman Michael, Resolution No. 79-72 was unanimously adopted.

CLAIMS - SAMS LINCOLN-MERCURY, INC. - ELOISE PHILLIPS

The City Manager presented claims received from Mr. W. R. Swearngan, Facility Services Superintendent.

Following individuals have claims against the City of Asheville for damage:

Sams Lincoln-Mercury, Inc. 11 North Market Street Asheville, North Carolina 28807	Dumpster hit cyclone fence
Eloise Phillips 45 Edgewater Lane Asheville, North Carolina 28804	Sewer Problem - City side

Vice-Mayor Horton referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - "RONNIE MILSAP DAY" - MARCH 24, 1979

Vice-Mayor Horton read a proclamation, made by Mayor Trantham, proclaiming March 24, 1979 as "Ronnie Milsap Day."

CIVIC CENTER DIRECTOR APPOINTED - MR. BARRY OGRIN

The City Manager announced the appointment of Mr. Barry Ogrin as the Director of the Civic Center, effective May 14, 1979.

ANNOUNCEMENT OF PUBLIC MEETING -OBSCENITY AND PORNOGRAPHY

Vice-Mayor Horton announced that a public meeting is scheduled for April 1, 1979 at 2:00 p. m. at the Beverly Hills Baptist Church. He said Senator I. Beverly Lake, author of the bill on obscenity and pornography would be present to explain the significance of the bill and to give details of how it will be enforced. He said the Christian Action League is sponsoring the meeting.

RALPH BISHOP - DISCUSSION RE: LOTTERY SALES

At the request of Councilman Rainey, Mr. Ralph Bishop explained the profit margin for lottery sales. He said an individual would make $380.00 tax-free dollars on a $1,000 board, $165.00 tax-free dollars on a $600 board, etc.

Adjournment.

Bill B. Horton
VICE-MAYOR

Maureen F. Nolette
CITY CLERK

Wayne Kinser, owner of the Hilton, said they had requested the annexation due to competition of other convention centers. He said they have found that their customers prefer the privilege of having liquor-by-the-drink.

Upon inquiry of Vice-Mayor Horton, Mr. Kinser said the Great Smokies Hilton would comply with all the ABC rules and regulations.

Councilman Rainey said he would be voting for the annexation of the Hilton only because of a campaign promise.

On a roll call vote of 5-1, Ordinance No. 1095 passed on first reading, with Vice-Mayor Horton voting "no" and Councilman Cole "abstaining."

Councilman Michael moved to suspend the rules and proceed to the second reading of Ordinance No. 1095. This motion was seconded by Councilman Morris, which motion carried with Vice-Mayor Horton voting "no" and Councilman Cole "abstaining."

On a roll call vote of 5-1, Ordinance No. 1095 passed on second reading, with Vice-Mayor Horton voting "no" and Councilman Cole "abstaining."

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1095. This motion was seconded by Councilman Michael, which motion carried with Vice-Mayor Horton voting "no" and Councilman Cole "abstaining."

On a roll call vote of 5-1, Ordinance No. 1095 passed on third and final reading, with Vice-Mayor Horton voting "no" and Councilman Cole "abstaining."

Complete text of Ordinance No. 1095 will be found in Ordinance Book No. 8 at page 327.

ORDINANCE NO. 1089 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Including "Public Facilities" as a permitted use in Office Institutional)

5. Consideration was given to the third reading of Ordinance No. 1089, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended including "public facilities" as a permitted use in the Office Institutional District.

Mayor Trantham said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

Upon inquiry of Councilman Cole, the City Manager said this particular ordinance did not deal with the construction of a park in North Asheville but only to including "public facilities" as a permitted use in the Office Institutional District.

Complete text of Resolution No. 79-72 will be found in Resolution Book No. 11 at page 152 .

PUBLIC HEARING - ANNEXATION OF THE GREAT SMOKIES HILTON PROPERTY

ORDINANCE NO. 1095 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA

4. A public hearing was held relative to annexation of the Great Smokies Hilton property.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mayor Trantham opened the public hearing at 3:20 p. m.

Verl Emrick, Planning Director, explained that the annexation would include all the property under control of the Great Smokies Hilton. He said the annexation would become effective March 31, 1979 in order to give the City the greatest tax advantage. He said eventhough the taxes would be levied for April, May, and June, 1979; the payment of the taxes will not become due until September, 1979.

Upon inquiry of Vice-Mayor Horton, Mayor Trantham said he had contacted the leaseholders of property leased to the Hilton and they were not willing to be annexed into the City at this time.

Mr. Emrick said he did not anticipate any great expense to the City as far as the cost of services is concerned because most of the services are in place.

Mayor Trantham closed the public hearing at 3:25 p. m.

Councilman Cole requested that he be excused from voting on the issue because he represents a financial lending institution doing business with the petitioner. Mayor Trantham excused Councilman Cole from voting on the issue.

Verl Emrick read the ordinance and requested that Council pass the ordinance on all three readings in order to have the ordinance effective March 31, 1979.

Councilwoman Price moved for the adoption of Ordinance No. 1095. This motion was seconded by Councilman Morris.

Vice-Mayor Horton said the Hilton's basic reason for requesting annexation was to have the privilege of selling mixed drinks. He said the Hilton may have been better off to have held the line and not gone to liquor-by-the-drink. He said the City receiving the additional tax money and the Hilton receiving the privilege of selling mixed drinks was a bad trade for the citizens of Asheville.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Leo Bagwell, of Balsam Avenue, said the residents on Balsam Avenue do not want Mr. Coleman to grade or disturb the 25' buffer zone that Council had agreed to remain as R-3 Residential District.

Rick Coleman requested that in the future development of the land, Council allow the 25' buffer zone that will remain R-3 Residential District, to be the buffer required in the group development plan rather than to encroach further onto the property for an additional buffer beyond the 25'.

Councilwoman Price said this request could be considered at the time the group development is presented for approval.

Councilman Morris said Council should, for the benefit of any future Council, show that this Council intended that the 25' residentially zoned buffer would be used as any buffer requirement for any future development.

Mr. Emrick said Council could not put such a condition with the zoning of the property. He said it would have to be done by separate motion.

Mr. Bagwell requested that the City Engineer stake out the 25' residential buffer zone beginning with the northwest corner of Lot 79 and running a direct line to Lot 131.

After discussion, Mayor Trantham called for a vote on the second reading of the ordinance.

On a roll call vote of 7-0, Ordinance No. 1094 passed on second reading.

Councilwoman Price moved that no grading permits be issued for that portion of Lot 12-1/2, Lot 131 and Lot 79 until the group development plan is presented and approved by Council. Councilman Morris seconded the motion contingent upon Councilwoman Price accepting an amendment that at such time as the group development plan is submitted that Council should allow the 25' residential strip to be used as a part of any buffer requirement of the group development plan. Councilwoman Price accepted the amendment and the motion carried unanimously.

Bob Orr, attorney representing R. L. Coleman Company, asked for a clarification of the motion stating that he would like to make it clear that if any buffering is required on a group development plan that part of the 25' residential strip could be used as the buffer.

It was the consensus of Council that Mr. Orr's interpretation of the motion was correct.

Councilman Rainey commented that Council had decided during Council's work session on March 27, 1979 to proceed with the North Asheville Park on the Swain property.

Councilman Cole, in rebuttal, again expressed his concerns about a park being constructed on the Swain property. He said this was a poor location for a park. He said Council will find restrictions of free access to Kimberly Avenue and Beaverdam Valley if the park is built on the Swain property. He said there would also be considerable blockage of traffic on Kimberly Avenue from the parked vehicles. He said the construction of the park would be detrimental to the land values in the immediate area by the lowering of tax values. He said he felt Council could have found a better location even by the modification of Weaver Park. He said Council should admit an error was made, in putting the park on this location, and find a more suitable location.

Vice-Mayor Horton said the ordinance in question originally included "playgrounds" in the R-1 District and he would vote against the ordinance unless it was adopted as originally presented. He said the North Asheville park had been delayed considerably because Council was looking for a better location. He said all the property reviewed was unsuitable for the needs of the North Asheville recreation program.

Shelby Horton, attorney, made a strong plea for Council or proceed with the construction of the North Asheville park on the Swain property. He said they stood ready to defend any law suit filed against the construction of the park.

Bob Orr, attorney, speaking as a citizen, said he was concerned with the term "public facilities." He said this would allow the City to put a "public facility" anywhere and the City could just about define anything as a "public facility." He said there should be some type of control or restraint on the type of land uses within the comprehensive zoning plan. He said the term "public facility" should be studied by Council in order for the City to have restraints under this scope.

Councilman Michael agreed that the term "public facility" should be studied as far as definition is concerned.

On a roll call vote of 6-1, Ordinance No. 1089, as amended, passed on third and final reading with Vice-Mayor Horton voting "no."

Complete text of Ordinance No. 1089, as amended, will be found in Ordinance Book No. 8 at page 307.

ORDINANCE NO. 1094 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Rezoning property on Patton Avenue near Haywood Road)

6. Consideration was given to the second reading of Ordinance No. 1094, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', as amended rezoning property on Patton Avenue near Haywood Road from R-3 Residential District to Commercial Highway District, property owned by R. L. Coleman and Company.

ORDINANCE NO. 1096 - AN ORDINANCE AMENDING ORDINANCE NO. 355, KNOWN AS "AN ORDINANCE ESTABLISHING THE PROCEDURE FOR THE ELECTION OF TWO MEMBERS OF THE CIVIL SERVICE BOARD BY THE EMPLOYEES IN THE CLASSIFIED SERVICE

9. Consideration was given to an ordinance amending Ordinance No. 355, known as "An Ordinance establishing the procedure for the election of two members of the Civil Service Board by the employees in the Classified Service."

The City Manager read the ordinance and explained that this would provide for single ballots being prepared having the names of all persons nominated placed thereon.

Councilman Rainey moved for the adoption of Ordinance No. 1096. This motion was seconded by Councilwoman Price.

On a roll call vote of 7-0, Ordinance No. 1096 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1096. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1096 passed on second reading.

Vice-Mayor Horton suggested that the third reading of the ordinance be held on April 5, 1979.

APPROVAL OF THE CONSENT AGENDA

10. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Motion amending the City of Asheville First and Second Year Community Development Funds budget for Fiscal Year 1975-76 and Fiscal Year 1976-77 to restore funds needed to complete the Burton Street Water Line Project and for completion of the Pisgah View Water Line Project.

B. Resolution No. 79-73 - Resolution authorizing the Mayor to sign a contract with Western Carolina University for the development, documentation and implementation of the Manpower Resource Allocation Programs for the Asheville/Buncombe County Criminal Justice Information System.
HIGHLIGHTS: Western Carolina University has submitted a proposal for the performance of the technical and professional services desired for $35,000.00. LEAA Grant No. 02-177-C08-C049
Resolution Book No. 11 page 153

APPROVAL OF RECOMMENDATIONS OF THE BOARD OF EXAMINERS OF THE ASHEVILLE FIREMEN'S PENSION AND DISABILITY FUND - VINCENT E. BRADLEY, ELBERT L. BRINKLEY AND JAMES L. SHROAT

7. Consideration was given to a motion approving the recommendations of the Board of Examiners of the Asheville Firemen's Pension and Disability Fund regarding the line of duty disability retirement of Vincent E. Bradley, Elbert L. Brinkley and James L. Shroat.

Councilman Cole moved that the City Council approve the recommendation of the Board of Examiners of the Asheville Policemen's Pension and Disability Fund, made under the terms of an agreement between the City of Asheville and the North Carolina Local Governmental Employees' Retirement System, to approve the line of duty disability of Vincent E. Bradley and to certify this disability retirement to the North Carolina Local Governmental Employees' Retirement System effective January 1, 1979. This motion was seconded by Councilman Rainey and carried unanimously.

Councilman Cole moved that the City Council approve the recommendation of the Board of Examiners of the Asheville Policemen's Pension and Disability Fund, made under the terms of an agreement between the City of Asheville and the North Carolina Local Governmental Employees' Retirement System, to approve the line of duty disability of Elbert L. Brinkley and to certify this disability retirement to the North Carolina Local Governmental Employees' Retirement System effective January 1, 1979. This motion was seconded by Councilman Rainey and carried unanimously.

Councilman Cole moved that the City Council approve the recommendation of the Board of Examiners of the Asheville Policemen's Pension and Disability Fund, made under the terms of an agreement between the City of Asheville and the North Carolina Local Governmental Employees' Retirement System, to approve the line of duty disability of James J. Shroat and to certify this disability retirement to the North Carolina Local Governmental Employees' Retirement System effective January 1, 1979. This motion was seconded by Councilman Rainey and carried unanimously.

PUBLIC HEARING RESCHEDULED - REZONING OF 20 BRITT DRIVE - E. DENNIS YOUNG AND EMIL D. YOUNG

8. Consideration was given to a motion rescheduling a public hearing relative to the rezoning of property at 20 Britt Drive from R-3 Residential District to HI Heavy Industrial District, property owned by E. Dennis Young and Emil D. Young for April 19, 1979.

The City Manager explained that due to an error in the legal procedure for advertising for the public hearing it will be necessary for the Asheville City Council to reschedule and readvertise the public hearing.

Councilwoman Price moved to schedule the public hearing relative to rezoning of 20 Britt Drive for April 19, 1979. This motion was seconded by Councilman Cole and carried unanimously.

I. Resolution No. 79-76 - Resolution modifying a grant agreement with the N. C. Department of Transportation for Aviation Project No. 75-02 for the Asheville Airport.

HIGHLIGHTS: This resolution enables the City to obtain state funding for the Airport Master Plan.

Resolution Book No. 11 Page 157 .

J. Resolution No. 79-77 - Resolution authorizing the Mayor to execute a grant agreement with the N. C. Department of Transportation for Aviation Project No. 79-08 for the Asheville Airport.

HIGHLIGHTS: This resolution authorizes the Mayor to execute an agreement with the State to provide State funding for paving and lighting the 1500' Runway Extension.

Resolution Book No. 11 page 158 .

Upon motion of Councilwoman Price, seconded by Councilman Morris, the consent agenda was unanimously approved.

BROWNBAGGING PERMITS FOR THE COUNTY - REPORT BY CORPORATION COUNSEL

In response to a request by Council on March 22, 1979, Corporation Counsel presented the following letter received from Mr. Luther B. Anderson, Sr. Supervisor of the Asheville Board of Alcoholic Control Board.

Asheville Board of Alcoholic Control

Asheville, North Carolina 28801

OSBORNE M. HART, CHAIRMAN
J. W. BYERS
CELESTE L. LOFTIN

March 27, 1979

L. B. ANDERSON, SR.
SUPERVISOR

Mr. William C. Moore
Room 500 Gennett Building
29 North Market Street
Asheville, NC 28801

Dear Bill:

Enclosed is a copy of the local act which established the Asheville ABC System in 1947. Also, I have attached a copy of the local act which extended the Asheville ABC Law Enforcement Officers Jurisdiction to Buncombe County. The County of Buncombe has never voted to establish ABC Stores within the county.

In reference to your inquiry concerning "brown-bagging" in Buncombe County, it appears that the North Carolina Legislature rewrote Chapter 18, N. C. General Statutes, in 1967-1968 and gave the North Carolina State ABC Board power to issue these permits in any county which had at least one county or municipal ABC Store located in the County; reference Chapter 18A-31, paragraph (c) subsection (2). This enabled establishments located in Buncombe County, even though they were outside the city limits, to obtain "brown-bagging" licenses. This session of the legislature changed the designation of G. S., Chapter 18, to G.S. Chapter 18A.

C. Motion approving bids received on March 26, 1979 to install new sports lighting system at McCormick Field.

HIGHLIGHTS: Three (3) bids were received.

Recommendation of acceptance of low bid submitted by M. B. Haynes Electric Corporation, base bid: $31,858.00, plus alternate #2: $2,000.00, totaling $33,858.00.

Funding: Revenue Sharing Trust Fund, Capital Outlay Other - Improvement of Lighting System at McCormick Field - Sufficient funds are available for expenditure.

D. Motion approving bids received on March 26, 1979 for one (1) tilt cab and chassis with enclosed hydraulic body for Sanitation Division.

HIGHLIGHTS: Five (5) bids were received.

Recommendation of acceptance of low bid submitted by Sanco Corporation in the amount of $42,870.00

Funding: Revenue Sharing Trust Fund, Sanitation Division, Capital Outlay Equipment.

E. Motion approving bids received March 26, 1979 for one (1) fire service turbo-meter.

HIGHLIGHTS: Two (2) bids were received.

Recommendation of acceptance of low bid submitted by Rockwell International in the amount of $3,950.00.

Funding: Water and Sewer Operations, Meter Services Division - Capital Outlay, Meter Change Out Program

F. Resolution No. 79-74 - Resolution authorizing the Director of Parks and Recreation to seek grant funding for the Hillcrest Enrichment Program.

Resolution Book No. 11 Page 154.

G. Motion approving budget amendment amending the City of Asheville Parks and Recreation Fund budget for Fiscal Year 1979 to include a grant from the N. C. Department of Human Resources authorized by Asheville City Council Resolution No. 79-45, dated February 15, 1979, in the amount of $3,000.00

H. Resolution No. 79-75 - Resolution modifying a grant agreement with the N. C. Department of Transportation for Aviation Project No. 75-01 for the Asheville Airport.

HIGHLIGHTS: This resolution enables the City to acquire state funding for the terminal building expansion and security checkpoints already completed at the Asheville Airport.

Resolution Book No. 11 page 155

PETITION - RESIDENTS OF GREENLEAF CIRCLE - COMPLAINT RE: BUILDER GROVER REDMON

Mr. Eckel Bradley of 54 Greenleaf Circle read the following petition:

We, the undersigned citizen's of Asheville and more specifically residents of Greenleaf Circle (North Asheville) do hereby Petition the Asheville City Council, and its Corporation Counsel, to investigate, examine, explore or otherwise look into a specific problem of dirt erosion, washing, flowing and generally making a complete and thorough mess of a city street and/or streets where we reside. This specific problem comes from an area owned by one individual known as Grover Redmon. Mr. Redmon is a landowner, developer, builder, contractor as we know him to be. At this time Mr. Redmon is finishing the construct of a residence on a cul de sac at the top of Greenleaf Circle. Previoulsy some two or three years ago, Mr. Redmon constructed a home at about the same area, facing on Greenleaf Circle. Prior to that period, lots were vacant in that specific area of Greenleaf Circle.

We take you back to that point in time to Chronologically statethat in the past 5 years, that during periods of rainfall, loose dirt, rock and other materials have washed from this property and been deposited in the street below this property and creating an environmental, road hazard, dirty, dusty, nuisance and unsightly situation, as well as a traffic problem in our area. There are 13 (Thirteen) households in this area affected by this problem and specifically we name those as follows:

Ferretti, Holbert, Boland, Bradley, Eller, Hall, Peterson, Pettus, Gibbons, Teague Carr, Roberts and Pollard.

There are other households that are on Red Oak Road that are subject to this debu that washes to the point and intersection of Greenleaf Circle, at a triangular divider at the intersections of Greenleaf Circle, Red Oak Road and Valle Vista Drive.

Mr. Redmon has made no effort to build or construct a berm to retain this material prior to the houses constructed. Mr. Redmon has not attempted to construct a fence with cloth barrier to hold or retain this material. Mr. Redmon has made no effort to place bails of hay or straw to retain this material. Mr. Redmon has not attem to try to retain any of this material either prior to during or after constructi of the said homes in this area.

We, the neighbors in this area have contacted Mr. Ward, City Manager in the past concerning this problem, taking him snapshots of the problem. We have contacted Mr. Michalove concerning this problem. We have contacted Mr. Frank Kilpatrick, City Environmental Department concerning this, We have contacted Mr. Larry Low, Building Inspector for this areaof the City of Asheville, we have contacted Mr. Bill Besser, Erosion Control concerning this problem, and We have ontacted Mr. Roy Trantham concerning this problem.

We, with a certain amount of civic pride, as well as pride for our residental are cleaned this mess up, by sweeping it up, hauling it off in wheelbarrows, washing the street down with hoses, at the same time feeling some form of anger towards t problem and its cause and why this individual could literally get off the "hook" an not be held responsible or accountable for this problem.

As you recall, the legislature amended Chapter 18A last year to allow referendums in areas that had already established ABC Stores by referendum to vote on whether "mixed beverages" would be allowed in the same area as had been established for the stores. Only the City of Asheville and the Town of Black Mountain were eligible to hold referendums in Buncombe County for this purpose because they are the only Municipalities that have voted for ABC Stores. The referendum failed in Black Mountain but passed in Asheville. As a result, no "mixed beverage" license can be issued outside the City of Asheville. As to the Airport, which is owned by the City of Asheville, but is not yet "annexed" to the city, several moves are under way to clarify this situation. One bill now pending in the legislature would annex the Airport and make it part of the city. Another bill would allow mixed beverage licenses at Airports owned by cities if they met certain requirements such as having a Grade "A" Restaurant seating at least 36 people, having at least 150,000 passengers boarding flights each year, etc. In the meantime, the North Carolina State Board of Alcoholic Control is seeking a ruling from the North Carolina Attorney General concerning the status of Rak's Restaurant located at the Asheville Airport. A permit has been issued, apparently by mistake, to Rak's Restaurant but we have been instructed by the North Carolina State ABC Board to withhold sales of alcoholic beverages to Rak's until the situation is clarified.

Very truly yours,

Luther B. Anderson Sr.

LUTHER B. ANDERSON, SR.
SUPERVISOR

BASr/jkw

Enclosure

ANNOUNCEMENT OF PUBLIC MEETING - OBSCENITY AND PORNOGRAPHY

Vice-Mayor Horton reminded Council of a public meeting scheduled for April 1, 1979 at 2:00 p. m. at the Beverly Hills Baptist Church. He said Senator I. Beverly Lake, author of the bill on obscenity and pornography would be present to explain the significance of the bill and to give details of how it will be enforced. He said the Christian Action League is sponsoring the meeting.

The City Manager said he would investigate the petition and report his findings back to Council.

PROCLAMATION - "LICK CANCER DAY" - SATURDAY, MARCH 31, 1979

Mayor Trantham announced a joint proclamation by the City of Asheville and the County of Buncombe proclaiming Saturday, March 31, 1979 as "Lick Cancer Day."

CLAIMS - RANDY HUNTLEY - LAWYER'S BUILDING - MR. AND MRS. L. J. MONGIOVI

The City Manager presented the following claims received from Mr. W. R. Swearngan, Facility Services Superintendent.

Following individuals have claims against the City of Asheville for damage:

Randy Huntley 12 Main Street Asheville, N. C.	Sewer Leak on Property
Lawyer's Building 17 North Market Street Asheville, N. C.	Water Leak
Mr. and Mrs. L. J. Mongioiv 99 Shadowlawn Drive Asheville, N. C.	Sewer property damage - $6,500.00

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

LETTER FROM ASHEVILLE CIVIL SERVICE BOARD - RE: CIVIL SERVICE LEGISLATION AMENDMENTS

The City Manager presented the following letter to members of Council from Mr. Osborne M. Hart, Director of Asheville Civil Service Board:

March 29, 1979

Mayor Roy M. Trantham
Members of Asheville City Council
City of Asheville
Asheville, North Carolina 28807

Dear Mayor Trantham and City Council Members:

As you know, the Asheville Civil Service Board has been studying possible changes in the Civil Service Law in order to modernize the Asheville Civil Service System and allow the City Government to better respond to the personnel management and employment problems of today, particularly the need to hire more women and minorities into municipal employment.

PETITION-CONTINUED.

We hereby request, implore, seek whatever legal methods according to the Laws of the City of Asheville, its Zoning, Building, Environmental and Erosion Control to force this individual into compliance to control this runoff in the immediate future.

In addition we think that the housing ordinance should be looked into with regards to the change of the original plat of this area, and such changes that have taken place recently concerning housing, setback, side yard area restrictions and any other areas in Zoning that should be investigated.

We respectfully submit this to the Asheville City Council, the Mayor of the City of Asheville and the Corporation Counsel of the City of Asheville, this 29th day of March, 1979

1. E L Bradley
54 Greenleaf Circle
Asheville, N.C. 28804

2. L. Owen Teafer
43 Greenleaf Circle
Asheville, NC 28804

3. Louis N. Gibbons
35 Greenleaf Cir
Asheville, NC. 28804

4. Margaret J Boland
50 Greenleaf Circle
Asheville, N.C. 28804

5. R. Dwight Pettus
46 Greenleaf Cir.
Asheville, N.C. 28804

6. Joe E Hoobert
40 Greenleaf Circle
Asheville NC 28804

7. [illegible]
28 GREENLEAF CIRCLE 28804

8. Jo H. Ellen
58 Greenleaf Cr.
asheville, N.C. 28804

9. Matt A. Hall
62 Greenleaf Cir
Asheville, N.C. 28804

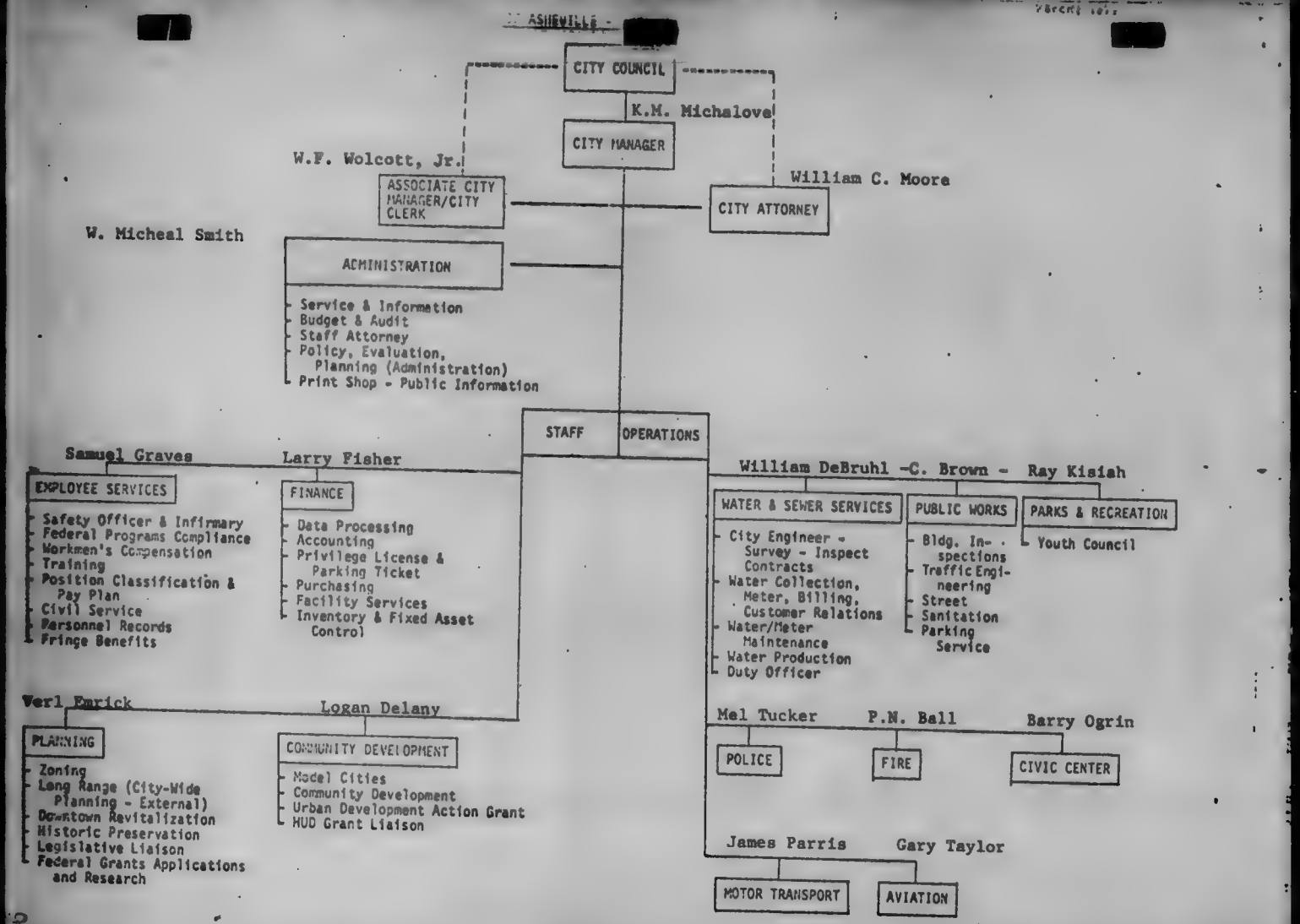
10. Barbara Peterson
1 Greenleaf Cir
Asheville N.C. 28804

11. Dr. Robt. B. Peterson
1 Greenleaf Cir.
Asheville N.C. 28804

12. Carl Holland
2 Greenleaf Circle
Asheville, N.C.

13. Robert Carr
47 Greenleaf Circle
Asheville, N.C 28804

14. J. L McLeod
22 Greenleaf Circle


ASHEVILLE -
CITY COUNCIL
K.M. Michalove
CITY MANAGER
W.F. Wolcott, Jr.
ASSOCIATE CITY MANAGER/CITY CLERK
William C. Moore
CITY ATTORNEY
W. Micheal Smith
ADMINISTRATION
Service & Information
Budget & Audit
Staff Attorney
Policy, Evaluation, Planning (Administration)
Print Shop - Public Information
STAFF
OPERATIONS
Samuel Graves
EMPLOYEE SERVICES
Safety Officer & Infirmary
Federal Programs Compliance
Workmen's Compensation
Training
Position Classification & Pay Plan
Civil Service
Personnel Records
Fringe Benefits
Larry Fisher
FINANCE
Data Processing
Accounting
Privilege License & Parking Ticket
Purchasing
Facility Services
Inventory & Fixed Asset Control
William DeBruhl -C. Brown - Ray Kisiah
WATER & SEWER SERVICES
City Engineer - Survey - Inspect Contracts
Water Collection, Meter, Billing, Customer Relations
Water/Meter Maintenance
Water Production
Duty Officer
PUBLIC WORKS
Bldg. Inspections
Traffic Engineering
Street
Sanitation
Parking Service
PARKS & RECREATION
Youth Council
Verl Emrick
PLANNING
Zoning
Long Range (City-Wide Planning - External)
Downtown Revitalization
Historic Preservation
Legislative Liaison
Federal Grants Applications and Research
Logan Delany
COMMUNITY DEVELOPMENT
Model Cities
Community Development
Urban Development Action Grant
HUD Grant Liaison
Mel Tucker
POLICE
P.N. Ball
FIRE
Barry Ogrin
CIVIC CENTER
James Parris
MOTOR TRANSPORT
Gary Taylor
AVIATION

In addition modernizing the language in the Act and deleting some unnecessary provisions from the 1953 Legislation, the enclosed recommended Civil Service Legislation makes three (3) major changes from the present Civil Service System:

1. It provides staggered, four (4) year terms of office for all Civil Service Commissioners, both appointed and elected.

2. It permits the Civil Service Commission to make Civil Service Rule changes without submitting them to the City Council for approval.

3. The proposed law would no longer require that the City make appointments to entrance positions under the "Rule of Three". The method of selection for appointments, to entrance positions is left to the rule-making authority of the Commission. Appointment to promotional positions would continue to be made under the "Rule of Three".

The Board has approved the attached Act and requested that I forward it to you with the recommendation that you study it, hold meetings and/or a public hearing for City staff and employees, make any changes you see fit, and pass it on to the Buncombe County Legislative Delegation for passage at the earliest possible date.

The members of the Civil Service Board and I stand ready to meet with you regarding this matter at your convenience.

I have enclosed two (2) copies of the proposed legislation, one of which is annotated pointing out sections where changes from the present law have been recommended.

Best regards,

Osborne M. Hart
Director
Asheville Civil Service Board

Mayor Trantham said Council would review the recommended changes during a Council work session.

CITY OF ASHEVILLE ORGANIZATIONAL CHART

The City Manager presented Council with a revised Organizational Chart for the City of Asheville.

Following is the revised Organizational Chart:

Thursday - April 5, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilman Gene E. Rainey, F. Jack Cole, Otis B. Michael, and Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Acting City Clerk Carol Hensley.

Absent: Associate City Manager/City Clerk William F. Wolcott, Jr. (attending to other city business at the Civic Center)

INVOCATION

Vice-Mayor Horton introduced Dr. John W. White, Pastor of the Mt. Zion Baptist Church, who gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the March 29, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the March 29, 1979 meeting were approved as submitted.

CONTINUATION OF PUBLIC HEARING RELATIVE TO CLOSING PORTION OF RASH ROAD

2. Verl Emrick, Planning Director, reviewed the background of the request to close a portion of Rash Road. He said in reviewing the request with Attorney Talman it was determined that several property owners in the immediate area, Messrs.Hare and Hill, have expressed their intent to subdivide property in the area. He said the plat subdividing the property has not been reviewed by the Planning and Zoning Commission nor has it been recorded. He said if the property is subdivided the portion of Rash Road requested to be closed cannot be closed. He suggested that Council take no action on the request or remand the petition to the Planning and Zoning Commission for consideration when the subdivision plat is submitted for review.

Councilman Rainey moved to remand the petition to close a portion of Rash Road to the Planning and Zoning Commission for review and recommendation. This motion was seconded by Councilwoman Price and carried unanimously.

ORDINANCE NO. 1094 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (rezoning property on Patton Avenue near Haywood Road)

3. Consideration was given to the third reading of Ordinance No. 1094, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, rezoning property on Patton Avenue near Haywood Road from R-3 Residential District to CH Commercial Highway District, property owned by R. L. Coleman and Company.

Mayor Trantham said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

INTERIM CIVIC CENTER DIRECTOR - RAY KISIAH

The City Manager announced the appointment of Mr. Ray Kisiah, Director of Parks and Recreation as the Interim Civic Center Director, until Mr. Barry Ogrin assumes his duties in mid-May, 1979. He said Mr. W. F. Wolcott, Jr. would also be assisting Mr. Kisiah with the operation of the Civic Center. This change was necessiated by the resignation of Mr. Bentley (Sonny) Hollified as Interim Civic Center Director.

PROCLAMATION - APRIL - CLEAN COMMUNITY SYSTEM MONTH

Mayor Trantham proclaimed the month of April, 1979 as Clean Community System Month.

SALE OF PACK LIBRARY - REPORT

The City Manager said on March 15, 1979 the City Council, by Resolution No. 79-66, accepted the increased bid offer of $122,250.00 received from William C. Morris, Jr. and James N. Golding for the purchase of the Pack Memorial Library Building on Pack Square. He said pursuant to N.C.G.S. 160A-269 the increased bid was readvertised and after the required ten (10) days waiting period no one appeared to raise the bid. Mr. Morris and Mr. Golding have been notified that they were the apparent high bidders and they have requested that before Council takes formal action, either accepting or rejecting the bids, they be allowed time to search the title and work out a sales agreement with the City Attorney.

Councilwoman Price moved to instruct the City Attorney to meet with the prospective buyers to work out a sales agreement and a resolution authorizing the sale of the property. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Corporation Counsel Moore suggested that Mr. Verl Emrick, Planning Director, also meet with the prospective buyers in negotiating the sales agreement.

RALPH BISHOP - LOTTERY SALES

Mr. Ralph Bishop said the City was conspiring to let the lottery peddlers evade income tax provisions.

Adjournment.

Ray M. Trantham
MAYOR

William F. Wolcott
CITY CLERK

On a roll call vote of 7-0, Ordinance No. 1096 passed on third and final reading.

Complete text of Ordinance No. 1096 will be found in Ordinance Book No. 8 at page 331.

APPROVAL OF THE CONSENT AGENDA

5. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 79-78 - Resolution regarding auditing contract.

HIGHLIGHTS: Patton, Hunter and Company, CPAs to perform audit of the financial accounts and records of the City of Asheville for the fiscal year ending June 30, 1979.

Resolution Book No. 11 Page 160.

B. Motion amending the City of Asheville Fourth Year Community Development funds budget for Fiscal Year 1978-79 to provide funds for drainage improvements and resurfacing of Charles Street.

HIGHLIGHTS:

Account Code	Project	Appropriation	Budget Increase (Decrease)	New Appropriation
19-25-680-4	C.D. Fourth Year Contingency	$61,950	($7,500)	$54,450
65-25-667-4	Charles Street Improvements	-0-	$7,500	$ 7,500

C. Resolution No. 79-79 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville Change Order No. 1 with Champion Landscaping and Excavating Inc. for the project known as Site Preparation for 1,500' runway and taxiway extension.

HIGHLIGHTS: This change order will provide for additional underground drainage requirement - Addition to existing contract of $32,500.

Resolution Book No. 11 Page 161.

Upon motion of Vice-Mayor Horton, seconded by Councilman Cole, the consent agenda was unanimously approved.

Leo Bagwell, of Balsam Avenue, said in 1965, Mr. R. L. Coleman, Sr., agreed to give the residents on Balsam Avenue land at the end of the street for a turnaround. He said the residents are requesting that the land be provided for a turnaround and that the City make the improvements for the turnaround.

Upon inquiry of Councilwoman Price, Corporation Counsel Moore said any statement made in the minutes, referring to the statement in 1965, is not binding. He said the land would have to be donated to the City and recorded in the Office of the Register of Deeds before any such agreement could be binding.

R. L. Coleman, Jr. said he would, within a one year period, donate a reasonable portion of Lot 131 for a turnaround for the residents on Balsam Avenue provided the residents of the area can get the City Engineer to determine how much land would be needed for a turnaround and provided the residents can get the City to finance the improvements for the turnaround.

Councilman Michael was excused from the meeting for approximately five (5) minutes.

On a roll call vote of 6-0, Ordinance No. 1094, as amended, passed on third and final reading.

Complete text of Ordinance No. 1094 will be found in Ordinance Book No. 8 at page 326.

Councilwoman Price, in order to clarify her motion made during the meeting of March 29, 1979, moved that the motion be amended to read as follows: "That no grading permits be issued on any portion of Lot 12-1/2 until the group development plan is presented and approved by Council and that at such time as the group development plan is submitted that Council should allow the 25' residential strip to be used as a part of any buffer requirement of the group development plan." This motion was seconded by Councilman Morris and carried unanimously.

Councilwoman Price said it was not her intent to prevent a residential structure from being placed on Lot 79 or Lot 131.

ORDINANCE NO. 1096 - AN ORDINANCE AMENDING ORDINANCE NO. 355, KNOWN AS "AN ORDINANCE ESTABLISHING THE PROCEDURE FOR THE ELECTION OF TWO MEMBERS OF THE CIVIL SERVICE BOARD BY THE EMPLOYEES IN THE CLASSIFIED SERVICE"

4. Consideration was given to the third reading of Ordinance No. 1096, an ordinance amending Ordinance No. 355, known as "AN ORDINANCE ESTABLISHING THE PROCEDURE FOR THE ELECTION OF TWO MEMBERS OF THE CIVIL SERVICE BOARD BY THE EMPLOYEES IN THE CLASSIFIED SERVICE."

Mayor Trantham said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

The City Manager said, at the request of City Council, he communicated with Mr. Osborne Hart, Chairman of the Civil Service Board, by letter dated April 4, 1979, to inform the Civil Service Board of the change in the event they had any suggestions regarding the ordinance. He said Mr. Hart responded to his communication by stating that" the Civil Service Board concurs with the proposed change in the Civil Service Ordinance."

Thursday - April 12, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilman Gene E. Rainey, F. Jack Cole, Otis B. Michael, and Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Otis B. Michael.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the April 5, 1979 meeting.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the minutes of the April 5, 1979 meeting were approved as submitted.

RESOLUTION NO. 79-80 - RESOLUTION OF APPRECIATION TO CAPTAIN WILLARD E. FISHER

RESOLUTION NO. 79-81 - RESOLUTION OF APPRECIATION TO FIRE DRIVER RICHARD C. ROBERTS

RESOLUTION NO. 79-82 - RESOLUTION OF APPRECIATION TO CAPTAIN ELBERT L. BRINKLEY

RESOLUTION NO. 79-83 - RESOLUTION OF APPRECIATION TO CAPTAIN VINCENT E. BRADLEY

RESOLUTION NO. 79-84 - RESOLUTION OF APPRECIATION TO CAPTAIN JAMES J. SHROAT

RESOLUTION NO. 79-85 - RESOLUTION OF APPRECIATION TO CAPTAIN OSCAR M. DILLINGHAM

2. Consideration was given to resolutions of appreciation to Captain Willard E. Fisher, Fire Driver Richard C. Roberts, Captain Elbert L. Brinkley, Captain Vincent E. Bradley, Captain James J. Shroat, and Captain Oscar M. Dillingham, who are retiring from the Asheville Fire Department for various reasons.

The City Manager read the resolutions.

Upon motion of Councilman Rainey, seconded by Councilwoman Price, Resolution No. 79-80, 79-81, 79-82, 79-83, 79-84, and 79-85 was unanimously adopted.

Complete text of the resolutions will be found in Resolution Book No. 11 at pages 162, 163, 164, 165, 166, 167.

JOHN W. PARRIS - COURSE COMPLETED IN INSTRUCTION IN MUNICIPAL FIRE ADMINISTRATION

3. The City Manager congratulated Mr. John W. Parris of the Fire Department, for satisfactorily completing a course in "Instruction in Municipal Fire Administration" at the Institute of Government at UNC-Chapel Hill.

SAVINGS ON WATER CHEMICALS - DISCUSSION

Vice-Mayor Horton noted that a private citizen brought to his attention that the chemicals the City uses in the water system had dropped in price by $20.00 a ton. He said after investigating the matter the City received a decrease and obtained about a $1,000 savings on the chemicals through this fiscal year.

REPORT ON PETITION BY RESIDENTS OF GREENLEAF CIRCLE - BUILDER GROVER REDMON

In response to a petition presented to Council by residents of Greenleaf Circle relative to a contractor, Grover Redmon, building on Greenleaf Circle, the City Manager said Mr. Bob McDonald of the Planning Division, reviewed the petition and found no violation of the Subdivision or Zoning Ordinance. However, the Inspections Division inspected the premises and has given Mr. Redmon until April 10, 1979 to abate the existing violations.

Mayor Trantham instructed the City Manager to forward a copy of his report to Mr. Eckel Bradley of Greenleaf Circle.

LAND-OF-SKY REGIONAL COUNCIL - CAR POOLING PROGRAM

The City Manager announced that the Land-of-Sky Regional Council is sponsoring a Car Pooling Program. He said it was their intent to start the program with the City and County employees and has requested Council's endorsement of the program.

Councilwoman Price moved that the City Council endorses the Land-of-Sky Regional Council's Car Pooling Program and encourages the City and County employees to participate in the program. This motion was seconded by Councilman Rainey and carried unanimously.

UDAG GRANT - PORTION APPROVED

The City Manager advised that a portion of the UDAG grant had been approved. He said the City had applied for $3 million and as of this date $300,000 has been approved. He expressed appreciation to the Congressional delegation, State delegation, Logan Delany, Verl Emrick, Marvin Vierra, Richard Thornton, Mayor Trantham and Councilman Michael for their time and effort on the UDAG Project.

Councilman Michael commented that the remainder of the grant would more than likely be approved after the private investors complete their proposals. He said Council would continue seeking approval of the remainder of the grant.

Adjournment.

MAYOR

CITY CLERK

Councilwoman Price suggested that such businesses should be placed 400' from residences and 250' from churches and schools.

Mayor Trantham questioned whether or not the distance should not be farther than 250' from schools.

Jim Baley, attorney representing Mr. Frank W. Puett, owner of the Peddler Steakhouse, presented members of Council with the following memorandum in opposition to the proposed amendments:

TO: Mayor, Members of City Council and Other Concerned Citizens

FROM: J.M. Baley, III, attorney for Frank W. Puett, owner of Peddler Steakhouse

DATE: April 12, 1979

RE: RECOMMENDATIONS FOR CHANGES IN THE PROPOSED AMENDMENT TO THE ASHEVILLE ZONING ORDINANCE

This memorandum's specific concern is the requirement that

> "no location shall be approved for an on-premises liquor license unless such location is not less than 250 feet from an established school, church, or residence as defined by this ordinance."

My comments will fall in three general categories.

I. GENERAL PHILOSOPHICAL PROBLEMS

(1) All new restaurants serving alcoholic beverages would have to be located within a minimum area of 4.51 acres that does not include a residence, church or school. This calculation has been made by using 250 feet as the radius of a circle that has as its center point the proposed licensed facility. I would submit that this requirement would have the practical effect of eliminating building new restaurants because such sites are simply not available in our City.

Those businesses already having licenses will, in effect, be given a collective monopoly covering the City and the possibility of obtaining better restaurants than we currently have would be greatly reduced.

(2) The revitalization of our City that has been the subject of much discussion in recent months would suffer a substantial setback. The cornerstone of program is the increase of the City's tax base in order to be able to pay for the programs we need. If we discourage developers before they even have a chance to make and submit their plans, we will be stepping backwards instead of proceeding along the course that we have been discussing.

(3) The voters have indicated that they favor a responsible system of controlling the consumption of alcoholic beverages. I would submit that the portion of this ordinance to which we object would have the effect of taking the decisions about development of our City away from the majority of our citizens.

II. THE SPECIFIC HARDSHIP SITUATION OF MY CLIENT, MR. PUETT

(1) As stated earlier, Mr. Puett has purchased the Coleman property located at the intersection of Montford Avenue and the Crosstown Expressway. The property which he intends to develop is located within 250 feet of the nearest corner of Randolph School. The property has been abandoned for some period of time and its current condition is intolerable. Loitering drunks meander about the property

PUBLIC HEARING - AMENDMENTS TO ZONING ORDINANCE NO. 322 - REGULATION OF NIGHTCLUBS

4. A public hearing was held relative to amendments to the Zoning Ordinance, being Ordinance No. 322, as amended, for the regulation of nightclubs.

Mayor Trantham opened the public hearing at 3:13 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the City Council had requested the Planning and Zoning Commission to conduct a study on the regulation of nightclubs. He said the proposed amendments to the Zoning Ordinance are the results of that study. He said during the study a review was made of twenty (20) other cities with similar tourist trade as Asheville. He said during the study the Commission tried to take a "reasonable approach" in proposing recommendations.

Mr. Emrick said the Planning Staff considered several approached, those being: 1. Excluding these types of businesses in certain districts; 2. Allow the businesses only in the Commercial districts as Conditional Uses, which would require the review and approval by the Board of Adjustments;or 3. link the issuance of building permits to the ABC Board license.

Mr. Emrick reviewed in detail the proposed recommendations from the Planning and Zoning Commission. He said these amendments would allow these types of businesses in the Commercial zones as Conditional Uses as well as setting specific standards for the Board of Adjustments to utilize in reviewing such approval for Conditional Uses.

Councilman Rainey voiced concern that Council has no final review of these requests for Conditional Uses. He said the present procedure is for appeals from the Board of Adjustments is routed to the Court System rather than Council.

Upon inquiry of Councilman Rainey, Mr. Emrick said Council could not totally exclude these types of businesses from the Zoning Ordinance.

Councilman Morris said the initial reason for requesting the study was to deal with the closeness of bars in the downtown area and the noise outside such establishments. He said fairness would dictate that if Council regulates the building of such establishments to not less than 250 feet from churches, schools, or residences then it should also make an additional provision that churches, schools or residences cannot be built within 250 feet of such establishments.

J. E. Johnson, Director of Inspections, said he felt the proposed amendments spell out where the businesses can be placed, the distances between them, and the appeal procedure. He said he felt the amendments would be a step forward for the regulation of nightclubs, etc.

Councilman Rainey suggested that some procedure be established, such as is done with rezoning issues, to notify a community that the Board of Adjustments will be considering a particular case. He also questioned whether or not Council could dictate what time to close the businesses on a nuisance basis.

Councilman Michael said he felt Council should again review the proposed amendments in a work session before taking action of the issue. He voiced concern that revitalization of the downtown would suffer under the ordinance. He said he felt this ordinance would discourage a entrepreneur from buying or leasing a building downtown.

Mrs. George McGuire spoke in favor of the proposed amendments stating that the ordinance would weed out beer joints in residential areas. She said the ordinance would enhance the residents first and the tourist next.

Mr. Phil Celestin , businessman in the Beer and Wine industry spoke in opposition to portions of the recommendations. He said the ordinance, particularly the distance requirements, would be discriminatory. He said this would prevent two good businesses from locating across the street from each other.

Mayor Trantham closed the public hearing at 4:45 p. m.

It was the consensus of Council that no action would be taken on the proposed amendments until Council had an opportunity to review them further.

Councilwoman Price requested that the City Manager prepare another resolution extending the moratorium on bars and nightclubs for another sixty (60) days for Council's agenda on April 19, 1979.

PUBLIC HEARING - DEMOLITION OF 97 HILL STREET, 40 PINE GROVE STREET AND 5 TOXAWAY STREET

ORDINANCE NO. 1097 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 97 HILL STREET, 40 PINE GROVE STREET AND 5 TOXAWAY STREET

5. A public hearing was held relative to adoption of an ordinance directing the Housing Officer to demolish 97 Hill Street, 40 Pine Grove Street and 5 Toxaway Street.

Mayor Trantham opened the public hearing at 4:46 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

J. E. Johnson, Director of Inspections, said since the advertisement of the public hearing the owner of 97 Hill Street has applied for a repair permit to repair the house. However, he requested that the legal procedure for demolition of 97 Hill Street remain in progress until it is determined that the owner intends to repair the house.

In response to Councilman Michael's question as to whether the houses could be sold at a public auction rather than demolishing them in hopes they would be rehabilitated, Mr. Johnson replied that the heirs still own the properties and the City does not have the authority to sell the houses.

Councilman Michael also questioned why the Housing Authority did not acquire the house at 40 Pine Grove Street since it is located in the East Riverside Urban Redevelopment area.

Councilman Rainey requested that Council be furnished with pictures of the inside structure of the house at 40 Pine Grove Street.

tossing their trash and bottles in a haphazard fashion.

Mr. Puett purchased this property believing both that he could help improve the Montford Avenue area and that he could have a profitable business in this location. He is convinced that a restaurant or steakhouse of this type cannot survive competitively without being able to serve alcoholic beverages.

His situation is merely one example of the problems that developers will face under the new ordinance as written.

(2) Mr. Puett now owns and operates The Peddler steakhouse which is, as you may or may not know, an excellent restaurant located in the Eastvale Shopping Plaza. It is currently licensed to serve alcoholic beverages. If the location is moved to the proposed new site, there will not be a net increase in the number of establishments selling alcoholic beverages, merely a transfer from one location to another.

(3) The tax valuation of the property purchased by Mr. Puett is presently $22,535. The estimated new tax valuation after the improvements that he contemplates will be a minimum of $125,000, which will yield additional taxes to the City at current rates in the amount of $2,000 per year.

(4) I know some of you fear a large increase in bars, cocktail lounges and other such establishments. This problem can be avoided without penalizing legitimate restaurants of the type Mr. Puett operates. He has a proven record as a responsible businessman in your City and merits your consideration.

III. RECOMMENDATIONS FOR CHANGES IN THE ORDINANCE

(1) I recommend that "bonafide" restaurants serving alcoholic beverages be eliminated from the restricted group because this is exactly the type of business that we need to encourage rather than penalize.

OR

(2) I recommend that if you keep the 250 foot requirement that the distance be measured from "portal to portal" or "front door to front door" from one building to another rather than from the "nearest corner to the nearest corner."

OR

(3) The third recommendation and the simplest would be a direct reduction of the minimum requirement from 250 feet to 100 feet which would still be ample distance, together with the other restrictions, to protect our citizens.

APPROVAL OF THE CONSENT AGENDA

7. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 79-86 - Resolution authorizing the Director of Parks and Recreation to establish a cultural Arts Program in the Livingston Community Center with the assistance of a grant from the North Carolina Arts Council.

HIGHLIGHTS: An application for funds in the amount of $5,000 from the North Carolina Arts Council has been prepared and the local support for the grant will be demonstrated through in-kind services in the amount of $7,274. This resolution will authorize the Mayor to accept the funding from the North Carolina Arts Council.

Resolution Book No. 11 Page 168

B. Resolution No. 79-87 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville Change Order No. 2 with Champion Landscaping and Excavating, Inc. for the project known as Site Preparation for 1,500' Runway and Taxiway Extension.

HIGHLIGHTS: This change order involves an increase of $1,200 in the contract and is due to the #2 insulated ground to be installed with the ASR cables, originally to be furnished by the owner, is to be furnished by the contractor.

Resolution Book No. 11 Page 169

C. Resolution No. 79-88 - Resolution authorizing the City Manager to sign on behalf of the City of Asheville a contract with M. B. Haynes Electric Corporation for the project entitled "Install New Sports Field Lighting System at McCormick Field."

Resolution Book No. 11 Page 170

D. Motion scheduling a public hearing relative to the rezoning of property located behind 666 Merrimon Avenue from R-3 Residential District, property owned by Ms Betty Woods for May 10, 1979.

E. Resolution No. 79-89 - Resolution authorizing application for Appalachian Regional Commission funds in support of Pack Square Rehabilitation Project.

HIGHLIGHTS: Application for funds in the amount of $75,000 to upgrade certain water and sanitary sewer lines in the Pack Square area.

Resolution Book No. 11 Page 171

Mayor Trantham closed the public hearing at 4:50 p. m.

The City Manager read the ordinance.

Councilman Cole moved for the adoption of Ordinance No. 1097. This motion was seconded by Vice-Mayor Horton.

Councilman Morris, referring to the repair permit for 97 Hill Street, questioned the language in the ordinance, in that no work has been done on the houses.

Mr. Johnson informed Councilman Morris that no work has been started to repair 97 Hill Street.

Councilman Michael said in his opinion 40 Pine Grove Street is not substandard.

On a roll call vote of 6-1, Ordinance No. 1097 passed on first reading, with Councilman Michael voting "no."

ORDINANCE NO. 1098 - AN ORDINANCE AMENDING SECTION 28-81.6 OF ARTICLE IV (SPEED REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

6. Consideration was given to an ordinance amending Section 28-81.6 of Article IV (Speed Regulations) of the Code of Ordinances of the City of Asheville.

The City Manager read the ordinance and explained that this ordinance will merely change the State Road Numbers for Riverside Drive and Hill Street from (NC 191) to (SR 1477).

Councilwoman Price moved for the adoption of Ordinance No. 1098. This motion was seconded by Councilman Michael.

On a roll call vote of 7-0, Ordinance No. 1098 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1098. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1098 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1098. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1098 passed on third and final reading.

Complete text of Ordinance No. 1098 will be found in Ordinance Book No. 8 at page 335.

PROCLAMATION -"PRIVATE PROPERTY WEEK IN ASHEVILLE" - APRIL 15 - 21, 1979

Mayor Trantham proclaimed the week of April 15 - 21, 1979 as "Private Property Week in Asheville."

PROCLAMATION - PAN AMERICAN DAY AND PAN AMERICAN WEEK - APRIL 14 - APRIL 15-21,1979

Mayor Trantham proclaimed April 14, 1979 as Pan American Day and April 15-21 as Pan American Week.

CLAIMS - EDITH C. MILLER - MR. AND MRS. DEWEY PATTON

The City Manager presented the following claims received from Mr. W. R. Swearngan, Facility Services Superintendent:

Following individuals have claims against the City of Asheville for damage.

Edith C. Miller
93 Pearson Drive
Asheville, N. C.

Water drain clogged in front of house
$10,800.00

Mr. and Mrs. Dewey Patton
82 South Tunnel Road
Asheville, N. C.

Sewer line installation $5,000.00

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

RALPH BISHOP - COMPLAINT RELATIVE TO AMENDING CIVIL SERVICE LAW

Mr. Ralph Bishop spoke against the Civil Service Law proposed amendment to do away with the "rule of three" for hiring City Employees.

Adjournment.

MAYOR

CITY CLERK

Upon motion of Councilwoman Price, seconded by Councilman Rainey, the consent agenda was unanimously approved.

VICE-MAYOR HORTON - REQUESTED REPORT ON EXTENDING CITY SCHOOL DISTRICT

8. Vice-Mayor Horton instructed the City Attorney to investigate and report to Council on what legislative procedures might be open to Council to realign the City School District to coincide with the City Limits of the City of Asheville.

COUNCILMAN RAINEY - REQUESTED STATUS REPORT ON EDITH C. MILLER CLAIM

9. Upon inquiry of Councilman Rainey, the City Attorney said he had met with Mrs. Edith C. Miller's attorney relative to her claim against the City for water damage. He said her attorney is trying to gather evidence showing whether or not the City ever maintained or received a right-of-way for the water line. He said, as yet, no documents have been found that the City ever maintained or received a right-of-way for the line. He said the City does not have the authority to do any work on private property. He said he would keep Councilman Rainey informed as to the status of the claim.

COUNCILWOMAN PRICE - SUIT FILED BY PUBLIC SERVICE COMPANIES - TAXES

10. Councilwoman Price, referring to a suit filed by the public service companies against the State of North Carolina, contesting the manner in which their holdings are evaluated, made a motion that the Mayor be instructed to write a letter to the proper authorities requesting that a public hearing be held on the issue as soon as possible. This motion was seconded by Councilman Rainey and carried unanimously.

COUNCILMAN MICHAEL - CHUNNS COVE RESIDENTS - COMPLAINT - BEAUCATCHER CUT PROJECT

11. Councilman Michael said he felt the City should follow up on the requests of the Chunns Cove residents relative to violations found by the Department of Transportation on the Beaucatcher Cut Project. He suggested that the City's Inspection Division follow up to see that the violations found by the Department of Transportation are corrected and that no further violations are made.

Corporation Counsel Moore said the City has no jurisdiction in the project, and the only thing that could be done is to write a letter to the Department of Transportation asking if the violations have been corrected.

It was the consensus of Council that the City should do something for the residents in Chunns Cove and it was decided that the Director of Inspections would write a letter to the Department of Transportation offering his assistance on the project. It was also the consensus of Council that the Director of Inspections would report any information on the project back to Council.

PROCLAMATION -"NATIONAL BOYS CLUB WEEK" - APRIL 15 - 21, 1979

Mayor Trantham proclaimed the week of April 15 - 21, 1979 as "National Boys Club Week."

The following individuals, being residents of the area, spoke in opposition to the rezoning:

Dr. Nolan, owner of 294 White Pine Drive.
(objected to a through road being connected between Swannanoa River Road and White Pine Drive)
William Dickinson, 18 East Shore Drive.
(objected to Heavy Industrial and Light Industrial zone)
Earl Ritchie, 57 White Pine Drive
Janice Willard, 292 White Pine Drive
Harold Payne, 299 White Pine Drive
Leonard Peters, 307 White Pine Drive
Charlotte Clark, 294 White Pine Drive
C. C. Curtis, 33 White Pine Drive

Mr. Emrick said the Council had several alternatives, he said they could take action on the ordinance today or remand the petition to the Planning and Zoning Commission for further study.

Mayor Trantham closed the public hearing at 4:05 p. m.

After discussion, Councilman Morris moved to remand the rezoning petition to the Planning and Zoning Commission for further study and recommendation. This motion was seconded by Councilman Michael and carried on a voice vote of 6-1, with Councilman Rainey voting "no."

ORDINANCE NO. 1097 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 97 HILL STREET, 40 PINE GROVE STREET, AND 5 TOXAWAY STREET

3. Consideration was given to the second reading of Ordinance No. 1097, an ordinance directing the Housing Officer to demolish 97 Hill Street, 40 Pine Grove Street and 5 Toxaway Street.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific reason to do so.

On a roll call vote of 7-0, Ordinance No. 1097 passed on second reading.

RESOLUTION NO. 79-90 - RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G. S. 160A-31, AS AMENDED (Annexation of Western North Carolina Baptist Homes, Inc., property in Richmond Hills)

4. Consideration was given to a resolution fixing date of public hearing on question of annexation pursuant to G. S. 160A-31, as amended, annexing the Western North Carolina Baptist Homes, Inc. property in Richmond Hills, for May 10, 1979.

Verl Emrick, Planning Director, read the resolution and said this was the next step in the annexation procedure.

Councilman Michael stated that since this was a non-profit organization it would be necessary for them to arrange to pay for the city services.

Thursday - April 19, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilman Gene E. Rainey, F. Jack Cole, Otis B. Michael, and Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Ralph D. Morris, Jr.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the April 12, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the April 12, 1979 meeting were approved as submitted.

PUBLIC HEARING - REZONING PROPERTY ON BRITT DRIVE - E. DENNIS YOUNG AND EMIL D. YOUNG

2. A public hearing was held relative to rezoning property on Britt Drive from R-3 Residential District to HI Heavy Industrial District, property owned by E. Dennis Young and Emil D. Young.

Mayor Trantham opened the public hearing at 3:03 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission reviewed the rezoning request on February 14, 1979 and after discussing the issue voted to recommend to Council that the request for rezoning be denied. The reason being that this property should be left as a buffer between the residential area of White Pine Drive and the industrial area of Swannanoa River Road.

Mr. Emrick said eventhough there was substantial protest to the rezoning the "20% rule" would not apply.

Thomas Walton, attorney representing Mr. and Mrs. Young, stated that his client had originally requested that the property be rezoned to Commercial Service for the purpose of expanding their business and for internal wholesale storage but was informed that the rezoning would have to be to HI Heavy Industrial. He said he had researched the Zoning Ordinance and it would be his opinion that the property could be zoned LI Light Industrial and still allow for the intended use of the property. He said his client would be willing to withdraw his petition for HI Heavy Industrial and resubmit the request to the Planning and Zoning Commission for a LI Light Industrial zone.

RESOLUTION NO. 79-92 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DIVISION OF ARCHIVES AND HISTORY, DEPARTMENT OF CULTURAL RESOURCES OF THE STATE OF NORTH CAROLINA FOR HISTORIC PRESERVATION ACQUISITION AND DEVELOPMENT MATCHING GRANTS-IN-AID

8. Consideration was given to a resolution authorizing the filing of an application with the Division of Archives and History, Department of Cultural Resources of the State of North Carolina for historic preservation acquisition and development matching grants-in-aid.

The City Manager read the resolution.

Verl Emrick, Planning Director, said this is for a 50-50 state grant utilizing $100,000 to be used by private developers for rehabilitating the front of their businesses. He said the City would provide in-kind services and the 50% match would be from private developers.

Upon motion of Councilman Michael, seconded by Councilman Rainey, Resolution No. 79-92 was unanimously adopted.

Complete text of Resolution No. 79-92 will be found in Resolution Book No. 11 at page 175 .

APPROVAL OF THE CONSENT AGENDA

9. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Approval of bids received April 9, 1979 for one (1) 12 ton Tilt Type Low-Boy Trailer.

HIGHLIGHTS: Three (3) bids were received.

Recommendation of acceptance of low bid received from Western Carolina Tractor in the amount of $3,796.60.

Funding: Water and Sewer Major Capital Improvement Fund

B. Resolution No. 79-93 - Resolution authorizing the Mayor of the City of Asheville to accept funds from the North Carolina Arts Council for the restoration of murals in the City Council Chambers.

Resolution Book No. 11 Page 177 .

Upon motion of Vice-Mayor Horton, seconded by Councilman Rainey, Resolution No. 79-90 was unanimously adopted.

Complete text of Resolution No. 79-90 will be found in Resolution Book No. 11 at page 172.

RESOLUTION NO. 79-91 - RESOLUTION FOR CONSIDERATION OF IMPOSING A LIMITED MORATORIUM ON PLACEMENT OF COCKTAIL LOUNGES, NIGHTCLUBS, OR PUBLIC OR PRIVATE CLUBS WITHIN THE CITY OF ASHEVILLE

5. Consideration was given to a resolution imposing a limited moratorium on placement of Cocktail lounges, nightclubs, or public or private clubs within the City of Asheville.

The City Manager read the resolution and explained that this resolution would extend the present moratorium until June 28, 1979 and give Council an opportunity to further review the recommendations of the Planning and Zoning Commission regulating the placement of these type of businesses.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 79-91 was unanimously adopted.

Complete text of Resolution No. 79-91 will be found in Resolution Book No. 11 at page 174.

SALE OF DISPOSAL PARCELS - EAST RIVERSIDE RENEWAL PROJECT - PARCELS 9, 28, 29

6. The City Manager read a letter from the Housing Authority of the City of Asheville recommending approval of the sale of Parcels 9, 28, and 29 in the East Riverside Renewal Project.

Parcel	Reuse	Price	Bid	Redeveloper
9	Residential	2,800	3,200	Eleanor Whitworth
28	Residential	2,500	2,550	F. Bowditch/L. Bowman
29	Residential	2,700	2,750	F. Bowditch/L. Bowman

Vice-Mayor Horton moved to approve the sale of Disposal Parcels 9, 28 and 29 in the East Riverside Renewal Project as recommended by the Housing Authority of the City of Asheville. This motion was seconded by Councilman Cole and carried unanimously.

PUBLIC HEARING SCHEDULED - ZONING OF AIRPORT PROPERTY

7. Consideration was given to a motion scheduling a public hearing relative to zoning the Airport property for May 17, 1979.

Mayor Trantham advised that this would be zoning the airport property owned by the City of Asheville.

Councilwoman Price moved to schedule a public hearing relative to zoning the Airport property for May 17, 1979. This motion was seconded by Councilman Cole and carried unanimously.

Members; 2) Permit the Civil Service Board to establish a local "rule of three" for entry level positions if it deems that necessary; and 3) Give the City Manager an opportunity to recommend rule changes to the Board with the Board having the authority to adopt such rule or design their own. He said in the letter it was noted that there apparently, had been a great deal of rumor about changing the Civil Service Act,and if those comments incorporated anything more significant than the three major items then it was just a rumor. He said the General Assembly was also advised that a public hearing would be held today.

The City Manager said one of the criticisms heard from the last public hearing was that the employees had not been properly notified. He said he took special efforts to notify employees this time. He said he has received, to date, 823 signed statements by employees that they had been advised, individually, by letter, of this hearing so they would have an opportunity to attend. He said immediately after the first public hearing, in March, a preliminary study was conducted asking individual employees their opinions on the changes. He said the form was furnished to 686 employees and 490 were returned, of which 223 did not submit completed surveys. He said two (2) major questions were on the form: 1) Did you understand the changes being recommended? - 230 answered yes; 113 answered no; and 120 answered yes, some of them- 2) Do you agree with the changes being recommended in the Civil Service Law? - 223 answered yes; 135 answered no. He said since that study the Board made several other proposed changes in the Act.

The City Manager advised that members of the Civil Service Board as well as Sam Graves and Anita Jones, who work closely with the Civil Service Board are present to answer any questions employees may have relative to the proposed changes. He said during the last hearing there were several things discussed that was not proposed to be changed. He suggested that during the hearing that if someone brings up an issue that is not being proposed as a change that the issue be identified in order not to confuse anyone.

Sam Graves, Director of Employee Services, explained the significance of the three major changes. He said the first would be to change the term of office of members of the Civil Service Board from two to four years allowing for staggered terms. As the second issue, he said the present law requires an appointing authority to select from the top three candidates and does not permit a local choice. He said the proposed amendment would give the local board authority to establish a "rule of three" for entry level positions if it is deemed necessary rather than being mandatory.

As a clarification, the Corporation Counsel said a general overall policy, whether it be a "rule of three" or another policy, would have to be established by the local board. He said the policy would apply across-the-board unless it is repealed by the local board.

Councilman Rainey said he personally had concerns with the language of the proposed amendment regarding the "rule of three." He said without the "rule of three" it would permit supervisors to play favoritisms. He said he did not feel the "rule of three" was the problem in recruitment of women and minorities.

C. Resolution No. 79-94 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Huntley Construction Company, for the project known as Florida Avenue 6-inch Fire Line.

HIGHLIGHTS: Bids were received on the project on April 11, 1979.

Recommendation of low bidder, Huntley Construction Company in the amount of $12,804.00.

Funding: 65-25-627-2-000-0041

Resolution Book No. 11 page 178

Upon motion of Councilman Cole, seconded by Councilwoman Price, the consent agenda was unanimously approved.

PROCLAMATION - VOLUNTEER SERVICE WEEK - APRIL 22 - 28, 1979

Mayor Trantham proclaimed the week of April 22 - 28, 1979 as "Volunteer Service Week."

PROCLAMATION - NATIONAL YWCA WEEK - APRIL 22 - 28, 1979

Mayor Trantham proclaimed the week of April 22 - 28, 1979 as "National YWCA Week."

COUNCIL RECESS

Mayor Trantham said, unless there was objection, Council would recess until 5:00 p. m.

PUBLIC HEARING - CIVIL SERVICE LAW AMENDMENT RECOMMENDED BY ASHEVILLE CIVIL SERVICE BOARD

A public hearing was held relative to Civil Service Law amendment that has been recommended by the Asheville Civil Service Board for passage by the North Carolina General Assembly.

Mayor Trantham opened the public hearing at 5:03 p. m.

The City Manager said for about a year the Civil Service Board has been reviewing proposed changes in the Civil Service Law. He said the Civil Service Board held a public hearing on the proposed changes about one month ago and received several good recommendations from employees attending the public hearing. He said the Board then revised their recommendations and submitted them to the Council for review. He said the Council decided that another public hearing would be held to give the employees a chance to further comment on the changes.

The City Manager also said the Chairman of the Civil Service Board and the Mayor wrote a letter to the members of the General Assembly indicating that a report had been received and that Council had previously mentioned to the delegation that some changes were anticipated. He said a copy of the proposed bill was submitted to the delegation. He said in that letter they were advised that the changes briefly were as follows: 1) Establish exact terms of Office for Board

Joe Merrell, spokesman for the Fire Department, said the Fire Department Civil Service Review Committee, consisting of seven (7) members reviewed the proposed changes. He said a number of changes were proposed at the hearing before the Civil Service Board and those changes are included in the revised recommendations. He said the employees were not adequately notified of the hearing before the Civil Service Board, however, adequate notice was given about the hearing before City Council. He said the majority of the employees of the Fire Department concur with the revised recommendations. He said if any additional recommendations or changes are made the Civil Service Review Committee would like to be notified.

Caroline Martin of the Collections Department, said it is obvious that the "rule of three" for qualified applicants must be discarded because of federal regulations. However, she emphasized the importance of competency in employment, not favoritism. She suggested the following amendments:

"Page 1, Section 1, (b), (1)(2)(3) of the proposed revision - In choosing Commission members, I think that all 5 members should be elected by the Classified Service, because the Commission should not be controlled in any way by the City Council. If all 5 are not chosen by the Classified Service, certainly no more than two should be chosen by the Council. And certainly the Chairman of the Commission should be chosen by the Commission members themselves and by no other means."

"Page 2, Section 1, (c)
If the length of office of the Commission members must be staggered, the Chairman of the Commission should serve 4 years. And if Council chooses two members, then those two members shouldbe the ones to serve two years instead of the ones chosen by the Classified Service. That would leave the three members chosen by the Classified Service to serve three years."

"Page 2, Section 1, (d)
Again, Council must not select the Chairman of the Commission."

"Page 3, Section 1, (f)
A quorum must consist of all five members when a vote is taken. A vote is too important for less than the full Commission to be present to vote."

"Page 3, Section 1, (g)
Commission members should be compensated for their time as well as travel expenses."

"Page 4, Section 2, (b) (4)
I would delete "the City Council and" from the first line. If the City Manager thinks Council should be informed, then he can pass the information on to Council."

"Page 9, Section 5, (a)
In the first sentence - Any member of the Classified Service who has been suspended, demoted or discharged shall be (and I add) notified of such charges in writing and be etc.... Also at the end of that first sentence I would like to see added, unless grievance procedure is delayed by City, in which case the defendant be given additional time and notified in writing of the extension."

"Page 11, Section 5 (e) What does the Latin de nova mean? "

Sam Graves said the "rule of three" limits the appointing authority in their consideration of things that might deem necessary for a particular position, i. e. personality, oral expression.

Mayor Trantham said the "rule of three" is not always justified as to the applicants qualifications. He said without the rule of three an applicant could be screened more carefully.

Councilman Michael said he felt the "rule of three" has been discriminatory in some respects. He said the elimination of the "rule of three" would be fairer and more like other equal opportunity employers.

Mr. George Roberts, retired Civil Service employee, said he favored a competitive merit system with a probationary period. He said he felt the problem was in the evaluation of an applicant. He said he would not favor anything that would be detrimental to the citizens of Asheville.

Anita Jones, Executive Secretary to the Civil Service Board, said the recommended changes doe not eliminate the "rule of three" but merely gives the local Board the authority to decide whether they want to retain the "rule of three" or whether they want to have a "rule of five" or whether they want to do something else.

Gale Ashmore, Secretary in the Parks and Recreation Division, said the "rule of three" should be a local decision rather than a state law. She said she was in favor of the amendment so the local board could have the option of deciding the basis on which employees will be chosen. She said the local board should also decide the basis on which employees shall be promoted rather than leaving the "rule of three" for promotional purposes.

Mr. Garland Wible, retired employee of the Asheville Police Department, 249 Cumberland Avenue, reviewed the history of events which led to the establishment of the present Civil Service Law. He said the present law favors control by the City Council due to the election procedure of the members of the Board. He suggested that the procedure be changed whereby the Council appoints two members, the employees two and the fifth member chosen by the Resident Judge of the Superior Court. He said the proposed change could allow the City Manager to take a classified position from under Civil Service and the employee would have no redress. He said seniority should be a major factor in any promotions. He suggested that provisions for written examinations be retained. He spoke in support of the "rule of three" stating that without that provision appointing authorities could let personalities and favortism play a part in the hiring process. He said the proposed recommendations set the stage for a political organization.

A. R. Sluder, retired Chief of the Asheville Police Department, spoke in favor of retaining the "rule of three" provision.

Ralph Bishop, spoke in defense of the "rule of three." He said the rules should be changed to allow employees of the Asheville Police Department to be local residents rather than outsiders.

Larry Fisher, Director of Finance, referring to the "rule of three", said test do not measure reliability, compatibility, common sense versus academic ability, or willingness to work. He said under the present procedure an appointing authority may have to wait up to sixty (60) days to fill a position which creates a hardship.

Councilman Michael said the proposed revisions do not eliminate the "rule of three" provision but only to give the Civil Service Board the authority of using the rule of three or changing to another system which may be fairer.

The City Manager requested that the following letter be made a part of the record:

OFFICE OF
CITY MANAGER

March 28, 1979

Mr. Osborne Hart, Chairman
Civil Service Board
and
Members of the Board
Post Office Box 7148
Asheville, North Carolina 28807

Dear Mr. Hart and Members of the Civil Service Board:

Since the public hearing on the changes in the Civil Service Law was held on February 27, 1979, I have had an opportunity to thoroughly analyze some of our mutual problems pertaining to the Civil Service Law. I hope the following comments will be of some help as you proceed with your deliberations on changes in the Law.

The Civil Service Law has not been changed since 1953 and as I understand it, at that time it required only the services of the Board and one individual to maintain the personal records, give the tests, and administer the Law and the rules and regulations. Also, at that time, the following conditions existed:

There were only 562 employees instead of 950 in 1979.

There were no federally-mandated requirements for Civil Rights or Affirmative Action compliance.

There were no requirements for psychological screening and state minimum training standards for police officers.

Special federally sponsored training programs were not available to supplement the work force.

Physical examinations were not required in all departments as a prerequisite to employment.

Personnel records could be substantially handled manually; now we need computers and several employees to maintain the records.

"In closing, most members of the Classified Service have very little chance to defend themselves in case of charges against them or to keep changes from being made that would adversely affect them. The firemen have the Fraternal Order of Firefighters as well as the Union who provide them with an attorney. The police have the Fraternal Order of Police. That leaves over 80% of us to fight for ourselves alone. Very few of that 80% can afford an attorney. The Civil Service, as stated on page 3, Section 2 (2) of the proposed changes "shall promote efficiency and fairness in the personnel policies and practices governing the members of the Classified Service of the City of Asheville." Let us see that it is truly that way."

Councilman Rainey said Council should have the right to review for thirty (30) days if the Civil Service Commission makes any changes. He requested that this provision be included in the law.

The City Manager said Councilman Rainey's suggestion could be dealt with through a charter amendment outlining procedures.

Councilman Rainey said Council should consider whether or not legal assistance should be provided for the City employee who has a complaint against him that could lead to discharge of the employee. He said the Civil Service Board should be in a more neutral position in dealing with disputes. He said most of the time employees are discouraged from pursuing an issue due to attorney fees.

Don Meade, employee in the Water Department, said the "set-up chain of command" should be changed rather than the Civil Service Law. He said he still has a case pending before the Civil Service Board because, by law, they could not act upon his case.

Ray Stepp, member of the Civil Service Board, spoke in favor of the "rule of three" and said it was his hope that it would be retained. He said if done fairly the Affirmative Action Program can be accomplished with the "rule of three."

Ray Kisiah, Director of Parks and Recreation, said he would speak for some employees of the Parks and Recreation Department and the Civic Center. He said they were concerned with the provisions relative to part-time or seasonal employment being restricted to a maximum of six (6) months and shall not be renewed. He said it was his hope that it would not become part of the Act as it would create difficulties.

Vice-Mayor Horton said he would hope this would not affect part-time employees. He said it was his understanding that the section dealt only with temporary employment.

Mel Tucker, Chief of Police, said in reality the "rule of three" is discriminatory, giving such examples as veterans preferance points which most females do not receive. He said there is also a need to change in order to meet the changing environment at the present. He said employees, today, have several agencies and courses to go through if redress is needed. He said he would support a modification of the rule in order to promote affirmative action.

The City Council did not meet twice a week as they do now - this alone requires approximately 8 hours a week which is usually a minimum of time spent.

The number of pension plans and their administration have expanded and become more complex.

Workmen's Compensation laws and administration have become more strict.

Broad advertising for position vacancies and testing was not regularly done.

In the meantime, the Civil Service Boards, since 1953, have made certain amendments to rules and regulations to keep up with the times, however, the Law itself does not permit the Board sufficient flexibility to fully keep up with the times.

In addition to all that has happened since 1953, the following are some practical problems that our staff members face in filling positions:

1) Time lag in filling vacant positions - Anywhere from 60-90 days for filling positions due mainly to procedures of the Board which require the Board's approval before each test is scheduled or any eligibility list is made.

2) Promotional positions at times have been designated by the Board without communication with appointing authorities to determine together which vacancies should be promotional.

3) Situations which arise soon after a regular monthly Board meeting (i.e., request for medical leave of absence or requests for leave of any type other than annual or sick) must be held until the next scheduled Board meeting. (See Attachment "A")

4) All position reclassifications must be approved by the Board.

5) Temporary appointments are difficult since the Board has ruled that anyone who accepts an appointment on a temporary basis and then fails to qualify on the list of eligibles does not have the right to claim their former positions if it has been filled. (See Attachment "B")

There were no OSHA (Occupational Safety and Health) requirements.

There was no written or formalized grievance procedure.

Changes in examinations were infrequent and there were charges by employees that some privileged people had access to tests and test information.

There were no governmental or judicial standards requiring job-related validation of Civil Service tests.

Appointment and promotional tests were always written; however, now there are a variety of selection criteria used - written tests, evaluation of experience and training, oral interviews and completion of specific training.

There were no formal position classification and pay plans, consequently promotional opportunities, comparable pay for like work and other aspects of good pay and position classification administration was not going on.

Employee evaluations were not administered in the same detailed and meaningful manner in which they are today.

Training opportunities were limited.

Requirements for job specializations were not as critical. Examples: Erosion Control
Lab Technician
Federal Compliance Officer
Safety Officer
Variable Skills for Mechanics
Promotions Director
Print Shop
Community Relations

The City had not assumed numerous additional responsibilities such as: the Civic Center, major Airport expansions, water filtration plant, extraterritorial zoning, Urban Renewal, and numerous other federal grants to supplement local property taxes, risk management insurance, the Parking Garage, Data Processing, training, planning, expanded inspections requirements, mass transit.

15) Due to time delays in our process of selection, qualified candidates are going elsewhere.

16) Our present system offers employees too few incentives for good performance and too few penalties for bad performance.

17) The current system of promotion does not take into consideration the high cost of training and length of time for training in certain job categories.

18) We need a system compatible to management, the Law as it exists is too detailed and cannot be changed with the times.

These items were observations made to me in a department head staff meeting held after the public hearing. Some of the concerns expressed can be remedied by changing some procedures without changing the Law, some will be remedied under the proposed change in the Law, some items indicate a misunderstanding about what can be done under the current Law and some would require extensive change in the Law - well beyond what is now being considered.

I think some excellent suggestions were made at the public hearing and the Board should consider those in developing a final draft for the City Council's consideration. I further recommend to the Board that whether you adopt all or part of the suggestions that have been made you are on the right track and some change should be recommended for General Assembly adoption this year.

In addition to proceeding with a change in the Law, the following are some actions I have taken and some other recommendations comments I would like to make:

1) Because of some obvious misunderstanding about the Rules and Regulations of the Civil Service Board and personnel procedures in general, I have directed Mike Smith to prepare a City Personnel Policy Manual for all Departments and Divisions of the City. Most of this information has previously been disseminated in memorandum and phamplet form for years, however, there is no central source of this type information for general and uniformed employees. The Manual will be in a central location in each department and division for all general and uniformed employees' information. It is expected that this Manual will be distributed within 90 days.

6) Oftentimes good candidates for positions are either not available or no longer available due to the time lapse in appointments and testing.

7) With the two year eligibility list requirement, the information is often old when the appointing authority is ready to make appointments. It is likely that the top three have gotten another job.

8) Employees lack sufficient knowledge of the existing Law as well as rules and procedures.

9) Appointing authorities feel that they need broader selection authority than the rule of three permits in order to meet Affirmative Action goals and situational job assignments.

10) There are instances were positions were advertised indicating a specific selection process and the Board changed the selection process.

11) Lateral entry is not permitted - example: police officers from another community cannot be considered for a job in the Asheville Police Department except by going through the same testing and qualification process as a person with no experience.

12) With veteran preferance points and City of Asheville residence points there is an inconsistency regarding who gets preferential treatment - example: why not preference points for minorities, women and the handicapped.

On the other hand, with preference points sometimes good candidates do not make the rule of three spot and cannot be considered because they are not veterans or not residents of Asheville.

13) Some department heads feel that the exempt status should be expanded to permit department heads to select key personnel outside the normal Civil Service process - example: The Assistant Chief of Police should be exempt.

14) Some department heads feel that a new department head should have an opportunity to select a secretary - and not necessarily the one that holds that position when that department head is appointed.

6) While attending the public hearing I was quite surprised to hear Joe Merrill speaking for Chief Ball indicate a concern about hearing of the Civil Service Law changes from his employees rather than through the established communication channels. I called a meeting of Department and Division Heads to meet with Osborne Hart on Tuesday, February 27, 1979, at 8:30 a.m. to distribute informational letters for all employees and copies of the Act proposed by the Civil Service Board. At first I was concerned that Chief Ball had missed the meeting; however, I found out after the public hearing that what was being referred to was the fact that Ray Stepp, a member of the Civil Service Board, had given a copy of a preliminary draft for Civil Service Board use only to some Fire Department employees. I really don't understand why Mr. Stepp would do this when this was a draft not even approved by the Civil Service Board. Furthermore, since Mr. Stepp was elected by the City employees why would he show favoritism to only certain employees? This type action by a Board member certainly doesn't help the morale of other employees and it violates the principle of providing information through some systematic process so that everyone has a fair change and right to information. I hope the Board will appropriately address this communication problem so that we can avoid this in the future.

Simply put, it seems then that we are now, at a point in time, some 26 years after the passage of the 1953 Act, ready to take a step toward making a change to better deal locally with the day-to-day external influences on the personnel system and give the Civil Service Board the opportunity to deal more with policy, procedure and appeals without changing the purpose and influence of the Board in protecting employee rights, which is a fundamental matter that should always be protected in any changes in the Law.

If I can be of assistance in this, or any other matter, please let me know.

Very truly yours,

K. M. Michalove
City Manager

KMM:msb
Attachments
CC: Members of the City Council
All Department Heads
All Division Heads

2) Effective immediately I am requiring each Department and/or Division Head to be in attendance at Civil Service Board meetings when there are matters which affect their activities to be considered by the Board. This has not been a practice in the past and I feel this will improve communications between the staff and the Board.

3) Effective immediately I am requiring that matters to be presented to the Civil Service Board shall be submitted to the Civil Service Board Office at least seven (7) working days prior to the regularly scheduled Board meetings. Therefore, since the Board meets the first Wednesday of every month, the deadline will be Monday, 12:00 noon.

   This is a request the Board made in August of 1978 which has not always been followed.

   I would also like the Board to publish an agenda by Friday before the regular meeting and send that agenda to all Department/Division Heads so they will know the subjects being considered.

4) Through the training functions of the City, I am setting up specific programs to review the Civil Service Rules and Regulations and other personnel procedures for each Department and Division - at all levels of employees.

5) I attended the Civil Service Board public hearing on the draft legislation and I heard the comments that employees were not notified of the meeting and changes in the Law. According to the notes I made, only 11 employees made that comment and we have 950 employees on the entire City staff. Therefore, comments by 11 employees does not seem to be a representative sample. However, I have taken the following steps to learn exactly the extent of the communication problem by sending the attached memo to Department/Division Heads asking how they disseminated information - See Attachment "B". Also, on Tuesday, March 20, I sent out the attached letter to all City employees asking for information about their awareness of the changes, the public hearing, their suggestions about the changes and their suggestions about better methods of communication. (See Attachment "C")

CITY OF ASHEVILLE

CIVIL SERVICE BOARD

March 3, 1978

MEMORANDUM TO: All Department/Division Heads

FROM: Doris F. Rigsby
Executive Secretary
Civil Service Board

SUBJECT: Civil Service Board Policy Letter #1:
Temporary Appointments to Positions
Subject to Civil Service Examinations.

At its regularly scheduled monthly meeting on October 5, 1977, the Asheville Civil Service Board made a significant policy decision regarding temporary appointments made into positions in the Classified Service pending Civil Service Examinations. The Board ruled that if an employee vacates a position to accept a temporary promotion subject to examination and the vacated position is subsequently filled by an applicant eligible for appointment from a certified Civil Service Eligible List, the person accepting the temporary appointment has no right to claim the position he/she vacated if that employee should subsequently fail to qualify for permanent appointment to the promotional position. The Board urged that in such cases where a person failed to qualify for permanent appointment to promotion under such circumstances, every effort should be made by the City to place that employee in a suitable position for which he/she is qualified in another City department or division.

If you have any questions regarding this decision by the Asheville Civil Service Board or would like additional information about it, please let me know.

DFR:llh

CITY OF ASHEVILLE

CIVIL SERVICE BOARD

August 10, 1978

MEMORANDUM TO: All Department/Division Heads

FROM: Anita L. Jones
Executive Secretary, Civil Service Board

SUBJECT: Deadline for Submitting Business to Civil Service Board

In order to conduct the Civil Service Board business in an efficient and effective manner, it is necessary for the Board Members to review all materials submitted by departments and divisions prior to their meetings on the first Wednesday of each month. Therefore, all matters you wish the Board to consider must be submitted to the Civil Service Office at least seven (7) working days prior to the regularly scheduled Board meetings. Materials received after that time will not be considered by the Board until the following month.

All matters to be presented to the Civil Service Board in September must be submitted by the close of business on Friday, August 25, 1978.

Thank you for your cooperation.

ALJ/kb

P.O. Box 7148 • Asheville, North Carolina 28807

CITY OF ASHEVILLE

ASHEVILLE, NORTH CAROLINA

OFFICE OF
CITY MANAGER

MEMORANDUM TO: Department and Division Heads

FROM: Ken Michalove, City Manager

DATE: March 7, 1979

On Tuesday, February 27, 1979, I called a special meeting to distribute copies of the proposed Civil Service legislation. At that time, I asked that each of you make this information available to your employees and make them aware of the public hearing on Wednesday, March 7, 1979.

I would like to know from each of you, within the next 10 days, how you distributed the information and made it known that a public hearing was to be held.

KM/msm

Mayor Trantham closed the public hearing at 7:20 p. m.

Ray M. Trantham
MAYOR

Doreen J. Holcomb
CITY CLERK

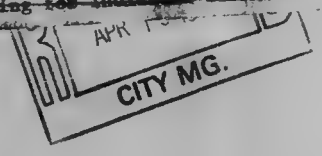
Mayor Trantham said Council is interested in treating everyone fairly and was interested in having better communications with employees.

Fred Hensley, Asst. Chief of the Police Department, supported the changes in the Civil Service law, particularly the deletion of the "rule of three."

Patrolman M. C. Walsh, Jr., also supported the deletion of the "rule of three." He said a written examination does not always reveal an individuals true evaluation.

Councilman Rainey poined out that, unfortunately, the recommendations still have the "rule of three" for promotions.

The City Manager presented the following for inclusion into the record:



19 April,'79

from Wm. T. Besser

to Ken Michalove

re Public hearing - Civil Service Law amendments

I will be unable to attend today's public hearing on the proposed amendments therefor am using this means to communicate my comments.

Section 2-b-2 and Section 4-a appear to give the Commission the power to change the entire Act or any portion(s) thereof and to interpret the Act as it may desire, without further authority or recourse.

On page 2 of Tranthams letter to the delegation, the 3rd paragraphs reads "City Council still retains final authority over the rule making of the Board". Where in the Act is this stated?

The City places responsibility for the proper functioning of the various Departments / Divisions upon the "heads" of those branches. Should not this responsibility be accompanied by the authority to at least select, if not hire, the persons working under their supervision?

If the authority to hire and fire,hence have ultimate control over the employee resides solely with the Board, should they then not be held responsible for the employees work?

Obviously, this would be unworkable.

I suggest a re-study of the amendments. I am confident that what I percieve to be weaknesses in the Act can be resolved in a manner equitable to all parties.

Bill

the Director of Inspections had informed him that it could be negotiated whereby the interest could be relieved but the principal could not be waived. He said the amount of interest on the lien now amounts to approximately $600.00. He said he then went to the City Manager in order to get the lien waived and was informed the matter would have to be a Council action, however, there would be no problem in waiving the interest. He said during the closing of the property the owner paid the principal on the lien relying on the information from public officials that the interest could be waived. He said since that time a misunderstanding took place about the waiving of the interest and the concerns of the residents in Kenilworth about what was to be constructed at 22 Chiles Avenue. He said all action taken on the purchase of the property was taken on the assurances from public officials that there would be no problem in waiving the interest on the lien.

The City Manager explained that he had communicated with Mr. Wadford and informed him that Council would have to take action to waive the interest on the lien.

Councilman Rainey said there were two issues at hand, one being the presence of the group home in Kenilworth and the other the waiving of the interest on the lien.

After discussion, Councilman Michael moved to table any action on waiving the interest on the lien against 22 Chiles Avenue by the City of Asheville until the City Attorney receives an opinion from the Attorney General relative to the legality of waiving interest on a lien. This motion was seconded by Councilwoman Price and carried unanimously.

Rufus Lacy, Executive Director of the Buncombe County Group Homes for the Developmentally Disabled, Inc., said his organization is a private non-profit organization and was incorporated in April, 1975. He said during 1975 the organization went into a lease agreement with the owner of 46 St. Dunstans Circle and the facility was then turned into a group home for developmentally disabled adults with a maximum number of nine. He reviewed the operational concept of the home as well as the licensing thereof. He said the same procedure would be followed in constructing a faciltiy at 22 Chiles Avenue. He reviewed the criteria for selecting the property on Chiles Avenue, stating that a neighborhood is selected on the basis that the residents of the home can live and function as close to normal as possible. He said the home would not be detrimental to the residents of the Kenilworth area nor the residents of the group home.

Mr. Lacy presented and reviewed an architectureal design of the proposed home. He said the home would be financed by HUD in the amount of $208,000.00. He said all laws, rules and regulations would be complied with in constructing the home.

Upon inquiry of Councilman Michael, Mr. Lacy said the residents of the home would be moderately retarded and the purpose of the home is to guide them into eventually moving solely into the community on their own.

Mr. Lacy answered general questions of members of Council relative to financing, construction, and operation of the home. He said general procedure has been to inform the neighborhood as to what is going to be taking place in the neighborhood through group meetings, which has been done in the Kenilworth area.

Thursday - April 26, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilman Gene E. Rainey, F. Jack Cole, Otis B. Michael, and Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Gene E. Rainey.

APPROVAL OF THE MINUTES

1. Mayor Trantham advised that the minutes of the April 19, 1979 meeting had not been completed and would be approved at the next meeting.

PRESENTATION BY ASHEVILLE-BUNCOMBE CLEAN COMMUNITY SYSTEM

2. Jean Webb, Executive Director of Quality Forward and Coordinator for the Clean Community System, gave a brief progress report on April as Clean Community System month. She asked that the City actively enforce the City codes particularly as it related to litter. She said the Asheville Clean Community System has been active in the April Clean Up Month.

Mrs. Webb invited Council to participate in the "Cash for Trash" day on May 5, 1979 by visiting one of the locations designated for gathering non-recycleable trash.

Councilwoman Price moved that a resolution be prepared for Council's consideration at next weeks meeting relative to the "Bottle Bill" which adds to the litter on the streets. This motion was seconded by Councilman Rainey and carried unanimously.

Mayor Trantham said during the Land-of-the-Sky Regional Council meeting the "Bottle Bill" was endorsed but it was suggested that the bill be broadened to include other things. He said it was also felt that stricter laws and penalities needed to be imposed.

PRESENTATION BY BUNCOMBE COUNTY GROUP HOMES FOR THE DEVELOPMENTALLY DISABLED, INC. - FACILITY IN KENILWORTH AREA ON CHILES AVENUE

3. Mr. Wilder Wadford, 38 N. Main Street, Weaverville, North Carolina, attorney representing the Buncombe County Group Homes for the Developmentally Disabled, said he was first contacted by the organization to search a title for 22 Chiles Avenue which was to be used for a home for the developmentally disabled. He said in searching the title a lien was uncovered against the property in the amount of $1,914.48 which was rendered on March 1, 1974. The reason for the lien is that the City of Asheville demolished a building on 22 Chiles Avenue and the owner at that time never paid the City. He said he sought means to have the lien waived by the City. He said

Councilman Cole said he was concerned for the residents of Kenilworth particularly as it relates to property values.

Dr. Stanley and Peter Winslow thanked Council for the opportunity to view the comments on the group home during a Council meeting eventhough Council had no authority on the project.

Katherine Johnson, 29 Devonshire Place in Kenilworth, spoke in opposition to the construction of the group home on Chiles Avenue. She asked that if the home is built that Council see that all rules and regulations are strictly enforced.

Marvin Chambers said the residents of Kenilworth would have accepted the group home more readily if the public relations had been better.

RESOLUTION NO. 79- 95 - RESOLUTION RECOMMENDING THE REPAIR OF SMITH BRIDGE

4. Consideration was given to a resolution recommending the repair of Smith Bridge.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilman Cole, Resolution No. 79- was unanimously adopted.

Complete text of Resolution No. 79-95 will be found in Resolution Book No. 11 at page 179.

ORDINANCE NO. 1097 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 97 HILL STREET, 40 PINE GROVE STREET, AND 5 TOXAWAY STREET

5. Consideration was given to the third and final reading of Ordinance No. 1097, an ordinance directing the Housing Officer to demolish those dwelling houses known as 97 Hill Street, 40 Pine Grove Street, and 5 Toxaway Street.

Mayor Trantham said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1097 passed on third and final reading.

Complete text of Ordinance No. 1097 will be found in Ordinance Book No. 8 at page 332.

APPROVAL OF THE CONSENT AGENDA

6. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

Councilman Rainey said he had suggested that the City Staff research the Zoning Ordinance in order to provide a means whereby one particular section of the City is not impacted with these types of facilities. He said this would assure residents that they would not have more than their share of these types of homes in their neighborhood.

Mr. Lacy said it was not the group homes intention to have more than one home in the neighborhood nor to be a burden in any particular neighborhood. He said most of of the residents would be from the Buncombe County area.

Upon inquiry of Councilman Rainey, Mr. Lacy said the St. Dunstan's Circle Group Home has proven no problems with the neighborhood.

Councilman Rainey said he was pleased the organization was in Asheville to provide homes for the developmentally disabled. He said, however, he could not support the waiving of interest on the lien which is a separate issue from the group home itself.

Councilman Cole expressed concerns that the buyer, Buncombe County Group Homes, closed on the purchase of the property knowing there was an unsettled lien against the property. He further stated that he did not feel this home could be considered as a "normal" home, referring to the cost and construction of the home.

Mr. Lacy explained, at the request of Councilman Cole, that the money from HUD would be a mortgage and would be paid back by the Board of Directors for the Buncombe County Group Homes. He said each resident is required to pay $370 each month which is matched by mental health monies.

Councilman Michael said since this home would be a non-profit organization which would not pay taxes he felt they should be willing to pay for the city services, such as trash pick-up, fire and police protection.

Bob McClure, speaking for several residents of the Kenilworth area, spoke in opposition to the group home in Kenilworth. He asked Council to do what ever they could to stop the project until other alternatives could be explored.

Councilman Morris noted that Council, by state law, cannot take any action on the construction of the group home.

Peter Winslow, President of the Kenilworth Residents Association, asked several questions relative to the group home. He said the residents of the area had concerns with the project and needed to more fully understand the project.

Dr. Ray Stanley, Chairman of the Board for the Buncombe County Group Home, in answering several of Mr. Winslow's questions said the home would be financed with Section 202 funds through HUD with the mortgage to be paid off with a 40 year plan. He said his organization is working with the State Association for Retarded Citizens in consulting services. He said the architect has also worked with HUD in Section 202 funding on previous occasions. He said a meeting would be held with the residents of Kenilworth to explain the project in detail.

Dr. Stanley answered general questions from the audience relative to more group homes in Asheville, public relations, and maintenance of the home and grounds.

I have received many favorable comments from Asheville citizens regarding these two incidents - every one of which was supportive of our law enforcement people as having done exactly what the situation called for.

It is somewhat disturbing to me that the only critical or negative reaction to normal and appropriate law enforcement at the Civic Center -- coming to my attention -- has been from a few members of the Civic Center Commission.

Members of Council may recall that several months ago the chairman of the Civic Center Commission stated in writing that the Commission felt that law enforcement at the Civic Center was not up to the Commission but was the responsibility of the Police Department. Now -- oddly enough -- certain members of the Commission are apparently refuting that philosophy by objecting to proper and appropriate law enforcement measures taken by our official law enforcing agency.

This is rather disconcerting, to say the least.

If those critical Commission members are primarily concerned about an adverse impact on attendance, I would sincerely admonish them that true objectivity and common sense can only reveal that unduly tolerating such objectionable behavior by a few has already decreased attendance. By taking the situation in hand, many well-mannered and law-abiding young people would return as -- or become involved as -- regular and desirable attendees at such events ... thereby insuring even better attendance under proper conditions in the future. The Commission members should give second thoughts to their attitude."

Councilman Michael said he had talked with the City Manager regarding this matter and since the promoter has to pay police officers to keep law and order in the Civic Center it would be his opinion that the officers on duty should not have allowed these things to happen rather than to have plain clothsman go in and make massive arrests. He said it was his opinion that the Civic Center Commission only objected to the way it was handled.

COUNCILMAN MICHAEL - ASHEVILLE HOUSING AUTHORITY - EAST END/VALLEY STREET

Councilman Micheal expressed concerns that multiple housing developments are being planned for the East End/Valley Street area. He said it was his understanding that this would take place only as last resort. He said every attempt was to be made to construct new houses and create home ownership. He requested that a representative from the Asheville Housing Authority come to Council and explain the status of the East End/Valley Street project.

Councilwoman Price said it was her understanding that the multiple housing developments were only in the preliminary stages.

COUNCILMAN RAINEY - ROCK CONCERTS AT THE ASHEVILLE CIVIC CENTER

Councilman Rainey agreed with Vice-Mayor Horton's statement on the rock concerts at the Asheville Civic Center. He requested copies of the minutes of the Civic Center Commission's meeting where this subject was discussed.

A. Resolution No. 79-96 - Resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as amended.

HIGHLIGHTS: To aid in the financing of a technical study grant to implement specific items of the 1979-80 Asheville Urban Area Unified Work Program.

Resolution Book No. 11 Page 180.

B. Motion scheduling a public hearing relative to amending the Zoning Ordinance to permit crematories as an ancillary use to funeral homes for May 24, 1979.

C. Resolution No. 79 - 97 - Resolution and budget amendment authorizing the Mayor to sign an agreement between the State of North Carolina Division of Archives and History Department of Cultural Resources to receive matching grant under provisions of the National Historic Preservation Act for a fire alarm system and emergency lighting in the City Building.

Resolution Book No. 11 Page 181.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously adopted.

COUNCILMAN RAINEY - STATUS OF ASHEVILLE ANTIQUES FAIR CASE

Councilman Rainey questioned the status involving the Asheville Antiques Fair regarding their request for a period of time in which they can use the Civic Center.

The City Manager answered Councilman Rainey by stating that he was awaiting the arrival of the new Civic Center Director and a decision on the matter would be made by May 22, 1979.

VICE-MAYOR HORTON - STATEMENT RELATIVE TO ROCK CONCERTS AT THE ASHEVILLE CIVIC CENTER

Vice-Mayor Horton read the following statement:

"I want to publicly commend our Police Department for doing a good job of law enforcement in responding again to the very obvious situation of unlawful behavior by a small minority of patrons at the latest Rock Concert at the Civic Center.

Unlawful, disturbing and disruptive conduct by a handful just should not be tolerated at the expense of the rest of those present at a given event in the Civic Center.

PROCLAMATION - RESPECT FOR LAW WEEK - MAY 1 - 7, 1979

Mayor Trantham proclaimed the week of May 1 - 7, 1979 as "Respect for Law Week."

PROCLAMATION - UNITED TOWNS DAY - APRIL 29

Mayor Trantham proclaimed April 29, 1979 as "United Towns Day."

PROCLAMATION - REMEMBERANCE OF THE VICTIMS OF HOLOCAUST - APRIL 28-29, 1979

Mayor Trantham proclaimed April 28-29, 1979 as "Remeberance of the Victims of Holocaust Days."

RALPH BISHOP - LOTTERY SALES - CIVIL SERVICE - TAXES

Mr. Ralph Bishop spoke to Council relative to Civil Service laws, taxes, and the city budget as it related to the lottery sales in Asheville.

Adjournment.

Ralph M. Trantham
MAYOR

Vernon F. Metcalf
CITY CLERK

PUBLIC HEARING - SMITH BRIDGE

The City Manager announced that a public hearing would be held relative to Smith Bridge on May 1, 1979 at 7:30 p. m. in the 5th Floor Courtroom in the Buncombe County Courthouse.

LETTER FROM ROBERT MORGAN - SENIOR CITIZENS INTERN PROGRAM

The City Manager announced that Mayor Trantham had received a letter from Senator Robert Morgan relative to a Senior Citizens Intern Program in May. He said it was suggested that this information be turned over to anyone who might be interested.

CLAIMS - MARY E. MOORE - SURE FIRE DISTRIBUTING, INC.

The City Manager presented the following claims received from Mr. W. R. Swearngan, Facility Services Superintendent:

Mary E. Moore
11 Southern Street
Asheville, N. C.

Foot went in hole and broke ankle on Depot Street

Sure Fire Distributing, Inc.
P. O. Box 1786
50 Coxe Avenue
Asheville, N. C.

Water damage, $4,020.02

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - NATIONAL SECRETARIES WEEK - APRIL 22 - 28, 1979

Mayor Trantham proclaimed the week of April 22 - 28, 1979 as "National Secretaries Week."

PUBLIC HEARING - BAR AT 108 N. LEXINGTON AVENUE

The City Manager announced that a public hearing would be held on Wednesday, May 2, 1979 at 10:30 a. m. in Room 901 of the Buncombe County Courthouse by the North Carolina Board of Alcohol Control regarding a bar at 108 N. Lexington Avenue. He said all parties that have expressed an interest to Council in this matter have been notified of the hearing.

PROCLAMATION - SHRINE HOSPITAL WEEKEND - APRIL 28, 1979

Mayor Trantham proclaimed the weekend of April 28 as "Shrine Hospital Weekend."

DEPARTMENT OF CULTURAL RESOURCES
DIVISION OF ARCHIVES AND HISTORY
ARCHIVES AND RECORDS SECTION

CERTIFICATE OF MICROPHOTOGRAPHY

This is to certify that the microphotographic processing on this film are true and accurate reproductions of records originated during the normal course of business by the

Buncombe County
City of Asheville

and consist of

City Council Minutes

The records begin with

Vol 37, Feb. 19, 1979

and end with

Vol 45, April 26, 1979

It is further specified that the above records were microfilmed in conformity with the provisions of the General Statutes of North Carolina, chapter 8-41.1 and 8-45.2, "Certified Photographic Records Law" and Public Records Law, and that the microphotographic process accurately reproduces the records so filmed, that the film fulfills a suitable medium for reproducing the original, it bears, and that the film used conforms to American National Standards Institute, Inc. (formerly American Standards Association) Standard for Photographic Film for Archival Records (ANSI PH 1.28-1979 and American National Standards Institute, Specifications for Photographic Film for Archival Records, Silver-Gelatin on Cellulose Ester Base, ANSI PH 1.25-1979).

This is further to certify that the microphotographic processes were accomplished by the undersigned on the date and at the address ratio indicated below.

Date Filming of this Reel Began 7-16-82 Reduction Ratio 33X

Date Filming of this Reel Ended 7-16-82

Microfilm Camera Operator

DEPARTMENT OF CULTURAL RESOURCES
DIVISION OF ARCHIVES AND HISTORY
ARCHIVES AND RECORDS SECTION

CERTIFICATE OF AUTHENTICITY

This is to certify that the microphotographs appearing on this film are true and accurate reproductions of records originated during the normal course of business by the Buncombe County City of Asheville

and consist of City Council Minutes

The records begin with Vol. 37, Feb. 19, 1970

and end with Vol. 45, April 26, 1979

It is further certified that the above records were microfilmed in conformity with the provisions of the *General Statutes of North Carolina*, chapter 8-45.1 and 8-45.4, *"Uniform Photographic Copies of Business and Public Records as Evidence Act"*; that the microphotographic processes accurately reproduce the records so microfilmed; that the film forms a durable medium for reproducing the original, if necessary; and that the film used conforms to American National Standards Institute, *Specifications for Safety Photographic Film*, ANSI PH 1.25-1976 and American National Standards Institute, *Specifications for Photographic Film for Archival Records, Silver-Gelatin on Cellulose Ester Base*, ANSI PH 1.28-1976.

This is further to certify that the microphotographic processes were accomplished by the undersigned on the date and at the reduction ratio indicated below.

Date Filming of this Reel Began 7-16-87 Reduction Ratio 32X

Date Filming of this Reel Ended 7-16-87

Hongthiphambui
Microfilm Camera Operator

OE KEEI

EИD

END OF REEL